

The Principles of Mutual Trust in European Union Law

Are Reciprocal Principles Creating a Culture of the Law?

Caroline M. Fennelly

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Principles Of European Trust Law

Lusina Ho, Rebecca Lee



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Principles of European Trust Law David J. Hayton, Sebastianus Constantinus Johannes Josephus Kortmann, H. L. E. Verhagen, 1999-01-01 Since the ratification of the Hague Trust Convention by the Netherlands Italy the question of whether civil law countries ought to have a trust or a legal institution resembling it has gained importance The Business Law Research Centre at the University of Nijmegen founded an international working group of experts in the field of trust law in 1996 This group developed eight principles of European trust law designed to facilitate transactions within European jurisdictions to enable countries to recognise the potential for the development of new domestic legal concepts to provide guidance as to how these developments can be framed in different legal socio economic contexts This book provides a detailed analysis of these principles both from a common law a civil law point of view In particular the national reports give an overview of the current law relating to trusts fiduciary relationships and in the case of civil law jurisdictions whether the trust concept can be incorporated in the domestic legal systems on the basis of the eight principles

Extending the Boundaries of Trust and Similar Ring-Fenced Funds David Hayton, 2002-07-19 Virtually every jurisdiction today is busy developing private international law rules to deal with trusts and similar ring fenced structures With the increasing impact of globalisation business interests throughout the world are intent on maximising the potential of such structures for raising funds lowering risks and cutting costs As a result numerous complex issues involving the traditional categories of settlor beneficiary and fiduciary are being radically transformed Extending the Boundaries of Trusts and Similar Ring Fenced Funds offers valuable analyses by sixteen well known authorities in the field of a broad range of trust related issues The many important insights in this book reveal the workings of such issues as the following the disappearing divergence between common law and civil law jurisdictions in the matter of trusts using the segregated fund concept to manage the risk of insolvency the demise of the amateur trustee in the charitable trust sector why loss to the fund supersedes particular losses of beneficiaries the legal dimensions of hiding ownership by giving property to trustees the intervention of public policy in questions of perpetuity the selective imposition of OECD and FTF transparency initiatives on offshore jurisdictions and policing of trustee behaviour by beneficiaries Lawyers bankers and others dealing with investment and business finance will find much information as well as food for thought in this fascinating book as will those involved in the traditional trust industry whether as trustees or lawyers or fund managers Most of the essays in this outstanding thematic collection were originally prepared for presentation at a conference held in 2001 at King s College London

The Oxford Handbook of Comparative Law Mathias Reimann, Reinhard Zimmermann, 2019-03-26 This fully revised and updated second edition of The Oxford Handbook of Comparative Law provides a wide ranging and diverse critical survey of comparative law at the beginning of the twenty first century It summarizes and evaluates a discipline that is time honoured but not easily understood in all its dimensions In the current era of globalization this discipline is more relevant than ever both on the

academic and on the practical level The Handbook is divided into three main sections Section I surveys how comparative law has developed and where it stands today in various parts of the world This includes not only traditional model jurisdictions such as France Germany and the United States but also other regions like Eastern Europe East Asia and Latin America Section II then discusses the major approaches to comparative law its methods goals and its relationship with other fields such as legal history economics and linguistics Finally section III deals with the status of comparative studies in over a dozen subject matter areas including the major categories of private economic public and criminal law The Handbook contains forty eight chapters written by experts from around the world The aim of each chapter is to provide an accessible original and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come Each chapter also includes a short bibliography referencing the definitive works in the field

Trust Law in Asian Civil Law Jurisdictions Lusina Ho, Rebecca Lee, 2013-07-11 This book analyses and compares Asian trust laws to critically evaluate Asian approaches to the reception of the trust

The Problematic Structure of Management of Co-Owned Properties in Turkish Law and Pursuance of Solutions Eylem Apaydin, 2011-01-18 This book provides a critical evaluation of the statutory framework for co ownership regulations in Turkish law and it acquaints Turkish jurists with the existence of trust of land in English law It is posited upon the argument that solutions to the problems observed in the administration and enjoyment of co owned properties in Turkish law may be overcome by the introduction of a new institution which is inspired by the trust mechanism in English law This renders the existing Turkish regulation for the management of the co owned properties outdated unreasonably complex and extremely artificial with some assumptions After successfully establishing that the Turkish system is currently inadequate to provide an efficient system this book provides the indications for a solution Being aware of the limitations of the Turkish legal system and the restricted possibility of the direct reception of trust this book examines to what extent the current institutions in Turkish law would replace the functions of trust in the context of co ownership This examination results in searching for a new system as it is concluded that any of the trust like devices in the current Turkish law could not effectively and comprehensively serve the purposes that the English trust does Therefore this book suggests that a new mechanism inspired by the English trust of land would provide the required mechanisms for an efficient managerial system for co owned properties Rather than asserting to solely focus on a comprehensive new system this book discusses the possible solutions and urges further research about the matter Hence the so called alien system trust of land and its capability to provide an alternative but efficient and productive solution to the managerial problems of the co owned properties would be made familiar with the Turkish jurists

Elgar Encyclopedia of Comparative Law, Second Edition J. M. Smits, 2012-01-01 Acclaim for the first edition This is a very important and immense book The Elgar Encyclopedia of Comparative Law is a treasure trove of honed knowledge of the laws of many countries It is a reference book for dipping into time and time again It is worth every penny and there is not another

as comprehensive in its coverage as Elgar's I highly recommend the Elgar Encyclopedia of Comparative Law to all English chambers This is a very important book that should be sitting in every university law school library _ Sally Ramage The Criminal Lawyer Containing newly updated versions of existing entries and adding several important new entries this second edition of the Elgar Encyclopedia of Comparative Law takes stock of present day comparative law scholarship Written by leading authorities in their respective fields the contributions in this accessible book cover and combine not only questions regarding the methodology of comparative law but also specific areas of law such as administrative law and criminal law and specific topics such as accident compensation and consideration In addition the Encyclopedia contains reports on a selected set of countries legal systems and as a whole presents an overview of the current state of affairs Providing its readers with a unique point of reference as well as stimulus for further research this volume is an indispensable tool for anyone interested in comparative law especially academics students and practitioners *Trusts and Patrimonies* Remus Valsan, 2015-06-17

Focusing on the private law of England Scotland France Quebec and the Netherlands this volume explores how the private law concepts of trust and patrimony interact in various jurisdictions with a view to advancing the understanding of the trust as a fundamental legal concept It comprises new and previously published papers written by distinguished comparative law scholars The authors investigate whether the common law trust could be understood as a civil law patrimony by appropriation and whether civil law and mixed traditions could create local versions of the common law trust using patrimony as the main conceptual building block **The Making of European Private Law** J. M. Smits, 2002 The private law of the Member States of the European Union has become more and more European The fact that the European Union is making ever more use of directives as an instrument to achieve private law goals is in this context not the most important development Of much more substance is the fact that one increasingly realises that a uniform European private law has to be created in one way or another in the near future if a truly common European market is to function at all Over the last decade Europe has witnessed the emergence of a vigorous debate about the need for and the feasibility of a future European *ius commune* in the field of private law This book critically discusses this debate and provides a systematic overview of the various initiatives taken and describes the fragmentary European private law that already exists by way of European directives international conventions etc In addition the author aims at making a contribution to the debate by suggesting that the experience good or bad of the so called mixed legal systems is of great importance to the European private law venture and to the development of a uniform private law for Europe This idea is supported by insights from Law Economics and illustrated by South African law in particular This idea of European private law as a mixed legal system is then applied to the law of contracts torts and property This book takes up the challenge to give a critical examination on the various methods of creating this *ius commune* A detailed table of contents list of abbreviations bibliography table of cases and index complete the book and make it a valuable study for everyone interested in European private law Commercial Trusts in European

Private Law Michele Graziadei, Ugo Mattei, Lionel Smith, 2005-11-03 In European legal systems a variety of approaches to trust and relationships of trust meet the universal professionalisation of asset management services This book explores that interface in order to seek a better understanding of the legal regulation of the entrustment of wealth Within the methodology of the Common Core of European Private Law the book sets out cases on the establishment and termination of management relationships obligations of loyalty and of professionalism and the choice of law More specialized cases address collective investment collective secured lending pension funds and securitisation Reports on these cases from fifteen jurisdictions of the European Union tackle fundamental problems of trust law and show which legal techniques are deployed to solve them across Europe In addition to a much needed comparative treatment of the subject the book discusses the scholarly setting for the issues and gives guidance on the terminology in the evolving European scene **Principles of International**

Insolvency Philip R. Wood, 2007 This title covers the essentials of international insolvency with a very practical slant providing the reader with a comparative overview of insolvency law and practice in the key jurisdictions of the world The intention is to illustrate how the concepts and analyses raised throughout The Law and Practice of International Finance series may be applied in a real world setting

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