Droit Commerce International Jean Michel Jacquet

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Vidéo corporative du Centre du commerce international, 2012

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Kim, Nam-Kook 2005. The Way of Evolution of Human Rights in Britain: European Challenges and Parliamentary Sovereignty. International Area Review, Vol. 8, Issue. 2, p. 43. KUMAR, KRISHAN 2006. English ...

Matière composite et complexe, le droit du commerce international est une branche du droit qui tend à fournir les règles juridiques applicables aux relations entre opérateurs économiques lorsque sont impliqués les mouvements de produits, de services ou de valeurs intéressant l'économie de plusieurs Etats. Il indique aussi, complément indispensable, dans quelles conditions, s'opère le règlement des litiges du commerce international (juridictions étatiques ou arbitrage international). Conçu dans une perspective résolument internationaliste, l'ouvrage envisage néanmoins le droit du commerce international du point de vue du droit français. Il s'adresse avant tout aux étudiants qui découvrent la matière, mais aussi aux praticiens et aux universitaires soucieux d'élargir leurs connaissances.

La 4e de couverture indique : "Matière composite et complexe, le droit du commerce international est une branche du droit en pleine expansion. Il a pour objectif de fournir les règles juridiques applicables aux relations entre opérateurs économiques lorsque sont impliqués des mouvements de personnes, de biens, de services ou de valeurs intéressant l'économie de plusieurs États. Il lui est donc indispensable de déterminer ses méthodes et ses sources. Si les règles de conflit de lois ne sont pas délaissées, les règles matérielles d'origines diverses ont acquis progressivement une importance déterminante. Droit des sociétés, contrats, investissements, commerce électronique, ainsi que risques et garanties sont au coeur de la matière. Il est indispensable que le droit du commerce international indique aussi dans quelles conditions s'opère le règlement des litiges, par recours aux juridictions étatiques ou à l'arbitrage international. Conçu dans une perspective résolument internationaliste, l'ouvrage envisage néanmoins le droit du commerce international du point de vue français. Il s'adresse aux étudiants, aux chercheurs et aux praticiens désireux d'acquérir une vision globale et de bénéficier d'une étude systématique de la matière."

Descreve como a corrupção é julgada na arbitragem comercial internacional. Procura explicar porque não há uma uniformidade na política arbitral em relação à corrupção. Analisa casos relativos à corrupção e arbitragem. Examina a legislação sobre corrupção, assim como convenções internacionais relevantes.

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This book adopts the proposition that it is possible to the customs to be sources of contractual obligations. To support that premise, it was necessary to seek jurisprudential (arbitration and litigation) and comparative basis. Even more, due to contract law internationalization, customary international sources should be subject of domestic treatment, as they provide contractual obligations as well as they work as contractual interpretation tool. However, one can´t neglect the need to control the customary content. In detailed terms, then, we can say that the role reserved for the custom as contractual law rules source has always been residual in Brazilian law. Accompanying the modern European experience, doctrine and Brazilian legislation emphasize the secondary, when not merely interpretive, role of the contractual custom. In turn, Brazilian case law wasn´t able to give general treatment to contractual custom. Moreover, the process of reducing distances and cultural, social and economic approximation, usually called globalization, influenced the contracts through the incorporation of a number of solutions brought from the international trade practice. Although they might be justified by the age-old principle of freedom, somehow these international "uses" insinuate themselves into Brazil to the point of requiring that the Brazilian Courts themselves to give them treatment and shelter. On one side, if you deny the existence of a creative normative role in contractual custom by another, albeit indirect, is recognized not only their existence but the possibility of foreign origin. This paradoxical treatment reflects, to some extent, another consequence: the Brazilian contract law is in the process of internationalization. Here, then, a new confrontation is announced: a broad creative freedom (a tributary of the so-called Lex mercatoria) and the foreign act incorporation control (public policy). Unlike before, however, no simplistic answer would be feasible, particularly because of the complexity of contemporary and regulatory Brazilian contract law.

This book describes how the international sales of goods have generally been ruled by either English Law or Civil Law, which has often posed problems due to different approaches regarding certain principles and institutions. It clarifies how the Vienna Convention on Contracts for the International Sale of Goods of 11th April, 1980, tried to harmonise these differences with a codification technique, typical of civil law, giving privilege to rules of civil law most of the time, but also introducing institutions from common law, that are not incompatible with civil law. It explains why the general principles of civil law and of UNIDROIT help with this goal of harmonisation, integrating the loopholes of the UN Convention on Contracts for the International Sale of Goods (CISG) during its interpretation. The work demonstrates why codification prevails over common law in the CISG most of the time, giving certitude and sophistication to this matter, which is vital for global commerce.

Arbitration is the normal and preferred mode for resolving international commercial disputes. It presents an essential advantage over national courts by offering neutrality of adjudication, but is currently only available where both parties have consented to it. This innovative book proposes a fundamental rethink of this assumption and argues that arbitration should become the default mode of resolution in international commercial disputes.

International law can be created by other means than treaties between states. This book investigates the philosophical questions posed by the treatment of international arbitration as law, such as those relating to sovereignty and territoriality, and sets out conditions which international arbitration must meet in order to form legitimate law.

The 1990s have been labeled the 'Sanctions Decade', since they witnessed an unprecedented intensification of the use of collective non-military enforcement measures, and in particular sanctions, by the post-Cold War reactivated Security Council. This Research Handbook studies the current practice of UN sanctions in international law, their interrelationship with other regimes and substantive areas of law, as well as issues arising from their implementation and application at the domestic level.

Arbitration of International Business Disputes 2nd edition is a fully revised and updated anthology of essays by Rusty Park, a leading scholar in international arbitration and a sought-after arbitrator for both commercial and investment treaty cases. This collection focuses on controversial questions in arbitration of trade, financial, and investment disputes. The essays address some of the most interesting topics in cross-border business dispute resolution, many of which have endured over several decades and remain subject to radically different views. Examples include the proper role of judicial review, the allocation of jurisdictional tasks, evolution of arbitration's statutory and treaty framework, free trade and bilateral investment agreements, and the balance between fixed rules and arbitral discretion. The book is structured around three themes: arbitration's legal framework; the conduct of arbitral proceedings; and a comparison of arbitration in specific fields such as finance, intellectual property, and taxation. In each of these areas, analysis includes the tensions between fairness and efficiency, and the accurate application of substantive law as well as the implications of mandatory procedural norms. Augmented by more than a dozen new contributions and a revised introduction, this 2nd edition retains all of its earlier practical and scholarly relevance, and includes a Foreword by V. V. (Johnny) Veeder QC.