

Quels sont les tribunaux spécialisés (ou juridictions d'exception) ?

Les juridictions spécialisées, également appelées juridictions d'exception, désignent les tribunaux dont un texte spécial prévoit la répartition des compétences. À l'inverse des juridictions de droit commun, ils ne peuvent juger que des litiges qui leur sont expressément attribués par un texte.

Quelles sont les juridictions spécialisées en matière civile ?

Certaines juridictions spécialisées sont dotées de compétences en matière civile :

- les [tribunaux de commerce](#) jugeant les litiges entre commerçants ou sociétés commerciales (entre artisans d'ici 2022), les contestations relatives aux sociétés commerciales ou aux actes de commerce. Ils sont aussi compétents en matière de redressement et de liquidation judiciaires lorsque des commerçants ou des artisans sont concernés. Ils sont composés de [juges non professionnels](#) élus par leurs pairs ;
- les [conseils de prud'hommes](#) sont des juridictions paritaires. Composés de représentants des salariés et des employeurs, ils tranchent les litiges concernant la formation, l'exécution et la rupture du contrat de travail ;
- le tribunal paritaire des baux ruraux juge les litiges entre propriétaires et exploitants de terres ou bâtiments agricoles. Il est composé d'un juge professionnel qui préside les audiences et de quatre juges non professionnels : deux représentants des propriétaires et deux représentants des exploitants.

Quelles sont les juridictions spécialisées en matière pénale ?

Le rôle des juridictions d'exception en matière pénale tend à se réduire, mais quelques tribunaux et cours répressives spécialisées existent encore :

- les [mineurs](#) qui se voient reprochés la commission d'une infraction relèvent de la compétence du juge des enfants, du tribunal pour enfants ou de la cour d'assises des mineurs ;
- en matière militaire, chaque cour d'appel possède une juridiction spéciale, chargée de juger les crimes et délits commis en temps de paix par des militaires dans l'exercice de leur service sur le territoire; les infractions commises hors du pays sont jugées par une formation spécialisée du tribunal judiciaire de Paris ; d'autres juridictions spécialisées sont prévues pour juger les militaires en temps de guerre ;
- en matière politique, les membres du gouvernement relèvent de la [Cour de Justice de la République](#), tandis que le président de la République relève de la [Haute Cour](#) ;
- les infractions commises dans certains domaines relèvent de formations spécialisées des juridictions de droit commun. Par exemple, une cour d'assises spécialisée, exclusivement composée de magistrats professionnels, est compétente en matière terroriste.

Quelles sont les juridictions spécialisées en matière administrative ?

[La Cour nationale du droit d'asile \(CNDRA\)](#) est une juridiction administrative spécialisée.

Elle est compétente pour examiner les recours formés contre les décisions de l'Office français de protection des réfugiés et apatrides (OFPRA) en matière de demande d'asile.

Recents Developpements En Matiere D'entraide Civile Penale Et Administrative

Laurent Moreillon

Recents Developpements En Matiere D'entraide Civile Penale Et Administrative:

The OECD Convention on Bribery Mark Pieth,Lucinda A. Low,Nicola Bonucci,2013-12-19 The OECD Convention on Bribery established an international standard for compliance with anti corruption rules and has subsequently been adopted by the thirty four OECD members and six non member countries As a result of the Convention and national implementation laws companies and managers now risk tough sanctions if they are caught bribing foreign officials The UK Bribery Act 2010 is only one example of this development The second edition of this the only commentary on the Convention provides law practitioners company lawyers and academic researchers with comprehensive guidance on the OECD standards It includes case examples as well as the FCPA Resource Guide 2012 and the 2009 OECD Recommendation for Further Combating Bribery of Foreign Public Officials with Annexes I and II

Développements récents en droit pénal de l'entreprise IV Alain Macaluso,Laurent Moreillon,Carlo Lombardini,Andrew Garbarski,2024-03-13

Le droit pénal de l'entreprise a donné lieu en 2022 à plusieurs jurisprudences importantes dont certains arrêts de principe du Tribunal fédéral portant sur des questions d'actualité notamment en matière de blanchiment d'argent et de corruption d'agents publics Mais l'année 2022 a également été marquée par l'aboutissement ou l'initiation d'importantes modifications législatives Un domaine dont la portée et pratique ne cesse d'augmenter est celui de la lutte contre le blanchiment d'argent en particulier en ce qui concerne les exigences organisationnelles que cela comporte pour les intermédiaires financiers Les aspects réglementaires qui encadrent la surveillance des marchés financiers soulèvent par ailleurs la question des tensions qui peuvent exister entre le devoir de collaborer avec l'autorité administrative en l'occurrence la FINMA d'une part et le droit de ne pas être auto-incriminé dans le contexte d'une accusation en matière pénale d'autre part En outre ces tensions conduisent régulièrement les justiciables à solliciter la mise sous scellés de documents sollicités par les autorités de poursuite pénale La procédure de levée des scellés qui dans les faits peut conduire à la paralysie des enquêtes pénales subira d'importantes modifications avec la prochaine entrée en vigueur du CPP revisé La réalité des dossiers montre en outre que les affaires financières suscitent une coopération internationale de plus en plus forte notamment entre les cellules de renseignement financier La coopération peut également présenter un intérêt pour les justiciables tout en veillant aux limites posées par les blocking statutes Enfin les autorités de poursuite pénale sont elles aussi tributaires d'une collaboration efficace avec leurs homologues étrangers en particulier dans le contexte des affaires de corruption internationale L'ouvrage recense la plupart des interventions ayant marqué la journée de droit pénal de l'entreprise du 9 février 2023 organisées conjointement par le Centre de droit pénal et par le Centre du droit de l'entreprise de l'Université de Lausanne CEDIDAC

La lutte contre le blanchiment d'argent : pistes d'actions entre prévention et répression Bertrand Perrin,2010-01-01 De nombreuses affaires tendent à montrer la vulnérabilité du système financier face à des actes frauduleux de grande ampleur Certains estiment que la crise historique survenue en 2008 pourrait être directement liée à des changements de criminalisation de l'économie Le blanchiment d'argent procède utilis par les criminels

pour jouir du produit de leurs infractions est une facette essentielle de la délinquance financière. Avec la crise qui engendre une diminution des investissements les valeurs patrimoniales issues du blanchiment se rendent plus attractives que jamais.

La coopération judiciaire internationale en matière pénale Robert Zimmermann, 2024-12-03 Le présent ouvrage présente la coopération judiciaire internationale en matière pénale sous ses quatre aspects : l'extradition, l'entraide judiciaire, la délégation de la poursuite pénale et l'exception des décisions pénales étrangères, y compris la coopération avec les juridictions pénales internationales. La première partie du livre est consacrée aux normes internationales et nationales régissant la matière. La seconde traite des autorités et de la procédure. La troisième partie expose les conditions matérielles de la coopération internationale, les motifs de son exclusion et les principes qui l'entendent. La dernière partie traite de la délégation de la poursuite et de l'exception des décisions pénales étrangères. Cet ouvrage se caractérise par un traitement très complet et didactique du sujet. Il est enrichi par l'exposé d'une jurisprudence et des différentes tables qui facilitent la recherche de l'information pertinente. C'est un livre destiné à la fois aux théoriciens et aux praticiens.

Traité de droit administratif

européen Jean-Bernard Auby, Jacqueline Dutheil de la Rochère, 2022-10-24 La première édition 2007 du Traité de droit administratif européen se voulait un point de départ au développement de la science du droit administratif européen dans la littérature francophone. Sa troisième édition 2022 entièrement actualisée est aujourd'hui devenue une référence pour de nombreux praticiens. Elle s'inscrit dans la continuité des éditions précédentes en mettant en lumière les deux séries majeures de documents constitutifs du droit administratif européen : la partie du droit de l'Union européenne qui concerne la mise en œuvre des législations et des politiques communes, et l'influence que le droit de l'Union européenne exerce sur les droits administratifs nationaux, parce qu'ils forment des instruments de la mise en œuvre des législations et des politiques communes. L'ouvrage est composé de plus de quarante contributions. La plupart représentent une actualisation de celles présentes en 2007 tenant compte des développements les plus récents. D'autres sont indiquées et rendent compte de l'évolution profonde de la matière et de son enrichissement constant. Cette troisième édition marque une nouvelle étape dans l'étude de cette science du droit administratif européen, dont l'intérêt ne cesse de grandir.

Internationales Zivilprozessrecht Alexander R.

Markus, 2020-08-20 Die Relevanz des Internationalen Zivilprozessrechts wächst stetig mit der internationalen Verflechtung von Personen und Wirtschaft. Die internationale Rechtsprechung entwickelt sich laufend fort. Vor diesem dynamischen Hintergrund bietet das vorliegende Lehrbuch in seiner aktualisierten und erweiterten zweiten Auflage eine eingehende Darstellung des Internationalen Zivilprozessrechts der Schweiz unter Berücksichtigung der Grundlagen der Internationalen Rechtshilfe in Zivilsachen. Als Rechtsquellen stehen das Lug von 2007 an dessen Erarbeitung der Autor mitgewirkt hat sowie das IPRG im Zentrum. Die systematische Erläuterung der Rechtsmaterie wird von zahlreichen Beispielen aus der aktuellen Rechtsprechung unterstutzt. Das Werk richtet sich gleichermaßen an Studierende der Rechtsfakultäten sowie Vertreter von Justiz, Anwaltschaft und Verwaltung.

Manual de Cooperação Judiciária Internacional em Matéria Penal Luís de Lemos

Triunfante,2023-06-27 A coopera o judici ria internacional em mat ria penal assenta em tr s pilares i esp rito de coopera o ii conhecimento dos instrumentos legais aplic veis e iii o uso adequado das ferramentas que podem facilitar a coopera o Dada a relev ncia atual e futura dos processos criminais com dimens o transnacional o Manual procurou compilar e organizar de uma forma esquem tica e acess vel as fontes de regula o instrumentos mecanismos e ferramentas dispon veis numa perspetiva pr tica e de intera o entre os profissionais envolvidos na justi a penal na qualidade de requerentes requeridos facilitadores de pedidos de coopera o e acad micos ou interessados na mat ria dotando os mesmos do know how necess rio para funcionarem como agentes de coopera o

Récents développements en matière d'entraide civile, pénale et administrative Laurent Moreillon,2004 Fruits de la journ e d tude organis e par le CEDIDAC le 8 octobre 2003 les travaux publi s dans ce volume pr sentent les d veloppements r cents des principaux volets de l entraide judiciaire internationale D une mani re claire et pr cise ces diff rents domaines sont pr sent s l entraide internationale en mati re civile et arbitrale avec un accent particulier sur la notification des actes et l obtention des preuves l tranger la mise en vidence sous un angle pratique des grandes tendances de la jurisprudence en mati re d entraide administrative boursi re En outre une pr sentation de la jurisprudence en mati re d entraide p nale internationale montre que sept ans apr s l entr e en vigueur de la r vision de l EIMP des interrogations demeurent Finalement le Chef de la section de l entraide judiciaire de l Office f d ral de la justice y donne une illustration du r le jou par l OFJ en mati re d entraide judiciaire internationale Une introduction g n rale l entraide judiciaire internationale avec de nombreuses r f rences au droit europ en compl te utilement cet ouvrage qui s adresse tant aux praticiens par les r ponses qu il apporte leurs questions quotidiennes qu l tudiant ou au chercheur par les distinctions qu il pr sente et les perspectives qu il ouvre sur les droits de nos voisins notamment europ ens dont l influence sur notre l gislation n est plus d montrer

Développements récents en droit pénal de l'entreprise II Yves Bertossa,Philipp Lüscher,Miriam Mazou,2021-05-20 Le droit p nal de l entreprise a donn lieu en 2019 une jurisprudence riche et vari e marqu e notamment par des arr ts de principe du Tribunal f d ral sur de nombreuses questions d actualit Au vu de la tendance des plaideurs observ e dans la pratique d placer les litiges sur le terrain du droit p nal il est n cessaire de s int resser aux risques p naux encourus dans la gestion de fortune une activit qui continue faire la fiert de l conomie suisse Cela tant face notamment aux limites inh rentes l instruction notamment dans les affaires transfronti res il est parfois pr f rable de rechercher des solutions consensuelles et pragmatiques ainsi que le permet l art 53 CP Il n en reste pas moins que dans un contexte r glementaire de plus en plus dense les enqu tes p nales sont souvent pr c d es ou conduites en parall le de proc dures r glementaires en particulier dans le domaine financier Cela pose la question de la pratique de la FINMA en mati re d entraide judiciaire Enfin les banques tant r guli rement touch es par les affaires de criminalit financi re ne serait ce qu en tant que d positaire des fonds s questr s cela soul ve le probl me de leurs droits en tant que cr anci res face une telle mesure provisoire et terme l ventuelle confiscation des valeurs L ouvrage recense les interventions sauf une qui ont fait l objet de la

journée de droit pénal de l'entreprise du 7 février 2020 organisée par le Centre du droit de l'entreprise de l'Université de Lausanne CEDIDAC [Switzerland as a Financial Centre](#) P. Braillard, 2012-12-06 Switzerland as an international financial centre secrecy In addition the development of Swiss banks and finance companies in recent years has During the last forty years Switzerland shown no tendency whatever to slow down indeed which already possessed a long tradition in banking these have been experiencing a new impetus which matters has been able to develop its banking and in many cases has shown itself in record profits financial sector with great success and has become This development may also be seen in the large one of the most active and the most admired financial increase of Swiss banks in foreign financial centres in the world This has been due largely expressed both in absolute numbers and in the sum to a number of favourable circumstances such as of the balance sheets involved political and social stability legal certainty a rapid In a world which is characterised by an ever return to freedom of transactions currency stability greater internationalisation of economic and financial as well as the reputation for efficiency and reliability transactions however the operations and they which has been achieved by its banks prospects of one financial centre cannot be considered In absolute terms and globally speaking there is no question of Switzerland as a financial centre without taking into account the development of the international environment

Développements récents en droit pénal de l'entreprise V Alain Macaluso, Laurent Moreillon, Carlo Lombardini, Andrew M. Garbarski, 2024-11-21 En 2023 le droit pénal de l'entreprise a été marqué par des jurisprudences topiques notamment en rapport au blanchiment d'argent ainsi que par des développements législatifs typiquement sur le plan de l'harmonisation des peines Face un appareil réglementaire de plus en plus dense les dispositions pénales de la LFINMA continuent logiquement gagner en importance pratique En outre dans une matière où l'entreprise occupe une place centrale la question de l'application de l'article 102 CP par le magistrat se pose Sur le plan international l'entreprise peut se retrouver dans les filets de l'entraide judiciaire Elle peut aussi être amenée à jouer un rôle actif dans les enquêtes transfrontalières L'ouvrage restitue les débats de la journée de droit pénal de l'entreprise tenue le 6 février 2024 à l'Université de Lausanne

Précis de droit fiscal international Xavier Oberson, 2022-02-03 La cinquième édition du précis de droit fiscal international tient compte de l'ampleur des réformes intervenues ces dernières années notamment depuis 2014 Cette période a vu le développement sans précédent de normes visant à lutter contre la double non imposition la concurrence fiscale dommageable la planification fiscale agressive et l'utilisation d'instruments hybrides dans le cadre du programme BEPS qui a été lancé en 2013 programme ayant engendré de nombreuses modifications du droit fiscal international et du droit interne Un instrument spécifique à l'instrument multilatéral a également été ratifié par plusieurs pays dont la Suisse afin de permettre la mise en œuvre des règles du programme BEPS qui modifient les conventions de double imposition et a largement étendu le domaine de l'arbitrage international En outre l'assistance internationale en matière fiscale depuis le fameux big bang de 2009 s'est tendue à changer automatique de renseignements financiers à changer spontanément sur les rulings fiscaux et la remise de déclarations par les pays Enfin la

taxation des entreprises num riques a continu de faire l objet de discussions et a d bouch sur de nouvelles propositions en mati re d imposition des entreprises multinationales dans le cadre de ce que l on appelle les piliers 1 et 2 de l OCDE Ce pr cis analyse tous ces d veloppements et reproduit la structure classique de l ouvrage en six parties savoir i g n ralit s ii r gles unilaterales du droit fiscal international de la Suisse iii CDI conclues par la Suisse en mati re d imp ts sur le revenu et la fortune iv les CDI en mati re d imp ts sur les successions v aspects de proc dure y compris l change de renseignements et vi les accords bilat raux entre l Union europ enne et la Suisse Une septi me partie consacr e la taxation des entreprises num riques et aux deux piliers de l OCDE a t ajout e *Colloque L'Entraide judiciaire internationale en matière pénale, civile, administrative et fiscale* Charles-André Junod,1986 Text of colloquium held in Geneva 6 7 February 1986 on the subject International judicial assistance civil administration and taxation in German and French Texts of reports debates and relevant legislation are appended *Livres de France* ,2007-05 *Das Schweizer Buch* ,2004 **Livres hebdo** ,2005

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