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Droit des entreprises en difficulté

10^e édition



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Droit Entreprises Difficult Vabres Regis:

Droit et service public Gérard Martin Pekassa Ndam, Nadine Machikou Ndzesop, Jacques Biakan, Eric Marcel Ngango Youmbi, 2024-03-14 Que sait-on du professeur Lekene Donfack Premier Camerounais agrégé du CAMES de la section Droit public et science politique 1997 et ancien ministre d'état deux visages dominent sa vie publique et privée celui d'un penseur du droit et celui d'un serviteur de l'état Il s'est particulièrement illustré dans les domaines du droit public financier et du droit constitutionnel L'initiative des multiples rencontres a impressionné l'adhésion au Cameroun et au-delà Avec un souci de rigueur des 120 contributions reçues le comité en a retenu 84 parmi lesquelles celles d'une dizaine de collègues étrangers L'ouvrage en deux volumes de 42 contributions chacun s'organise autour du thème droit et service public Il sera désormais impossible de parler du service public en Afrique sans se référer ce nouvel ouvrage qui réunit des contributions de grande valeur scientifique

Die Konzerninsolvenz im französischen Recht Alexander Arfert, 2022-06-14 Während die deutsche Insolvenzordnung im Wesentlichen prozessrechtliche Probleme regelt enthält der insolvenzrechtliche Teil des französischen Code de commerce ausserst praxisrelevante Vorschriften die hierzulande etwa dem Gesellschafts oder dem allgemeinen Zivilrecht zuzuordnen waren Diese systematische Beobachtung trifft auch für die lebhaft diskutierten und vom deutschen Gesetzgeber nur in prozessualer Hinsicht aufgegriffenen Rechtsprobleme der Konzerninsolvenz zu Alexander Arfert unternimmt einen funktionalen Rechtsvergleich des materiellen französischen Konzerninsolvenzrechts mit den im deutschen Recht anwendbaren Vorschriften des Gesellschafts Insolvenz Arbeits und Zivilrechts Dabei untersucht er ob Deutschland bei der Bekämpfung von Missbrauchen und zur Erreichung des Ziels einer nachhaltigen Sanierung in der Insolvenz die richtigen Lösungen und das französische Recht übertragbare Lösungsansätze bereithält

Direito Comercial - 5a Edição António Menezes Cordeiro, 2023-05-31 O Direito comercial tem raízes antigas na cultura lusófona as primeiras leis dos Reis de Portugal tinham a ver com o tráfico mercantil Ao longo dos séculos ele acompanhou o desenvolvimento do comércio e da indústria adaptando-se à realidade atual A complexidade das sociedades pessoais industriais levou à autonomia no seu âmbito de múltiplas disciplinas Direito das sociedades Direito bancário Direito dos seguros Direito intelectual Direito da concorrência Direito da insolvência Direito dos transportes e Direito do comércio internacional Reduzido a um núcleo duro de princípios e versando áreas básicas como as dos atos de comércio das firmas do registo comercial e dos contratos comerciais o Direito comercial mantém-se como sólido companheiro do Direito civil Além disso opera como repositório de uma cultura privatista lusófona que não deve perder-se A presente obra agora em 5ª edição revista e atualizada estuda e divulga o Direito comercial nuclear incluindo os traços gerais do regime da insolvência A jurisprudência e os recentes avanços europeus são postos à disposição dos estudiosos e do público interessado

Krisen des falliments Johannes Heck, 2021-05-11 Eine erfolgreiche Reform führt wie schon Skedl feststellt über den sicheren festen Boden des historischen Werdegangs des Rechts Der im Schatten der Richtlinie über Restrukturierung und Insolvenz entstandene codice della crisi d'impresa e dell'insolvenza von 2019 bietet vor

diesem Hintergrund die Möglichkeit Brücken zwischen vergangenem gegenwartigem und künftigem Recht zu schlagen Johannes Heck beleuchtet die Entwicklungsstufen des jüngeren italienischen diritto fallimentare ausgehend von der französischen Tradition im codice di commercio mit einem bedeutenden belgischen Einfluss Er erkennt eine bislang unerforschte Rezeption deutscher und österreichischer Denkkonzepte zu Beginn des 20. Jahrhunderts und wirft so ein neues Licht auf die historische Realität der legge fallimentare Auf dieser Grundlage ordnet er schliesslich die Strömungen zur Jahrtausendwende und der anschließenden langen Reformjahre ein Das Ausschlagungsrecht in der Insolvenz Friederike Dorn, 2020-07-03 Erbschaften und Vermächtnisse des Insolvenzschuldners stellen für die Gläubiger häufig die einzige Möglichkeit dar eine nennenswerte Befriedigungsquote zu erhalten In Deutschland ist der Schuldner jedoch sowohl im Insolvenz als auch im Restschuldbefreiungsverfahren frei die Erbschaft oder das Vermächtnis auszuschlagen Damit geht das deutsche Insolvenzrecht in Europa einen Sonderweg In der Gegenüberstellung mit dem französischen und dem niederländischen Recht überprüft Friederike Dorn den derzeitigen deutschen Ansatz auf seine Tragfähigkeit und entwickelt einen konkreten Reformvorschlag In Anlehnung an das französische Recht schlägt sie vor dem Insolvenzverwalter künftig die Anfechtung der Ausschlagung zu ermöglichen Für das Restschuldbefreiungsverfahren spricht sie sich für die Einführung einer Annahmepflicht des Schuldners aus *Insolvenzzwecke in Deutschland und Frankreich* Saskia Naomi Merle, 2019-10-11 Die Europäisierung des Insolvenzrechts hat mit der jüngst verkündeten Restrukturierungs- und Insolvenzrechtsrichtlinie einen neuen Höhepunkt erreicht Angesichts dessen bedarf es dringend einer europäischen Diskussion der Verfahrenszwecke denn vor dem Hintergrund unterschiedlicher Wirtschaftsverfassungen bestehen diesbezüglich gewaltige Unterschiede So favorisiert das französische Recht an vielen Stellen die Sanierung Demgegenüber bezweckt das deutsche Verfahren primär die gleichmässige Gläubigerbefriedigung was aufgrund verfassungswidriger europarechtlicher Vorgaben im Grundsatz unverzichtbar erscheint Im Angesicht eines rechtspolitischen Sanierungshypes zeigt diese rechtsvergleichende Analyse aber auch auf inwieweit die Sanierungsförderung im deutschen Recht intensiviert werden sollte und welche Wege hierfür unter Umständen offenstünden Besonderes Augenmerk liegt dabei unter anderem auf vorinsolvenzlichen Restrukturierungsinstrumenten im Sinne der genannten Richtlinie **Der Schutz von Dritten in der Insolvenz des Versicherungsnehmers** Philipp Heiner Hofmann, 2018-08-23 Long description Drittschützende Versicherungsverträge sind ein verbreitetes Phänomen In der Insolvenz des Versicherungsnehmers tritt ihre drittschützende Zielsetzung jedoch in ein erhebliches Spannungsverhältnis zum insolvenzrechtlichen Grundsatz der Gläubigergleichbehandlung Aufbauend auf allgemeine Rechtsgrundsätze versucht Philipp Hofmann die rechtlichen Regelungen zur Auflösung dieses Spannungsverhältnisses in ein geschlossenes und in sich kohärentes System zu überführen Livres de France, 2009-05 **La régulation financière face à la crise** Margot Sève, 2013-10-23 Un ouvrage richement documenté qui revient sur les manquements fondamentaux d'avant crise et l'urgence d'une plus grande transparence à l'égard des

pargnants et des investisseurs La gravité de la crise financière ne signifie pas que les cadres juridiques antérieurs fussent totalement exempts de diligences réglementaires L'étude de ses causes laisse plutôt penser que la réglementation du système financier était défaillante dans ses paramètres et son application De ce point de vue la crise peut être perçue comme une crise de la réglementation Or le système financier appelle une réglementation spécifique en raison des caractéristiques des marchés qui le composent banque finance assurance complexes innovants globaux et interconnectés donc menacés du risque systémique Ce dernier justifie que les pouvoirs publics accomplissent de nouveaux efforts de réglementation systémique associant réglementation et supervision pour en termes de primauté et d'objectifs embrasser un paradigme macroprudentiel et renforcer la transparence et la protection du consommateur Ces orientations sont décrites puis illustrées par les réglementations récentes européennes et américaine Dodd Frank dont sont valus les apports et ou les effets pervers relatives notamment aux normes prudentielles aux institutions d'importance systémique aux nouvelles architectures de supervision nationale européenne et internationale la transparence des produits divers des plateformes de négociation et du système bancaire de l'ombre aux agences de notation aux stress tests aux abus de marché au trading haute fréquence aux moyens et pouvoirs accrus offerts aux régulateurs et la séparation entre banque de dépôt et banque d'investissement Un ouvrage de référence sur un sujet complexe en perpétuelle évolution

PROPOS DE L'AUTEUR Docteur en droit Margot Sève est avocate au sein du cabinet Skadden Arps Slate Meagher Flom LLP et membre du comité éditorial du Journal of Regulation En 2012 elle soutient sa thèse à la Sorbonne

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nouvelle édition de cet ouvrage présente le droit positif la gestation continue et compliquée Il intègre les dernières applications et interprétations jurisprudentielles Conçu comme un outil opérationnel il répondra la recherche de connaissance des étudiants aussi bien qu'aux besoins d'application des professionnels **Recueil Dalloz** ,1950 *Revue du droit public et de la science politique en France et à l'étranger* ,1979 Revue de droit international privé et de droit pénal international ,1912
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