CONTRATS CIVILS ET COMMERCIAUX

TITRE 1 : LES REGLES GENERALES DU DROIT DES CONTRATS CIVILS ET COMMERCIAUX

CHAPITRE 1 : LES DIFFERENTES CLASSIFICATIONS DES CONTRATS

Section 1 : Généralité

Paragraphe 1 : Définition

Un contrat est civil lorsqu'il constitue un acte civil et commercial lorsqu'il constitue un acte commercial.

Un même type de contrat peut donc être tantôt civil tantôt commercial. Ainsi, la vente de produits faite par un agriculteur à un consommateur est purement civil au contraire celle faite par un épicier en gros à épicier détaillant est purement commerciale.

Paragraphe 2 : Sources des règles applicables aux contrats commerciaux

En principe, les règles applicables aux contrats commerciaux sont celles du droit commun des contrats contenues dans le code civil.

1- L'évolution

L'intervention de l'Etat dans l'économie

Elle limite de plus en plus la liberté contractuelle. Certaines activités sont monopolisées par des services publics industriels et commerciaux et par suite aux entreprises privées. Même dans le secteur privé, la liberté de conclure les contrats subit des attentes de plus en plus profondes soit pour protéger l'une des parties contre l'autre soit dans un but d'économie dirigée.

L'intervention des organismes professionnels

Elle se traduit par des contrats collectifs qui s'imposent aux membres de la profession et limitent leur liberté contractuelle. Tel est le cas des conventions collectives de travail conclues entre syndicats patronaux et ouvriers auxquelles doivent se conformer les contrats individuels de travail.

2- Le développement des relations internationales

Il conduit à une certaine unification internationale du droit des contrats commerciaux. Des conventions internationales ont été signées pour soumettre à un droit unique les transports internationaux par mer, par air ou par route. Une convention a été signée pour soumettre à une loi uniforme les ventes internationales de marchandises.

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France, Belgium, Bulgaria, Poland, Portugal Wolfgang Faber, Brigitta Lurger, 2011-02-28 This excellent series presents comparative study analysis and evaluation of 28 European legal systems in the field of transfer of movables Major topics are the notion of ownership the derivative acquisition of ownership e g by a sales contract the good faith acquisition of ownership and other property rights the multiple sale of the same movable the protection of possession positive acquisitive prescription and processing and consolidation The work is based on comprehensive country reports which are to be published on the relevant legal rules in Europe and has the drafting and publication of text proposals of uniform European rules with commentary and comparative notes as its primary goal It intends to influence the future development of European private law on the EU level This fourth volume of the series presents up to date national reports of France Belgium Bulgaria Poland Droit civil Les obligations - Le rapport d'obligation 10ed Jacques Flour, Jean-Luc Aubert, Éric Savaux, Lionel Andreu, Valerio Forti, 2022-10-13 Volume 3 du Droit des obligations Le rapport d'obligation pr sente l'ensemble des r gles qui organisent la mise en uvre et l'extinction de l'obligation Ces r gles d'finissent le r gime de l'obligation lequel est marqu par une grande homog n it les r gles ne distinguant pas en principe selon les sources de l obligation Contrats civils et commerciaux François Collart Dutilleul, Philippe Delebecque, 1991 Répertoire de droit international Albert Geouffre de Droit commercial. Commerçants et fonds de commerce. Concurrence et contrats du Lapradelle, Jean Paulin Niboyet, 1929 commerce. 4e éd. - Co Michel Pédamon, Hugues Kenfack, 2015-10-13 A jour de la loi Macron cet ouvrage envisage dans une premi re partie consacr e au Droit commercial g n ral les commer ants personnes physiques et morales soci t s commerciales qui pratiquent les affaires ainsi que leur statut et les biens sp cifiques n cessaires pour r aliser leur programme conomique fonds de commerce propri t commerciale propri t s industrielles La deuxi me partie est relative l activit des commer ants des entreprises quils animent et met l'accent sur le droit de la concurrence interneet communautaire les contrats du commerce vente commerciale commission courtage concession exclusive franchise ainsi que sur la publicit comparative et la promotion des ventes Il est destin aux tudiants en droit en administration conomique et sociale cole de commerce science politique sp cialement ceux qui pr parent l examen d avocat de magistrat ou de notaire et aux praticiens du droit des affaires qui y trouveront des cl s pour r soudre les difficult s quotidiennes Annales de droit commercial et industriel français, An Introduction to German Civil and Commercial Law Gerhard Dannemann, Thomas étranger et international ,1906 Meyding, 1993 Formation of Contract: A Comparative Study Under English, French, Islamic, and Iranian Law Parviz Owsia, 1994-02-07 This major reference work compares the formation of contract in the legal systems of England France Iran and other Islamic systems The Preliminary Part gives a historical sketch and describes the sources of law of the four legal systems It then describes the development and general theory of contract law in the four systems Part One then analyses in detail the basic notions of formation of contract including the range of psychological elements and their means of

expression The author then goes on to describe and compare the function and determination of offer and acceptance in the four legal systems Part Two analyses the mechanism of formation and import of a contract in respect of both offer and acceptance The book has been extensively researched and includes references to Roman law and other modern legal systems The work has been meticulously indexed and cross referenced Le droit civil et commercial de la guerre Albert Wahl,1918 Palmer's Index to "The Times" Newspaper ,1891 Covers the period from 1790 to 1905 in The Times of Catalogue of the Books in the Library of the Law Society of Upper Canada Law Society of Upper Canada. London Library,1880 Antiquariatskataloge ,1881 Mining Journal, Railway & Commercial Gazette ,1901 Répertoire Palmers' Index to the Times Newspaper ,1926 Droit commercial et des affaires 2023 29ed de droit civil ,1979 Dominique Legeais, 2022-10-13 Ce manuel pr sente sous une forme claire et synth tique les notions fondamentales de l ensemble du droit commercial et des affaires Pour ceux qui pr parent la mati re en travaux dirig s ou qui d sirent l approfondir les articles et d cisions essentiels sont mentionn s Cette nouvelle dition comporte l tude des actes de commerce des commer ants du fonds de commerce des soci t s commerciales du droit de la concurrence des contrats commerciaux des moyens de paiement des op rations de cr dit et de financement et du droit des entreprises en difficult s Destin aux tudiants en droit et en administration conomique et sociale AES aux l ves d coles de commerce et d Institut universitaire de technologie IUT cet ouvrage contient l'essentiel de ce qui est exig pour r'ussir l'examen Particuli rement adapt aussi pour la pr paration l'examen d'entr e la profession d'avocat de magistrat et de notaire il est galement vivement recommand pour Revue pratique de droit commercial belge ,1897 ceux qui suivent l'enseignement distance Ou'est-ce qu'un **fonctionnaire?** G. Bichoffe, 1927 The United States Catalog ,1903 Code de commerce d'Haiti, contenant la conférence des articles des codes entre eux et leur correspondance avec les articles du code de commerce français Haiti,1910

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