



Soustraction Et Transport

Laurent Guignard



Soustraitance Et Transport:

Sous-traitance et transport Laurent Guignard, 2001 La sous-traitance est omniprésente en matière de transport dans chacun des modes. Elle y reste cependant une réalité mal connue voire insaisissable. Il est vrai que l'approche doctrinale traditionnelle ne porte guère à l'étudier. Dans cette approche, en effet, tout transporteur qui sous-traite est ipso facto commissionnaire de transport, or le commissionnaire ne sous-traite pas lorsqu'il s'adresse à un transporteur, il exécute sa mission. Le présent ouvrage le premier sur le sujet part du postulat inverse: la commission de transport n'est rien d'autre qu'un statut spécial du sous-traitant et le transporteur peut sous-traiter en tant que tel au regard du droit privé. La grille de lecture ainsi proposée permet de clarifier la question des rapports entre transporteur et commissionnaire de transport, qui est l'une des plus anciennes et difficiles du droit des transports. Elle permet également de rapprocher les solutions du droit français de celles retenues dans les conventions internationales en matière de transport qui pourtant ignorent le contrat de commission. Ces enseignements n'intéressent pas seulement les spécialistes de la matière. Dans tous les cas, en effet, la solution consiste à refouler l'application entre eux des règles du droit commun de la responsabilité civile délictuelle. La sous-traitance des opérations de transport est juridiquement neutre en ce sens que le régime de responsabilité de l'opérateur est toujours le même qu'il traite en direct avec le client comme commissionnaire ou comme transporteur ou qu'il intervienne comme sous-traitant. Il y a à l'un exemple de solution alternative celle retenue en droit commun. Ce particularisme ne doit pas faire illusion. Si le droit des transports règle depuis longtemps le problème de la responsabilité, il a attendu 1998 pour s'attaquer en transport routier de marchandises où les problèmes sont les plus aigus: celui du paiement du sous-traitant et 2001 pour y doter la sous-traitance d'un contrat type. Il reste à agir aujourd'hui par des requalifications judiciaires pénales de faux contrats de sous-traitance en contrats de travail ou de location avec délit de marchandage. La sous-traitance n'est donc pas encore maîtrisée dans le domaine des transports. Au moins sa théorie générale est-elle désormais faite.

Research on Transport Economics 1998
European Conference of Ministers of Transport, 1998-11-03 This annual information bulletin presents a survey of research in hand on the social and economic aspects of transport in over 400 specialised agencies which are mainly European West and East but in some cases American Canadian or Australian

La sous-traitance en transport routier de marchandises Lionel Grand, 1999

L'essentiel du droit des transports Jérôme Aubert, 2021-10-05 Cet ouvrage propose en 22 fiches de s'initier au droit des transports terrestre aérien et fluvial de marchandises et de vérifier immédiatement si les connaissances sont maîtrisées grâce des QCM et des cas pratiques corrigés. Bon complément au cours, il constitue également un outil efficace pour un apprentissage autonome. Dans un esprit de vulgarisation, les exercices s'inspirent de situations de la vie quotidienne, ils rendent le droit moins austère et plus accessible. Conformément à l'objet de la collection, les thèmes, les leçons et le niveau de détail des fiches permettent un lecteur non juriste d'appréhender l'essentiel de la matière étudiée en BTS ou IUT en licence professionnelle en école de commerce professionnels en formation continue chefs d'exploitation transport responsables exp

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Sous-traitance et transport Laurent Guignard,1998 LE PARTICULARISME DU DROIT DES TRANSPORTS SE RETROUVE EN MATIERE DE SOUS TRAITANCE LAQUELLE Y TIENT UNE PLACE IMPORTANTE LA LICEITE DU RECOURS A LA SOUS TRAITANCE EST SUBORDONNEE A DE MULTIPLES CONDITIONS HERITEES DE LA VIEILLE COORDINATION DU RAIL ET DE LA ROUTE QUE RELAIENT AUJOURD HUI LE SOUCI DE REGULER LE JEU DE LA CONCURRENCE AINSI QUE DES PREOCCUPATIONS CONSUMERISTES SON MECANISME EST CELUI D UNE OPERATION DE DEPLACEMENT MAIS AUSSI CELUI D UNE RELATION DE DEPENDANCE LES DEUX TERMES DU SUJET S ECLAIRENT L UN L AUTRE LA SOUS TRAITANCE EST AU CUR D UNE DES QUESTIONS LES PLUS DIFFICILES DU DROIT DES TRANSPORTS CELLE DES RAPPORTS ENTRE LA COMMISSION DE TRANSPORT ET LE CONTRAT DE TRANSPORT DE SON COTE LE DROIT DES TRANSPORTS UTILISE DIVERSES TECHNIQUES POUR REFOULER L APPLICATION ENTRE EXTREMES DU DROIT COMMUN DE LA RESPONSABILITE DELICTUELLE DONNANT AINSI UN EXEMPLE DE MODELE ALTERNATIF A CELUI DE LA JURISPRUDENCE BESSE SAUF A METTRE A PART LE CAS DE LA FAUSSE SOUS TRAITANCE QUE LA JURISPRUDENCE REQUALIFIE EN CONTRAT DE TRAVAIL OU EN DELIT DE MARCHANDAGE AU TOTAL LA SOUS

TRAITANCE DES OPERATIONS DE TRANSPORT EST JURIDIQUEMENT NEUTRE EN CE SENS QUE LE REGIME DE RESPONSABILITE DE L OPERATEUR DE TRANSPORT EST TOUJOURS LE MEME QU IL TRAITE EN DIRECT AVEC LE CLIENT COMME COMMISSIONNAIRE OU COMME TRANSPORTEUR OU INTERVIENNE COMME SOUS TRAITANT IL Y A LA UNE LECON INTERESSANTE POUR UN CONTRAT ET UN MECANISME INDISSOCIABLES DE TOUTE ACTIVITE ECONOMIQUE

Manuel simplifié du droit des transports routier et maritime (OHADA et CEMAC) Frederick Babu, Aimé Mbuangi-Mavungu, 2024-03-01 Ce manuel s inspire fortement des le ons th oriques et des travaux pratiques dispens s par les auteurs sur une p riode de quatre ans dans le cadre du cours sur le droit du transport routier et maritime de marchandises l Universit P dagogique Nationale Il s appuie principalement sur l acte uniforme AUCTMR de l OHADA qui depuis le 1er avril 2004 encadre le contrat de transport routier de marchandises dans l espace OHADA Cet ouvrage approfondit particuli rement le contrat de transport de marchandises et la responsabilit du transporteur ainsi que tous les facteurs li s l exp dition des marchandises Il peut aussi constituer un support fondamental pour des recherches sur le transport a rien et maritime de marchandises en Master de droit priv et judiciaire Le contrat de marchandises de l OHADA tant consensuel il prend effet d s que les parties expriment leur consentement m me lors d une simple conversation t l phonique

PROPOS DES AUTEURS Doyen de la Facult des Sciences Politiques et Administratives l Universit Kongo Frederick Babu est aussi avocat et enseignant en droit Son expertise couvre divers domaines du droit et il est l auteur de plusieurs Aim Mbuangi Mavungu exerce simultan ment en tant qu avocat la Cour d appel et assistant la Facult de droit la fois l Universit P dagogique Nationale et l Universit Panafricaine du Congo Actuellement il travaille sur un ouvrage en cours d criture intitul L Afrique face la Fiscaphobie publications dont La presse et le d veloppement de la litt rature crite dans les anciennes colonies belges d Afrique de 1945 1985 cas du Congo Za re commis en 2009

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Aspects sociaux du transport routier European Conference of Ministers of Transport, 1999-06-01 Le s minaire qui s est tenu Paris en d cembre 1998 a t un forum de discussion particuli rement int ressant puisqu il a permis de rassembler la communaut scientifique internationale et les instances en charge de la pr paration des d cisions

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Sous-traitance et transport Sophie Cabasson, 1995

Maîtrise : Droit des contrats Valérie Guitet,1993 *La réforme des taxes et des redevances dans les transports*
European Conference of Ministers of Transport,2004-01-30 Cet ouvrage examine les principes économiques qui sous-tendent les systèmes fiscaux les plus efficaces et fournit un cadre en vue de comparer les taxes et les redevances à l'échelle internationale Il analyse les effets potentiels d'une réforme des *Symposium international sur la théorie et la pratique dans l'économie des transports*
Les transports face aux changements structurels Huitième symposium international sur la théorie et la pratique dans l'économie des transports, Istanbul, 24-28 septembre 1979. Rapports introductifs et synthèse des discussions European Conference of Ministers of Transport,1980-01-02 Ce livre comprend les rapports introductifs et une synthèse des discussions du huitième symposium international sur la théorie et la pratique dans l'économie des transports Istanbul 24-28 septembre 1979 Ce congrès était consacré aux transports face aux changements structurels **Annuaire européen. 42.1994(1996)** Tsimaratos,P. Leuprecht,J. Schwietzke,1996-11-19 The European Yearbook promotes the scientific study of European organisations and the Organisation for Economic Co-operation and Development Each volume contains a detailed survey of the history structure and yearly activities of each organisation and an up to date chart providing a clear overview of the member states of each organisation In addition a number of articles on topics of general interest are included in each volume A general index by subject and name and a cumulative index of all the articles which have appeared in the Yearbook are included in every volume and provide direct access to the Yearbook's subject matter Each volume contains a comprehensive bibliography covering the year's relevant publications This is an indispensable work of reference for anyone dealing with the European institutions It is bilingual English and French **Le transport de marchandises**
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