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A Bank's Duty of Care
Tratado de derecho mercantil Mexicano
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mercantil según la filosofía, la historia y la legislación positiva vigente en España y en las principales naciones de Europa y América A Bank's Duty of Care Tratado de derecho mercantil Mexicano *Paul Pradier-Fodéré Pedro Estasén Eduardo Soler Ramón Martí de Eixalá Juan Manuel Díaz Barreiro Pedro Estasén y Cortada F. Samanamú Luis Silvela Ramón Martí de Eixalá M.ª Cristina Fernández Fernández Joaquín Garrigues Jacinto Pallares María Jesús Guerrero Lebrón Teresa Rodriguez de las Heras Ballell Pedro Estasén y Cortada Alfredo Morles Hernandez Francisco de P. Blanco y Constans Danny Busch Silvestre Moreno Cora*

el conflicto como realidad social que ha acompañado al hombre desde sus primeros pasos sobre la tierra el conflicto contractual supone un desequilibrio en el contrato las sociedades modernas han desarrollado medios cada vez más sofisticados de resolver dichos desequilibrios mecanismos basados en la potestad estatal o en las sociedades democráticas en el libre desarrollo de las relaciones jurídico privadas en aplicación del principio de autonomía de la voluntad tal y como recientemente el tribunal constitucional ha calificado al arbitraje mecanismo compositivo objeto del presente libro los contratos sometidos a arbitraje forman una unidad contractual por consiguiente aplicando la teoría de la conectividad contractual los efectos negativos de las patologías surgidas dentro del contrato arbitral se transmitirán al contrato principal al estar unidos por una causa común entre ellas la vulneración de los deberes de independencia e imparcialidad por parte del árbitro supone uno de los acontecimientos más críticos en el desenvolvimiento funcional de los contratos mercantiles sometidos a arbitraje por los efectos que comportan en especial la repetición del procedimiento en base a todo lo anteriormente expuesto en la parte final del presente libro se analizan y proponen la utilización de los contratos de cobertura como medios de subsanar la pérdida de expectativas especialmente las económicas y con ello reequilibrar la relación comercial paliando la quiebra del programa contractual

this book is address to the students of gap and ade degrees it contains the two following subjects contracts and companies gap and commercial law ade and it adjusts perfectly to the requirements of its study exigences 100 that is the reason why it follows an unusual order among mercantilists since it brings together content that usually appears in different volumes thus students will have in their hands all the theoretical content of the subject and it will be essential for them whether they follow the subject physically attending classes or remotely through the virtual modality of the gap degree the study plans for these degrees have minimal legal content i would

even say ridiculous at gap they do study law in other subjects but only public law never private that is why the manual begins with an introductory topic 1 on the historical origin and concept of commercial law the topic is explained at length because it is essential and would not be understood otherwise topic 2 on the concept

derived from the renowned multi volume international encyclopaedia of laws this practical analysis of the structure competence and management of spain provides substantial and readily accessible information for lawyers academics and policymakers likely to have dealings with its activities and data no other book gives such a clear uncomplicated description of the organization s role its rules and how they are applied its place in the framework of international law or its relations with other organizations the monograph proceeds logically from the organization s genesis and historical development to the structure of its membership its various organs and their mandates its role in intergovernmental cooperation and its interaction with decisions taken at the national level its competence its financial management and the nature and applicability of its data and publications are fully described systematic in presentation this valuable time saving resource offers the quickest easiest way to acquire a sound understanding of the workings of spain for all interested parties students and teachers of international law will find it especially valuable as an essential component of the rapidly growing and changing global legal milieu

this book presents a consolidated modern and realistic image of today s spanish private legal system it combines private and commercial law and integrates them both in the same book making the overall subject readily accessible to readers

in recent years an increasing number of clients and third parties have filed claims against banks such as for mis selling financial products poor financial advice insufficient disclosure of and warning about financial risks the scope of a bank s duty of care seems to expand not only to include protection of consumers against unclear risks of complicated products but also protection of professional parties against more obvious risks of relatively straightforward products this topic raises many questions both at a theoretical and practical level this book provides a rich source of information about how various jurisdictions germany austria france italy spain the netherlands england and wales ireland and the united states of america deal with these questions and how answers are found or embedded in their national legal

systems the book also contains a detailed chapter on the mifid i and ii conduct of business provisions finally the book provides a thorough comparative analysis and perspective

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