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2005-2006

Law of Contract

5TH EDITION

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Private International Law includes three special sections The first one is devoted to the recent European developments in the area of family law like the proposal on the matrimonial property r gimes in its relation with other EU instruments such as Brussels IIbis or Rome III Another special section deals with the very hotly debated question of the treatment of and access to foreign law The third one presents some recent reforms of national Private International Law systems National reports and court decisions complete the book Recent highlights include multiple nationalities in EU Private International Law the European Court of Human Rights and Private International Law parallel litigation in Europe and the US arbitration and the powers of English courts conflict of laws in emission trading res judicata effects of arbitral awards **Practice and Theory** in Comparative Law Maurice Adams, Jacco Bomhoff, 2012-07-05 A collection of essays exploring the gap between theory and practice in comparative legal studies The Concept of Abuse in EU Competition Law Pinar Akman, 2012-02-03 The objective s of Article 102 TFEU what exactly makes a practice abusive and the standard of harm under Article 102 TFEU have not yet been settled This lack of clarity creates uncertainty for businesses and coupled with the current state of economics in this area raises an important question of legitimacy Using law and economic approaches this book inquires into the possible objectives of Article 102 TFEU and proposes a modern approach to interpreting abuse In doing so this book establishes an overarching concept of abuse that conforms to the historical roots of the provision to the text of the provision itself and to modern economic thinking on unilateral conduct This book therefore inquires into what Article 102 TFEU is about what it can be about and what it should be about regarding both objectives and scope The book demonstrates that the separation of exploitative abuse from exclusionary abuse is artificial and unsound It examines the roots of Article 102 TFEU and the historical context of the adoption of the Treaty the case law policy and literature on exploitative abuses and where relevant on exclusionary abuses The book investigates potential objectives such as fairness and welfare as well as the potential conflict between such objectives Finally it critically assesses the European Commission's modernisation of Article 102 TFEU before proposing a reformed approach to abuse which is centred on three necessary and sufficient conditions exploitation exclusion and a lack of an increase in efficiency The Capability Approach on Social Order Niels Weidtmann, Yanti Martina Hölzchen, Bilal Hawa, 2012 The Capabilities Approach as pioneered by Martha C Nussbaum and others elevates the enabling of free self development to a criterion of social justice In recent years it has become a widely accepted paradigm in Western development policies and currently it is discussed to which extent this normative framework can be applied to other social areas This volume presents interdisciplinary papers resulting from discussions that young scholars of different disciplines had with Martha C Nussbaum during the Unseld Lecture 2010 at the Forum Scientiarum of T 1 4bingen University Series Interdisciplinary Research Works at FORUM SCIENTIARUM Interdisciplinare Forschungsarbeiten am FORUM SCIENTIARUM Vol 4 The Organizational Contract Professor Fabrizio Cafaggi, Professor Giuseppe Vettori, Professor Stefan Grundmann, 2013-12-28 This book introduces and develops the paradigm of the

organisational contract in European contract law Suggesting that a more radical distinction should be made between contracts which regulate single or spot exchanges and contracts that organize complex economic activities without creating a new legal entity the book argues that this distinction goes beyond that between spot and relational contracts because it focuses on the organizational dimension of contracting and its governance features Divided into six parts the volume brings together a group of internationally renowned experts to examine the structure of long term contractual cooperation networks of contracts knowledge exchange in long term contractual cooperation remedies and specific governance rules in long term relationships and the move towards legislation The book will be of value to academics and researchers in the areas of private law economic theory and sociology of law and organizational theory. It will also be a useful resource for practitioners working in international contract law and international business transaction law Law, Mind and Brain Michael Freeman, Oliver R. Goodenough, 2017-05-15 Over the past 20 years cognitive neuroscience has revolutionized our ability to understand the nature of human thought Working with the understandings of traditional psychology the new brain science is transforming many disciplines from economics to literary theory These developments are now affecting the law and there is an upsurge of interest in the potential of neuroscience to contribute to our understanding of criminal and civil law and our system of justice in general The international and interdisciplinary chapters in this volume are written by experts in criminal behaviour civil law and jurisprudence They concentrate on the potential of neuroscience to increase our understanding of blame and responsibility in such areas as juveniles and the death penalty evidence and procedure neurological enhancement and treatment property end of life choices contracting and the effects of words and pictures in law This collection suggests that legal scholarship and practice will be increasingly enriched by an interdisciplinary study of law mind and brain and is a valuable addition to the emerging field of neurolaw Department of Defense Authorization for Appropriations for Fiscal Year 2008 United States. Congress. Senate. Committee on Armed Services, 2007 European Legal Book Index ,2003

Direct Effect in EU Law Daniele Gallo,2024-12-23 Direct Effect in EU Law is the first book in English to thoroughly examine this revolutionary legal principle tracing direct effect s evolution throughout the multiform process of European integration A founding doctrine of EU constitutional law and the driving force of the EU legal system direct effect enables individuals and companies to invoke their rights before domestic authorities and the Court of Justice of the EU CJEU Yet while the doctrine of direct effect remains the backbone of the EU legal system it lacks clear legal framing by the CJEU Emphasizing the need for the CJEU to fully articulate and systematize direct effect as to its core components and consequences the book advocates for an innovative understanding of such principle that acknowledges its transformative impact on EU law It bridges theory and practice drawing upon the CJEU rulings dating from the 1950s up to 2024 The book reconstructs direct effect beyond the doctrine originating from Van Gend Loos and ultimately puts forward solutions for its principled comprehension and enforcement

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