

# Francesco Galgano Diritto Privato

Diritto privato Istituzioni di diritto privato Foundations of Property Law La responsabilità «aggiuntiva» ex art. 2497, 2° comma c.c. Principles of European Contract Law and Italian Law The Italian Legal System Developments in Foundation Law in Europe Austria, Estonia, Italy, Slovenia Adempimento dell'obbligo di sicurezza e tutela della persona Rivista critica del diritto privato Non-contractual Liability Arising Out of Damage Caused to Another Sul contenuto c.d. «negativo» del testamento tra formula descrittiva e categoria precettiva. Trattato di diritto privato The Sphere of Application of the Vienna Sales Convention La nuova lex mercatoria Liability of Corporate Groups: Autonomy and Control in Parent-Subsidiary Relationships in U. S., German and EEC Law: An International and Comparative Perspective Successioni e donazioni Compendio del nuovo diritto privato Commentario del Codice civile Reform of Civil Law in Europe Francesco Galgano Francesco Galgano Christian von Bar Lorenzo Benedetti Luisa Antoniolli G. Leroy Certoma Chiara Prele Wolfgang Faber Pasqualino Albi Christian von Bar Francesco Meglio Sergio La China Franco Ferrari Fabrizio Marrella José Engrácia Antunes Giancarlo Iaccarino Guido Alpa

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foundations of property law things as objects of property rights is an abridged translation of the first volume of christian von bar s gemeineuropäisches sachenrecht a milestone in european private law theory and in comparative property law more broadly radical in content and scope the english version examines the dynamics of interaction between the objects contents and holders of property the conceptual framework of property law is presented as a domain of erga omnes monopoly rights that govern the relationship between persons and objects of value within that framework a reciprocal relationship is illustrated between property rights and their objects property rights play a role in constituting the very objects things in which they are held with comprehensive comparative analysis insights are gleaned from all the jurisdictions of the european

union and the united kingdom presenting a critical evaluation of property law systems in both common and civil law traditions this book joins all the national legal systems in a single inquiry treating their traditions and arguments with the respect they deserve and taking advantage of the knowledge embodied in the diversity of european private law a scholastic work offering deep and unique insights into the european property law systems foundations of property law will quickly become a go to resource for anyone interested in european private law and comparative property law

to provide valuable legal service to persons in today s europe practitioners must be conversant in both national and transnational law at the european level the principles of european contract law pecl are an increasingly important element of contract law together with national contract law as contained in civil codes and various national statute accordingly kluwer law international has initiated a series of volumes under the direction of prof hondius of the university of utrecht comparing pecl with the most important european legal systems this volume on italian law is the second in the series using a straightforward comparative method the editors analysis not only reveals a significant area of convergence between the pecl and italian contract law but also highlights the main differences between the two bodies of rules the reasons for these differences both legal and non legal such as historical social economic are clearly set forth the book provides complete texts with annotations of the pecl and the corresponding italian rules the presentation proceeds as follows general provisions scope of application general duties terminology formation of contracts general provisions offer and acceptance liability for negotiations authority of agents general provisions direct and indirect representation validityinterpretationcontents and effectsperformancenon performance and remedies in generalparticular remedies for non performance right to performance withholding performance termination of the contract price reduction damages and interest the editors commentary includes extensive reference to case law and legal doctrine at all essential points in this way they provide a comprehensive description of the law in action as well as its evolving trends in addition incisive essays by two leading experts in the field of comparative law prof rodolfo sacco and prof michael joachim bonell analyse the relationship of the pecl and italian law and its wider framework in the harmonisation of private law at the european and international levels the book is a valuable handbook and guide for both foreign and italian lawyers for non italian lawyers be they practitioners or academics it provides a concise but complete and up to date outline of current italian contract law organized on the basis of a system pecl with which many european lawyers are familiar for italian lawyers it offers a clearer insight into a wider european legal contract system whose importance in the evolution of a common european private law is growing rapidly principles of european contract law series 2

this book deals with foundation law in various european countries it sums up contributions from the most outstanding experts in foundation law in fourteen countries these are either civil law or common law and their socio economical situation is considerably different despite the outstanding differences in each country foundations have been growing in number and importance all over europe in the last decades political economical and social changes occurred in various european countries increased foundations role the need to focus on foundations laws and regulations arose

in many states for different reasons the contributions in this book focus in particular on the recent development of foundation law on the evolution foundations have undergone in recent years and on trends in law

this is the first of a series of national reports on basic issues concerning the acquisition and loss of ownership of movable assets the series is planned to cover 27 european legal systems distributed over six volumes as a product of the research activities of the working group transfer of movables within the study group on a european civil code starting with general property law issues like the concepts of ownership and possession employed in the respective legal systems and the related means of protection the reports primarily deal with the derivative transfer of ownership but extend to good faith acquisition from a non owner acquisitive prescription processing and commingling and further related issues the reports provide the reader with detailed information about the respective rules case law and legal literature prepared by national property law experts these reports are a starting point for further comparative research in property law and also a tool for practitioners searching for information on foreign legal systems where available and as far as reasonable the reports include translations of the most important statutory provisions either in the text or in an annex all reports include a table of literature and a table of abbreviations which shall facilitate carrying out further research

in european law non contractual liability arising out of damage caused to another is one of the three main non contractual obligations dealt with in the draft of a common frame of reference the law of non contractual liability arising out of damage caused to another in the common law known as tort law or the law of torts but in most other jurisdictions referred to as the law of delict is the area of law which determines whether one who has suffered a damage can on that account demand reparation in money or in kind from another with whom there may be no other legal connection than the causation of damage itself besides determining the scope and extent of responsibility for dangers of one's own or another's creation this field of law serves to protect fundamental rights in the private law domain that is to say horizontally between citizens inter se based on pan european comparative research which annotates the work this book presents model rules on liability explanatory comments and illustrations amplify the policy decisions involved during the drafting process comparative material from over 25 different eu jurisdictions has been taken into account the work therefore is not only a presentation of a future model for european rules to come but also provides a fairly detailed indication of the present legal situation in the member states

negli ultimi tempi la dottrina civilistica ha conosciuto un rinnovato interesse e una notevole sensibilità per il diritto successorio dopo una lunga stagione di stasi favorito dall'impegno a esso dedicato da valenti studiosi anche della nuova generazione tale circostanza ha avuto il pregio di recuperare all'istituto testamentario lo spazio che merita riaffermandone l'idoneità a regolare i rapporti patrimoniali e no dell'ereditando ed evidenziandone la capacità di appagare molteplici istanze molte delle quali prima facie non parrebbe corretto associarle all'atto di ultima volontà tra queste si segnalano le disposizioni di segno negativo ossia quelle con le quali il testatore pone un divieto il presente lavoro si prefigge di indagare la solidità dogmatica dell'espressione contenuto c d negativo del testamento allo scopo di definirne lo statuto disciplinare l'analisi muove

dai temi della questione testamentaria per poi incentrarsi sul fondamento sui caratteri delle disposizioni rientranti in tale categoria e sul ruolo dell'interprete che si imbatte in disposizioni di tal fatta

as the UN Convention on Contracts for the International Sale of Goods (CISG) becomes the law governing contracts among major trading nations the question of applicability is of vital importance in this treatise professor ferrari presents a concise explanation of the background and criteria for the rules dealing with the sphere of application of the Vienna Sales Convention all scholars and practitioners involved in international contracts will appreciate the knowledge presented in this work

full title liability of corporate groups autonomy and control in parent subsidiary relationships in US German and EU law an international and comparative perspective corporation law dates from the 19th century when the growth of business enterprise required a division between the private and the company sphere making the company a legal person with its own rights responsibilities and liabilities the company was no longer the legal equivalent of its owner but became a separate legal entity providing a form of legal protection for the owners employees and the customers the introduction of company law meant a great step forward for those engaged in big business in Europe the US and elsewhere

Il trattato affronta in maniera completa tutte le tematiche inerenti a successioni e donazioni con focus sui nuovi contenuti alla legge sul c.d. dopo di noi in rapporto con il trust ai testamenti con elementi esterni al diritto nazionale al contenuto atipico del testamento al contratto di costituzione della comunione e masse plurime incluse le sue rilevanti ricadute fiscali al trasferimento mortis causa dell'azienda alla tanto attesa riforma in tema di volontaria giurisdizione successioni e donazioni si completa inoltre con l'esposizione dei seguenti argomenti ruolo del notaio nell'ambito delle successioni a causa di morte gli aspetti fiscali in tema di successioni e donazioni gli adempimenti notarili successivi alla confezione del testamento le formalità da osservare per la validità della donazione immobiliare l'utilizzo della divisione nel passaggio generazionale l'attività notarile nella divisione giudiziale i rapporti tra gli eredi e le banche successive alla apertura della successione e quindi la stabilizzazione degli effetti del testamento le successioni e le donazioni nel diritto internazionale privato i vantaggi scaturenti dalla rinuncia abdicativa ai diritti di comproprietà i problemi relativi alle provenienze donative e ai rimedi tradizionali e innovativi per superarle con particolare riguardo alla rinuncia anticipata alla azione di restituzione ormai recepita dalla giurisprudenza e dalla prevalente dottrina il ruolo del notaio nel passaggio generazionale dell'impresa in cui accanto al patto di famiglia sono state valutate le clausole societarie di predisposizione successoria il trattato è un punto di riferimento per i professionisti alla continua ricerca di soluzioni relative a problematiche derivanti dal c.d. diritto vivente per gli studiosi intenti all'approfondimento teorico dei singoli istituti nonché un valido strumento per la preparazione al concorso notarile

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