

## **Le règlement amiable**

### **Introduction :**

Le règlement amiable, également connu sous le nom de conciliation, est une procédure préventive de redressement des entreprises en difficulté en Tunisie. Elle vise à trouver une solution concertée entre le débiteur (l'entreprise en difficulté) et ses créanciers pour garantir la poursuite de son activité et éviter la faillite. Cette procédure, était organisée par la loi du 17 avril 1995 (les articles 9 à 17) est actuellement régie par les nouvelles dispositions du code de commerce apportées par la loi de 2016 (articles 422 à 432), offre une alternative plus souple et moins coûteuse aux procédures contentieuses de redressement et liquidation judiciaire.

**Problématique :** Dans quelle mesure le règlement amiable participe-t-il au sauvetage de l'entreprise en difficulté économique ?

### **Partie 1: Les conditions exigées et le déroulement de la procédure de règlement amiable:**

#### **A) Les conditions exigées pour l'ouverture de règlement amiable:**

##### **1.Conditions de forme :**

Les conditions de forme sont des étapes administratives et procédurales importantes qui garantissent la validité de la demande.

L'article 417 nouveau du code de commerce a exigé au dirigeant de l'entreprise en difficultés économiques l'écrit d'une demande avec les pièces justificatives qui doit contenir certaines mentions tels que le nom de l'entreprise , son adresse ainsi que son identifiant fiscale etc .pour que le dossier soit complet il doit ajouter tout autre document nécessaire tels que les états financiers les plus récents afin de clarifier la situation financière et aider le juge pour prendre la bonne décision soit par l'acceptation ou le rejet de cette demande après il l'adresse au président du tribunal de première instance.

La demande est rejetée si les documents et données sus indiquées ne sont pas présentés sans motif valable. Le rejet n'empêche pas la présentation d'une nouvelle demande.

##### **2.Conditions de fond :**

# Reglement Amiable

**Council of Europe/Conseil de l'Europe**



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*Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 42 (1999)* Council of Europe/Conseil de l'Europe, 2000-12-01 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 1999 Its presentation follows that of previous volumes Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A Bibliography and Index are included Ce volume de l'Annuaire de la Convention europeenne des Droits de l'homme pr par par la Direction des Droits de l'Homme du Conseil de l'Europe concerne l'ann e 1999 La premi re partie contient des textes fondamentaux la deuxi me partie contient les rapports de la Commission europeenne des Droits de l'Homme la troisi me partie donne des informations sur la Cour europeenne des Droits de l'Homme la quatri me partie contient des R solutions du Comit des Ministres et les cinqui me et sixi me parties regroupent toutes les autres activit s concernant la Convention dans le cadre du Conseil de l'Europe et comprennent des informations sur les d bats devant les parlements nationaux et sur les d veloppements au sein des Communaut s europeennes concernant la protection des droits de l'homme Le volume se termine avec une bibliographie et une index alphab tique

*Yearbook of the European Convention of Human Rights/Annuaire De LA Convention Europeene Des Droits De L'Homme, 2000* Council of Europe Staff, 2001-10-01 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2000 Its presentation follows that of previous volumes Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A bibliography and index are included Ce volume de l'Annuaire de la Convention europeenne des Droits de l'Homme pr par par la Direction des Droits de l'Homme du Conseil de l'Europe concerne l'ann e 2000 La premi re partie contient des textes fondamentaux la deuxi me partie contient les rapports de la Commission europeenne des Droits de l'Homme la troisi me partie donne des informations sur la Cour europeenne des Droits de l'Homme la quatri me partie contient des R solutions du Comit des Ministres et les cinqui me et sixi me parties regroupent toutes les autres activit s concernant la Convention dans le cadre du Conseil de l'Europe et comprennent des informations sur les d bats devant les parlements nationaux et sur les d veloppements au sein des Communaut s europeennes concernant la protection des droits de l'homme Le volume se termine avec une bibliographie et une index alphab tique

**Yearbook of the European Convention on Human**

**Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 43 (2000)** Council of Europe/Conseil de l'Europe,2001-10-01 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2000 Its presentation follows that of previous volumes Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A bibliography and index are included Ce volume de l'Annuaire de la Convention europeenne des Droits de l'Homme pr par par la Direction des Droits de l'Homme du Conseil de l'Europe concerne l'ann e 2000 La premi re partie contient des textes fondamentaux la deuxi me partie contient les rapports de la Commission europeenne des Droits de l'Homme la troisi me partie donne des informations sur la Cour europeenne des Droits de l'Homme la quatri me partie contient des R solutions du Comit des Ministres et les cinqui me et sixi me parties regroupent toutes les autres activit s concernant la Convention dans le cadre du Conseil de l'Europe et comprennent des informations sur les d bats devant les parlements nationaux et sur les d veloppements au sein des Communaut s europ ennes concernant la protection des droits de l'homme Le volume se termine avec une bibliographie et une index alphab tique Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 52 (2009) Direct. General of HR and Legal Affairs,2010-12-15 The Yearbook of the European Convention on Human Rights edited by the Directorate General of Human Rights and Legal Affairs is an indispensable record of the development and impact of the world s oldest binding international human rights treaty It reviews the implementation of the Convention both by the European Court of Human Rights and by the Council of Europe s Committee of Ministers responsible for supervising the application of the Court s judgments in the member states The Yearbook includes Full text of any new protocols to the Convention as they are opened for signature together with the state of signatures and ratifications Full listing of Court judgments judgments broken down by subject matter and extensive summaries of key judgments handed down by the Court during the year Selected human rights DH resolutions adopted as part of the Committee of Ministers work supervising the execution of the Court s judgments Enquiries by the Secretary General carried out under Article 52 of the Convention Other work of the Council of Europe connected with the European Convention on Human Rights carried out by the Committee of Ministers the Parliamentary Assembly and the Directorate General of Human Rights and Legal Affairs Bibliographic information from the library of the European Court of Human Rights The Yearbook is published in an English French bilingual edition **Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 19 (1976)** Council of Europe/Conseil de l'Europe,2024-08-26 Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 47

(2004) Council of Europe/Conseil de l'Europe, 2005-09-15 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2004 Part one contains information on the Convention Part two deals with the control mechanism of the European Convention on Human Rights selected judgments of the European Court of Human Rights and human rights DH resolutions of the Committee of Ministers part three groups together the other work of the Council of Europe in the field of human rights and includes the work of the Committee of Ministers the Parliamentary Assembly and the Directorate General of Human Rights part four is devoted to information on national legislation and extracts from national judicial decisions concerning rights protected by the Convention Appendix A contains a bibliography on the Convention and Appendix B the biographies of the new judges elected to the European Court of Human Rights

**Decisions and Reports** European Commission of Human Rights, 1994-01-01  
**Friendly Settlements Before the European Court of Human Rights** Helen Keller, Magdalena Forowicz, Lorenz Engi, 2010-09-02 The European Convention on Human Rights is the world's most effective human rights regime Its Court has however become bogged down by an enormous workload and settling a case has become an attractive alternative to ordinary proceedings This book provides a full overview of the Court's friendly settlements and suggest ways they could be improved

**Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 48 (2005)** Council of Europe/Conseil de l'Europe, 2006-12-25 The Yearbook of the European Convention on Human Rights edited by staff of the Council of Europe is an indispensable record of the development and impact of the world's oldest binding international human rights treaty It reviews the implementation of the Convention both by the European Court of Human Rights and in national legislation and practice The Yearbook includes Full text of any new protocols to the Convention as they are opened for signature together with the state of signatures and ratifications Full listing of Court judgments judgments broken down by subject matter and extensive summaries of key judgments handed down by the Court during the year Selected human rights DH resolutions adopted as part of the Committee of Ministers work supervising the execution of the Court's judgments Enquiries by the Secretary General carried out under Article 52 of the Convention Other work of the Council of Europe connected with the European Convention on Human Rights carried out by the Committee of Ministers the Parliamentary Assembly and the Directorate General of Human Rights A summary survey of the implementation in certain member states of the Convention in the form of both legislation and case law Bibliographic information from the library of the European Court of Human Rights The Yearbook is published in an English French bilingual edition

**Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 45 (2002)** Council of Europe/Conseil de l'Europe, 2003-09-05 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2002 Its presentation follows that of previous volumes Part one contains basic texts and information of a

general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A bibliography and index are included *New Developments in Civil and Commercial Mediation* Carlos Esplugues, Louis Marquis, 2015-09-11 By means of the analysis of more than 20 national jurisdictions of different legal and geographical origin this book provides a general understanding of the developments that civil and commercial mediation is currently undertaking across the world The book combines 25 national reports with a General Report analyzing the major trends in civil and commercial mediation worldwide A number of the key variables that make mediation so effective are studied in depth in the book The concept of mediation that varies from country to country Its legal framework and the branches of public and private law in which it is used The legal condition of the mediation agreement and its relevant conditions of form and content the responsibilities of the parties in the event that they violate this agreement and the effects of this agreement on potential recourse to the courts or to arbitration as well as with regard to pending cases As well as the role played by the mediator his or her appointment or designation legal and ethical responsibilities and the role of institutions in mediation As well as the mediation process its applicable rules and principles and its costs are analyzed on comparative basis The book also pays special attention to the outcome of mediation The enforceability of the settlement reached both in domestic and cross border mediations constitutes a basic element for the success of the institution and is thoroughly studied This volume constitutes a unique instrument for those interested on mediation either practitioners judges or academics **Yearbook of the European Convention on Human Rights, 2001/Annuaire De LA Convention**

**Europenne Des Droits De L'Homme** Council of Europe, Council of Europe Staff, 2002-10-01 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2001 Its presentation follows that of previous volumes Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the field of human rights the situation in the Member States and developments within the European Communities A bibliography and index are included Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 44 (2001) Council of Europe/Conseil de l'Europe, 2024-10-02 This volume of the Yearbook of the European Convention on Human Rights prepared by the Directorate of Human Rights of the Council of Europe relates to 2001 Its presentation follows that of previous volumes Part one contains basic texts and information of a general nature part two deals with the European Commission of Human Rights part three with the European Court of Human Rights part four with the Resolutions of the Committee of Ministers and parts five and six with the other work of the Council of Europe in the

field of human rights the situation in the Member States and developments within the European Communities A bibliography and index are included

**Actes Du Sixième Colloque International Sur la Convention Européenne Des Droits de L'Homme** Council of Europe General Secretariat, 1988 0 2 Address by Mr M Oreja *Eighth International Colloquy on the European Convention on Human Rights*, 1997-01-01 In order to further scientific knowledge of human rights the Council of Europe holds high level meetings such as colloquies round tables and seminars Every five years an important Colloquy on the European Convention on Human Rights takes place in a town of a member State The Eighth International Colloquy on the European Convention on Human Rights organised by the Secretariat General of the Council of Europe in collaboration with the Ministry of Justice of Hungary and the Hungarian Institute for Legal and Administrative Sciences was held in Budapest from 20 to 23 September 1995 This volume contains the Proceedings of the Budapest Colloquy which covered the following themes The European Convention on Human Rights and cultural rights 1st session Cultural rights universal indivisible and legally enforceable rights 2nd session Cultural rights and the management of particular situations to ensure democratic security in Europe The European Convention on Human Rights in the new architecture of Europe 3rd session Effects on the European Convention on Human Rights of the enlargement of the number of Contracting Parties 4th session Implementation of the reform of the European Convention on Human Rights control machinery Afin de promouvoir le progr s des connaissances scientifiques en mati res de droits de l homme le Conseil de l Europe tient des r unions au plus haut niveau sous forme de colloques tables rondes et s minaires Tous les cinq ans un important colloque sur la Convention europ enne des droits de l homme est organis dans une ville d un pays membre Le huiti me Colloque international sur la Convention europ enne des droits de l homme organis par le Secr tariat G n ral du Conseil de l Europe en collaboration avec le Minist re de la Justice et l Institut des Sciences juridiques et administratives de Hongrie a eu lieu Budapest du 20 au 23 septembre 1995 La pr sente publication contient les actes du huiti me Colloque Le Colloque portait sur les th mes suivants La Convention europ enne des droits de l homme et les droits culturels 1e session Les droits culturels droits individuels universels indivisibles et justiciables 2e session Les droits culturels et le traitement de situations particuli res en vue d assurer la s curit d mocratique en Europe La Convention europ enne des droits de l homme dans la nouvelle architecture de l Europe 3e session Les effets de l accroissement du nombre des Parties contractantes sur la Convention europ enne des droits de l homme 4e session La mise en oeuvre de la r rme du m canisme de contr le de la Convention europ enne des droits de l homme

*Decisions and Reports* Consejo de Europa. Comisión Europea de Derechos Humanos, 1996-01-01 **Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 27 (1984)** Council of Europe/Conseil de l'Europe, 1989-12-01 **Yearbook of the European Convention on Human Rights/Annuaire de la convention europeenne des droits de l'homme, Volume 46 (2003)** Council of Europe/Conseil de l'Europe, 2004-08-07 This volume of the Yearbook of the European Convention on Human Rights prepared

by the Directorate of Human Rights of the Council of Europe relates to 2003 Part one contains information on the Convention Part two deals with the control mechanism of the European Convention on Human Rights selected judgments of the European Court of Human Rights and human rights DH resolutions of the Committee of Ministers part three groups together the other work of the Council of Europe in the field of human rights and includes the work of the Committee of Ministers the Parliamentary Assembly and the Directorate General of Human Rights part four is devoted to information on national legislation and extracts from national judicial decisions concerning rights protected by the Convention Appendix A contains a bibliography on the Convention and Appendix B the biographies of the new judges elected to the European Court of Human Rights

**Dynamiques Juridiques Européennes** Paul Demaret, 2007 This book gathers together contributions from thirty two former and current professors who have through their teaching in the Legal Studies Department at the College of Europe enhanced the College's reputation as an authentic European academic postgraduate centre of excellence Within their areas of specialisation the authors analyse both the evolution of European law over the years and more specific questions The contributions cover institutional constitutional law judicial remedies the law governing the internal market and its accompanying politics competition law and the law of the Union's external relations Cet ouvrage rassemble les contributions de trente deux professeurs anciens et actuels du département d'études juridiques européennes du Collège d'Europe Par leur enseignement ceux-ci ont assuré cette institution originale par sa dimension européenne sa reconnaissance en tant que centre académique post universitaire d'excellence Les auteurs analysent chacun dans sa spécialité l'évolution du droit européen ou des questions plus particulières Les contributions couvrent ainsi le droit institutionnel constitutionnel le contentieux le droit du marché intérieur et de ses politiques d'accompagnement le droit de la concurrence et le droit des relations extérieures de l'Union européenne

**Droit humanitaire et droits de l'homme** A. Calogeropoulos-Stratis, 2024-12-23

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