

Daniel Levy

Les abus de l'arbitrage commercial international



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Les Abus De Larbitrage Commercial International

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Les Abus de L'arbitrage Commercial International Levy,2015 **L'Émergence de l'arbitrage commercial international en Amérique latine** Claudia Frutos-Peterson,2003-04-01 Ces derni res ann es les pays latino am ricains ont entrepris de grands changements en ce qui concerne la r glementation de l arbitrage commercial international Ils ont ratifi les principales conventions internationales en la mati re modifiant les m canismes juridiques internes et internationaux de ces pays Cet ouvrage aborde les tapes de la formation d un droit de l arbitrage commercial international en Am rique latine et pr sente les volutions juridiques qui en ont permis une pratique accrue et en value l efficacit *The Notion of Award in International Commercial Arbitration* Giacomo Marchisio,2016-04-24 International commercial arbitration relies extensively on the possibility of enforcing arbitral decisions against recalcitrant parties Because courts and arbitration laws across the world take contrasting approaches to the definition of awards such enforcement can be problematic especially in the context of awards by consent and the recent development known as emergency arbitration In this timely and ground breaking book a young arbitration scholar takes us through the difficulties of defining the notion of arbitral award with a rare combination of theoretical awareness and attention to the procedural requirements of arbitral practice In a framework using a comparative analysis of common law and civil law jurisdictions specifically England and France and how each has regulated in different ways the equilibria between state justice and arbitral justice and comparing each with the UNCITRAL Model Law the book addresses such issues as the following the judicialization of arbitration different models of arbitral adjudication and their impact on the notion of award what an award needs to contain to be enforceable awards on competence awards by consent and awards ante causam The author employs a methodology that views arbitration as providing an institution for administering justice rather than as a purely contractual creature To this end rules of arbitral institutions particularly the International Chamber of Commerce are examined closely for their implications on what an award means As a fresh look at the arbitral award by placing it in a broader context than is usually found this book allows for a greater understanding of the functioning of international commercial arbitration It is sure to become an international reference and as such will be welcomed by arbitrators practitioners at global law firms companies doing transnational business interested academics and international arbitration centres in emerging markets Les abus de l'arbitrage commercial international Daniel Levy,2015-05-01 L mergence d un syst me autonome d arbitrage commercial international autorise les juridictions tatiques interpr ter la proc dure internationale soit selon des normes nationales soit en se d tachant de toute influence tatique Mais le manque de dialogue entre ces juridictions permet aux parties de tirer avantage de ce d calage jurisprudentiel par le biais de proc dures parall les injonctions annulations reconnaissances litispendance res judicata etc L auteur propose l abus de droit comme le crit re le plus adapt pour identifier et sanctionner ces man uvres seul permettant d organiser et de l gitimer un ordre juridique arbitral autonome mais pas isol Collection of ICC Arbitral Awards 2016-2020 Jean-Jacques Arnaldez,Yves

Derains, Dominique T. Hascher, 2022-02-28 The Collection of ICC Arbitral Awards 2016 2020 contains extracts of cases handled by the ICC Court of Arbitration one of the world's most respected arbitral institutions This most recent collection supplements seven previous and successful volumes containing awards from the period 1974 to 2015 This collection is a practical reference tool containing three types of useful indexes incorporating information from all three volumes a consolidated analytical table in both English and French contains extensive cross references based on the terminology used in awards and case notes a chronological index lists the awards a keyword index also provided in both languages allows the reader to locate the material of interest quickly and easily In addition to providing a wealth of information in a highly accessible manner this book includes case notes and expert commentaries on the awards This publication is an indispensable reference work for anyone interested in international arbitration and in the reasoning of international arbitrators on the interpretation and application of contractual clauses international conventions and the law of international trade It is invaluable to both scholars and practitioners involved in the drafting and negotiation of international commercial contracts and the resolution of international commercial disputes

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Julien Fouret, Rémy Gerbay, Gloria M. Alvarez, 2019-12-27 This major new commentary on the ICSID Convention Regulations and Rules offers a new forward looking and highly practical interpretation of the convention and its associated documents It is the first commentary to provide systematic article by article coverage not only of the Convention itself but also of the institution rules the ICSID arbitration rules and the ICSID administrative and financial regulations Written by a team of leading experts from private practice government and academia this uniquely comprehensive work will be an essential resource for those in the investment arbitration community and a turn to reference work for international investment law and international arbitration scholars

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Collection of ICC Arbitral Awards 2012 - 2015 Jean-Jacques Arnaldez, Yves Derains, Dominique Hascher, 2018-12-21

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Jean-Baptiste Racine, 1999 Les Etats ont accordé à l'arbitrage international une large autonomie Toutefois cette autonomie n'est pas totale elle trouve sa limite dans l'ordre public L'évolution contemporaine aboutit à un recul de l'ordre public dans la convention d'arbitrage La compétence de l'arbitre dans les domaines touchant l'ordre public est reconnue La jurisprudence a non seulement autorisé les arbitres à appliquer des règles et des principes d'ordre public mais elle leur a également confié le pouvoir d'en sanctionner la violation La jurisprudence française a même adopté une règle matérielle de portée générale l'ordre public joue un rôle particulier il est devenu la seule cause de nullité de la convention d'arbitrage international L'aptitude à compromettre de l'Etat et des personnes morales de droit public relève également de la méthode des règles matérielles de droit international privé C'est aujourd'hui l'aptitude à compromettre qui en vertu du principe de bonne foi est considérée comme de l'ordre public international L'ordre public s'est progressivement retiré du champ de la convention d'arbitrage Comme par un effet de vases communicants l'ordre public s'est déplacé de la convention d'arbitrage vers la sentence arbitrale L'arbitre doit normalement respecter l'ordre public des Etats Il doit en premier lieu respecter l'ordre public appartenant à la *lex causae* En second lieu au nom de l'efficacité de sa sentence et de la prévalence de l'arbitrage l'arbitre doit respecter l'ordre public étranger à la *lex causae* Outre l'ordre public étatique l'arbitre assure le respect d'un ordre public transnational La notion existe en dépit des critiques formulées son encontre L'expansion de l'ordre public transnational est incontestable Celui-ci est au cœur des évolutions contemporaines de la société internationale c'est-à-dire la mondialisation de l'économie et l'uniformisation du droit Enfin un contrôle étatique s'exerce sur une sentence lorsque celle-ci est présentée à l'exequatur ou lorsqu'elle fait l'objet d'un

recours en annulation A cette occasion les juges d'un Etat vont vérifier la conformité de la décision arbitrale à l'ordre public Si il est hors de question de remettre en cause l'autonomie de l'arbitrage en introduisant la révision au fond il est nécessaire que le juge contrôle en droit et en fait la conformité de la sentence à l'ordre public international **Maatschappij-Belangen**, 1906

Les services sociaux dans le droit de l'Union européenne Tiphaine Thauvin, 2016-03-01 L'appréhension des services sociaux par le droit de l'Union européenne soulève des enjeux politiques et juridiques Plus que la simple question de la soumission des services sociaux aux libertés économiques de circulation et au principe d'une concurrence libre c'est bien la question de l'application de ces règles aux activités sociales qui est posée Par une approche à la fois empirique et prospective l'ouvrage a pour objet d'explorer et d'analyser le droit applicable de tels services et l'interprétation qui en est faite par les différentes institutions de l'Union

Collection of ICC Arbitral Awards, 2001-2007 Jean-Jacques Arnaldez, Yves Derains, Dominique Hascher, International Chamber of Commerce, 2009 The Collection of ICC Arbitral Awards 2001-2007 contains extracts of cases handled by the ICC Court of Arbitration one of the world's most respected arbitral institutions This most recent collection supplements four previous and successful volumes containing awards from the periods 1974-1985, 1986-1990, 1991-1995 and 1996-2000 This collection is a practical reference tool containing three types of useful indexes incorporating information from all three volumes a consolidated analytical table in both English and French contains extensive cross references based on the terminology used in awards and case notes a chronological index lists the awards a key word index also provided in both languages allows the reader to locate the material of interest quickly and easily In addition to providing a wealth of information in a highly accessible manner this book includes case notes and expert commentaries on the awards This publication is an indispensable reference work for anyone interested in international arbitration and in the reasoning of international arbitrators on the interpretation and application of contractual clauses international conventions and the law of international trade It is invaluable to both scholars and practitioners involved in the drafting and negotiation of international commercial contracts and the resolution of international commercial disputes Collection of ICC Arbitral Awards CIAA Vol 5

L'administration de la preuve devant la Cour pénale internationale Fofe djofia malewa jean-pierre, 2015-06-01 Après douze ans de fonctionnement de la Cour pénale internationale il s'est avéré utile d'analyser et de systématiser les règles procédurales et méthodologiques gouvernant la présentation des éléments de preuve devant cette haute instance pénale Cet ouvrage se veut un outil efficace de travail pour les conseils appelés à prêter devant cette Cour et une source d'enseignements pour des juristes achemés ou en formation autant que pour toute personne ou organisme s'intéressant au développement et l'évolution de la justice pénale internationale

La notion de sanction et la distinction fondamentale des sanctions Sotirios Lytras, 2015-10-01 Cette étude montre que la notion de sanction n'est bien une notion du droit positif hellénique et que la distinction fondamentale en ce domaine n'est celle entre sanctions juridictionnelles et administratives Manifestée dans l'ordre juridique communautaire et affichant sa présence dans la jurisprudence de la Cour

européenne des Droits de l'Homme la notion de sanction revendiquée avec succès son autonomie conceptuelle dans tout ce que nous pouvons caractériser comme l'univers juridique répressif européen *General Reports of the XIXth Congress of the International Academy of Comparative Law Rapports Généraux du XIXème Congrès de l'Académie Internationale de Droit Comparé* Martin Schauer, Bea Verschraegen, 2017-06-01 This book deals with convergences of legal doctrine despite jurisdictional cultural and political barriers and of divergences due to such barriers examining topics that are of vital importance to contemporary legal scholars Written by leading scholars from more than twenty countries its thirty two chapters present a comparative analysis of cutting edge legal topics of the 21st century While each of the countries covered stands alone as a sovereign state in a technologically advanced world their disparate systems nonetheless show comparable strategies in dealing with complex legal issues The book is a critical addition to the library of any scholar hoping to keep abreast of the major trends in contemporary law It covers a vast area of topics that are dealt with from a comparative point of view and represents the current state of law in each area *Le droit constitutionnel de la Ve République* Gilles Toulemonde, Lascombe Michel, 2015-12-01 Cet ouvrage s'adresse aux étudiants en droit aux élèves des instituts d'études politiques et aux candidats aux concours administratifs Il couvre l'essentiel du programme de droit constitutionnel c'est-à-dire aussi bien les constitutions françaises depuis 1789 que l'actuel texte constitutionnel Cette nouvelle édition tient compte des derniers développements induits par les changements politiques des dernières formes des règlements des assemblées et de la jurisprudence la plus récente Le renouvellement de l'office du juge administratif français Caroline Leclerc, 2015-10-15 Dans le cadre d'une politique de renforcement de sa légitimité le juge administratif français tient de plus en plus compte des attentes du justiciable notamment en termes de protection des droits fondamentaux Ce renouvellement a motivé une profonde rénovation de ses techniques et méthodes de jugement Le juge administratif français dont les interventions sont maintenant effectives est devenu ce que particuliers et Administration attendent aujourd'hui de lui un juge partiellement **Recherches sur la notion d'amortissement en matière de contrats administratifs** Jean-Baptiste Vila, 2016-04-01 L'amortissement en droit des contrats administratifs a deux fonctions La première comptable permet de répartir les pertes de valeurs affectant le patrimoine L'autre est fiscale financière et a vocation permettre la compensation d'une perte prévisible pour le cocontractant L'ouvrage envisage les règles applicables ces deux mécanismes appliqués aux contrats administratifs en particulier aux délégations de services publics tout en formulant deux propositions fortes la construction de durées contractuelles variables et la rationalisation de l'équilibre économique de ces contrats **La Procédure Arbitrale Et L'indépendance Des Arbitres** International Court of Arbitration, 1991 Droit de l'Union européenne et lois de police Elena-Alina Oprea, 2015-06-01 L'interaction du droit européen avec le droit international privé se manifeste avec une acuité particulière en matière de lois de police continuant et renouvelant les discussions suscitées par celles-ci Quels éléments nouveaux inhabituels critiquables ou modernes dans les solutions retenues par le législateur européen et la Cour de justice

Quelles justifications et quelles conséquences pour la qualification ou la mise en œuvre de ces lois ? Autant de questions auxquelles cet ouvrage se charge de répondre.

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