

Das Europäische Kaufrecht Mittleren Unternehmen

Karl Riesenhuber



Das Europäische Kaufrecht Mittleren Unternehmen:

Perspektiven des Europäischen Schuldvertragsrechts Karl Riesenhuber, 2012-07-12 Das Europäische Schuldvertragsrecht wurde erst Ende der 1990er Jahre als eigenständige Rechtsmaterie entdeckt. Seither hat es sich als breites und vielschichtiges Forschungsfeld etabliert, das die einschlägigen Regelungen umfasst, die im Europäischen Primärrecht enthalten sind oder auf seiner Grundlage erlassen wurden. In dem vorliegenden Band werden einige Perspektiven des Europäischen Schuldvertragsrechts aufgezeigt. Schwerpunkte sind einerseits grundlegende Querschnittsfragen, andererseits Anwendungsfragen aus dem Recht der Finanzdienstleistungen. Am Anfang steht ein Beitrag der Contract Governance als Forschungsperspektive, der sich insbesondere mit der Steuerungswirkung von Verträgen und Vertragsrechten beschäftigt. Damit hängt die anschließende Erörterung des Private Ordering eng zusammen. Hier wird untersucht, ob sich neben der Privatrechtsangleichung durch die Gemeinschaft ein privat geschaffenes Unternehmensvertragsrecht entwickelt. Die weiteren Beiträge widmen sich aktuellen Fragen des Rechts der Finanzdienstleistungen. Zum einen wird erörtert, wie die Aufklärungs- und Interessenwahrungspflichten der Finanzmarktrichtlinie MiFID und der neuen Verbraucherkreditrichtlinie zusammenspielen und wie die nationale Rechtsprechung vor dem Hintergrund dieser Regeln zu bewerten ist. Zum anderen wird die neue Zahlungsdiensterichtlinie vorgestellt und rechtsvergleichend erörtert. Schwerpunkt der Untersuchung sind die Prinzipien des Haftungssystems und ihre Auswirkungen auf das nationale Recht. Der abschließende Beitrag zur Prospekthaftung beschäftigt sich aus aktuellem Anlass des Telekom-Prozesses mit Fragen der prozessualen Durchsetzung richtliniendeterminierter Pflichten. Geprüft wird insbesondere, inwieweit die Richtlinienvorgaben Beweiserleichterungen gebieten und wie solche Vorgaben gegebenenfalls im geltenden nationalen Recht bereits zu berücksichtigen sind.

Die situative Anwendung von Art. 17 Brüssel Ia-VO und Art. 6 Rom I-VO Marc Dietrich, 2020-07-07 Die Vorschriften in Art. 17 ff. Brüssel Ia-VO und Art. 6 Rom I-VO sollen Verbraucher bei grenzüberschreitenden Geschäften im europäischen Binnenmarkt schützen. Der EuGH hat den situativen Anwendungsbereich dieser Verbraucherschutzvorschriften immer weiter ausgelegt, und dafür regte Kritik auf. Marc Dietrich nähert sich den Problemen bei der Auslegung des situativen Anwendungsbereiches durch einen umfangreichen Vergleich der europäischen Vorschriften mit der Rechtslage in den USA. Aus einer weitreichenden Analyse des US-Fallrechts, bundesstaatlicher Normen und der Vorschriften des Second Restatement of Conflict of Laws entwickelt er einen unternehmerzentrierten Ansatz zur Lösung des Auslegungsproblems und setzt sich im Anschluss mit den Auswirkungen der Verbote der neuen Geoblocking-VO auf den unternehmerzentrierten Ansatz auseinander.

Das Europäische Kaufrecht - Fluch oder Segen für Verträge mit kleinen und mittleren Unternehmen, 2014 Gemeinsames Europäisches Kaufrecht Cora Schmuhl, 2016-06-06 Cora Schmuhl analysiert die möglichen rechtlichen Probleme des Verordnungsentwurfs für ein Gemeinsames Europäisches Kaufrecht und bewertet detailliert dessen Anwendung für die Geschäftstätigkeit kleiner und mittlerer Unternehmen. Die Betrachtung zeigt, dass der aktuelle

Entwurf gravierende Nachteile zur Anwendung in der Praxis aufweist Die Autorin stellt Änderungsvorschläge zur grundsätzlichen Bearbeitung des Verordnungsentwurfs vor

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Table of Contents Das Europ Ische Kaufrecht Mittleren Unternehmen

1. Understanding the eBook Das Europ Ische Kaufrecht Mittleren Unternehmen
 - The Rise of Digital Reading Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Advantages of eBooks Over Traditional Books
2. Identifying Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Das Europ Ische Kaufrecht Mittleren Unternehmen
 - User-Friendly Interface
4. Exploring eBook Recommendations from Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Personalized Recommendations
 - Das Europ Ische Kaufrecht Mittleren Unternehmen User Reviews and Ratings
 - Das Europ Ische Kaufrecht Mittleren Unternehmen and Bestseller Lists
5. Accessing Das Europ Ische Kaufrecht Mittleren Unternehmen Free and Paid eBooks
 - Das Europ Ische Kaufrecht Mittleren Unternehmen Public Domain eBooks
 - Das Europ Ische Kaufrecht Mittleren Unternehmen eBook Subscription Services

- Das Europ Ische Kaufrecht Mittleren Unternehmen Budget-Friendly Options
- 6. Navigating Das Europ Ische Kaufrecht Mittleren Unternehmen eBook Formats
 - ePub, PDF, MOBI, and More
 - Das Europ Ische Kaufrecht Mittleren Unternehmen Compatibility with Devices
 - Das Europ Ische Kaufrecht Mittleren Unternehmen Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Highlighting and Note-Taking Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Interactive Elements Das Europ Ische Kaufrecht Mittleren Unternehmen
- 8. Staying Engaged with Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Das Europ Ische Kaufrecht Mittleren Unternehmen
- 9. Balancing eBooks and Physical Books Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Das Europ Ische Kaufrecht Mittleren Unternehmen
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Setting Reading Goals Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Fact-Checking eBook Content of Das Europ Ische Kaufrecht Mittleren Unternehmen
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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