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Transnational Law of Public Contracts

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Transnational Public Contracts Mathias Audit

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Contract Interpretation in Investment Treaty Arbitration Yuliya Chernykh, 2022-01-17 Contracts are relevant frequently central for a significant number of investment disputes Yet the way tribunals ascertain their content remains largely underexplored How do tribunals interpret contracts in investment treaty arbitration How should they interpret contracts Does national law have any role to play Contract Interpretation in Investment Treaty Arbitration A Theory of the Incidental Issue addresses these questions The monograph offers a valuable insight into the practice and theory of contract interpretation in investment treaty arbitration By proposing a theoretical frame for seamless integration of contract interpretation into the overall structure of decision making the book contributes to predictability coherence sufficiency and correctness of the tribunals interpretative practices in investment treaty arbitration Joint Public Procurement and Innovation Gabriella Margherita Racca, Christopher Yukins, 2020-02-12 Innovation in public procurement is essential for sustainable and inclusive growth in an increasingly globalized economy To achieve that potential both the promises and the perils of innovation must be investigated including the risks and opportunities of joint procurement across borders in the European Union and the United States This in depth research investigates innovation in public procurement from three different perspectives First leading academics and practitioners assess the purchase of innovation with a particular focus on urban public contracting in smart cities involving meta infrastructures public private partnership arrangements and smart contracts A second line of inquiry looks for ways to encourage innovative suppliers Here the collected authors draw on emerging lessons from the US and Europe to explore both the costs and the benefits of spurring innovation through procurement A third perspective looks to various innovations in the procurement process itself with a focus on the effects of joint and cross border procurement in the EU and US landscapes The chapters review new technologies and platforms the increasingly automated means of selecting suppliers and the related efficiencies that big data can bring to public procurement Expanding on research in the editors prior volume Integrity and Efficiency in Sustainable Public Contracts Balancing Corruption Concerns in Public Procurement Internationally Bruylant 2014 this volume builds on a series of academic conferences and exchanges to address these issues from sophisticated academic institutional and practical perspectives and to point the way to future research on the contractual models that are emerging from new procurement technologies Public Private Partnership Contracts Mohamed Ismail, 2020-03-18 This book provides a comprehensive overview of the law surrounding PPPs in the Middle East and North African region The significance of liberalised and integrated Public Private Partnership Contracts as an essential component of the world legal and policy order is well documented The regulation of PPPs is justified economically to allow for competition in the relevant public service and to achieve price transparency thus resulting in significant savings for the public sector In parallel to the economic justifications legal imperatives have also called for the regulation of PPPs in order to allow free movement of goods and services and to

prohibit discrimination on grounds of nationality The need for competitiveness and transparency in delivering public services through PPPs is considered a safeguard to achieve international standards in delivering public utility services First it assesses the compatibility of the current PPPs legislation and regulation in the MENA region with the international standards of legislation and regulation prevalent in many other countries including the UK France and Brazil Secondly it compares the practices in the MENA region with those of international bodies such as the OECD and World Bank Comparisons are then made between the MENA countries and those in Europe and Asia with regard to the influence of culture policy and legal globalization The book will be of interest to scholars and students in the field of international contract law public law and state contracts finance law and private law

Intercreditor Equity in Sovereign Debt Restructuring Astrid Iversen, 2023 The question of intercreditor equity is one of the most contentious issues in debt restructuring both historically and today Intercreditor Equity in Sovereign Debt Restructuring maps and establishes the content of these intercreditor equity rules and analyses how they influence the restructuring process Through this analysis Astrid Iversen outlines how creditors can predict their legal rights in the unfortunate event of a debt restructuring and strives to improve our understanding of the boundaries within which a debt restructuring offer must be designed Iversen also seeks to shed light on the functioning of the legal framework governing sovereign debt more broadly In this book she examines whether intercreditor equity rules and the legal framework of sovereign debt are compatible with a debtor state's responsibility to ensure monetary and financial stability and to establish sustainable debt burdens Iversen also explores how certain intercreditor equity rules constitute an obstacle to sustainable debt restructurings and highlights how the number of different intercreditor equity rules that a sovereign debtor state typically is bound by as well as the scope of these rules risk tightening the policy space of debtor states to the extent that it is difficult to design and implement a sustainable debt restructuring Suitable as an introductory text for readers new to the topic of sovereign debt restructurings and as an instructive guide for debt management offices creditors and their lawyers this publication provides a comprehensive legal study of intercreditor equity rules in sovereign debt restructuring

General Principles and the Coherence of International Law Mads Andenas, Malgosia Fitzmaurice, Attila Tanzi, Jan Wouters, 2019-05-20 General Principles and the Coherence of International Law provides a collection of intellectually stimulating contributions from leading international lawyers to the discourse on the role of general principles in international law Offering a comprehensive analysis of the doctrines practices and debates on general principles of law the volume assesses their role in safeguarding the coherence of the international legal system This important book addresses the relationship between principles of law and the other sources of international law explores the interplay between principles of law and domestic and regional legal systems and the role of principles of law with regard to three specific regimes of international law investment law human rights law and environmental law

The Comparative Constitutional Foundations of Private-Public Arbitration, 2025-04-24 This book engages with the concerns the rising phenomenon of

arbitrations between private and public actors raises for principles of constitutional law including democracy the rule of law and the protection of fundamental rights It analyses how party appointed one off arbitral tribunals determine the delineation of private rights and public interests within a transnational legal environment and provides a framework that aligns this activity with constitutional values Featuring 20 chapters dealing with almost 40 jurisdictions from different corners of the world the book examines how domestic legal systems and legal practice approach the involvement of public entities as parties to arbitration agreements and arbitration proceedings to what extent the constitutional legal frameworks involved problematize private public arbitration as a constitutional concern and how different domestic legal systems ensure that private public arbitration conforms to and avoids undermining the public interest The chapters analyse inter alia whether the governing domestic law treats private public arbitration differently from commercial arbitration between private parties to what extent domestic law permits such arbitrations what regulatory frameworks domestic law sets up and what control mechanisms domestic law establishes in order to ensure that the public interest is safeguarded when public entities agree to have disputes resolved through arbitration rather than in domestic courts

The Many Lives of Transnational Law Peer Zumbansen, 2020-04-02 Sixty years after Jessup's Transnational Law Lectures this collection traces the field's development and significance to the present day Research Handbook on Foreign Direct Investment Markus Krajewski, Rhea Tamara Hoffmann, Increasing international investment the proliferation of international investment agreements domestic legislation and investor State contracts have contributed to the development of a new field of international law that defines obligations between host states and foreign investors with investor State dispute settlement This involves not only vast sums but also a panoply of rights duties and shifting objectives at the juncture of national and international law and policy This engaging Research Handbook provides an authoritative account of these diverse investment law issues **International Investor**

Obligations Patrick Abel, 2022-11-24 Das internationale Investitionsschutzrecht steht seit Jahren in der Kritik Genie en Investoren internationale Rechte ohne korrespondierende Verantwortlichkeit Dieses Buch stellt diese Sicht infrage Vielmehr lassen sich der Vertrags und Schiedspraxis bereits heute Investorenpflichten entnehmen die das Buch normtheoretisch als direkte und indirekte Pflichten erschließt Diese verpflichten Investoren etwa auf Menschenrechte und Umweltschutz Sie sind potentiell geeignet das Rechtsgebiet verstärkt auf das Ziel nachhaltiger Entwicklung auszurichten und Investorenverhalten international zu regulieren Das Buch stellt diese Entwicklung in den allgemeineren Kontext der seit 1945 stattfindenden Individualisierung des Völkerrechts *The International Law of Sovereign Debt Dispute Settlement* Kei

Nakajima, 2022-09-22 This book fills the normative gap arising from the absence of a multilateral mechanism for sovereign debt restructuring **The ICSID Convention, Regulations and Rules** 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

Transnationalization of Public Contracts Mathias Audit, 2016-05-15 L'ouvrage présente et analyse tous les phénomènes d'internationalisation qui affectent le droit et la pratique des contrats publics

A Theory of Global Energy Governance Frédéric Sourgens, 2025-09-04 Energy governance today is at a crossroads Faced with the pressing issues of energy security climate change and the cost of energy policymakers must grapple with how to achieve critical outcomes in an increasingly tumultuous world A Theory of Global Energy Governance offers the first unitary and interdisciplinary theory of global energy governance that explains the interlinkage between domestic and global energy decision making processes It lays out a new path to resolve global energy geopolitical tensions grounded in a shared sense of belonging within the global energy commons Part I explores the theoretical relationship between development and energy systems Part II presents an understanding of energy governance as founded on a bond of energy belonging contrasting with the prevailing realpolitik approach In Part III Sourgens reimagines the role of institutions in the global energy system to harness the benefits of deeper energy cooperation Finally Part IV furthers the discussion of the global energy commons by highlighting the unique position and potential of energy systems to steer the world towards a broader conception of the common good

Schreuer's Commentary on the ICSID Convention Stephan W. Schill, Loretta Malintoppi, August Reinisch, Christoph H. Schreuer, Anthony Sinclair, 2022-09-14 This unique compendium offers an article by article commentary on the Convention on the Settlement of Investment Disputes between States and Nationals of Other States Providing a comprehensive explanation of the functioning of this important mechanism for the settlement of investor State disputes it incorporates the preparatory work the Convention's text various rules and regulations adopted under the Convention the practice of arbitral tribunals under the Convention and academic writings on the subject The first and second editions of this Commentary have been relied upon by numerous arbitral tribunals This third edition follows the same system and approach but extensive updates and revisions reflect the vast increase in arbitral practice since the publication of the second edition A number of novel issues that have emerged through this practice are now addressed making this practice oriented guide an indispensable tool for anyone dealing with the ICSID Convention Likewise the number of contributors to and editors of the third edition has increased

A Nascent Common Law Frédéric Gilles Sourgens, 2015-03-20 In A Nascent Common Law The Process of Decisionmaking in International Legal Disputes Between States and Foreign Investors Frédéric Gilles Sourgens submits that investor state dispute resolution relies upon an inductive common law decisionmaking process which reveals a necessary plurality of first principles within investor state dispute resolution Relying upon amongst others Wittgenstein's

Philosophical Investigations the book explains how this plurality of first principles does not devolve into arbitrary indeterminacy A Nascent Common Law provides an alternative account to current theoretical conceptions of investor state arbitration It explains that these theories cannot adequately resolve a key empirical challenge tribunals frequently reach facially inconsistent results on similar questions of law Sourgens makes an inductive approach focused on the manner of decisionmaking by tribunals in the context of specific records that can explain this inconsistency Yearbook Commercial Arbitration Volume XXXV - 2011 Albert Jan Van Den Berg,2011-12-15 The Yearbook Commercial Arbitration continues its longstanding commitment to serving as a primary resource for the international arbitration community with reporting on arbitral awards and court decisions applying the leading arbitration conventions as well as on arbitration legislation and rules

Manuel de droit européen de la protection des données à caractère personnel Olivia Tambou,2020-03-19 L Europe a cr un mod le sophistiqu de droit de la protection des donn es caract re personnel reposant sur des r gles communes d gag es par le Conseil de l Europe l Union europ enne et concr tis es par les tats La protection des donn es caract re personnel a t consacr e en tant que droit fondamental La circulation de ces donn es est subordonn e une exigence de protection lev e Le d veloppement du Big Data et de nouveaux usages tels que les objets connect s les plateformes num riques l intelligence artificielle ont n cessit l harmonisation de ce droit Ce paquet europ en de la protection des donn es caract re personnel renforce les droits des personnes vivant en Europe en imposant de nouvelles obligations aux responsables des traitements des donn es caract re personnel et en encadrant l application de ce droit par les autorit s de contr le et les juges Cette harmonisation laisse n anmoins beaucoup de marges de man uvres aux tats pour sa mise en oeuvre dans leurs droits nationaux Elle comporte galement des effets extraterritoriaux De nombreux acteurs hors Union europ enne doivent se conformer ce nouveau mod le de droit europ en de la protection des donn es Des strat gies de convergence entre ce droit europ en et le droit de la protection des donn es de pays tiers sont galement observables Ce manuel propose une approche transversale de la r forme actuelle du droit europ en de la protection des donn es caract re personnel combin e avec l analyse des principales sp cificit s de son application dans huit tats membres de r f rence France Allemagne Autriche Belgique Espagne Luxembourg Irlande et Royaume Uni Il s adresse notamment aux avocats juristes d entreprises magistrats DPO mais galement tudians enseignants et chercheurs Ce manuel pr sente les nouveaut s et les enjeux de la r forme ainsi que les clefs pour s y conformer Il est illustr de nombreux tableaux synth tiques permettant de comprendre rapidement les diff rences d approches entre les textes europ ens Convention 108 Convention 108 RGPD Directive Police R glement institutions et leurs concr tisations nationales Il comporte galement des focus sur des points d actualit tels que l impact du Brexit sur la protection des donn es les d cisions d ad quation telles que Privacy Shield US la premi re d cision d quation post RGPD avec le Japon ou des points clefs de la jurisprudence de la Cour de justice de l Union europ enne

EU Public Contract Law Roberto Caranta,Gunilla Edelstam,Martin Trybus,2013-12-13 This book analyses many aspects of the present

EU regulatory framework for public contracts especially public procurement taking the ongoing reform process into account First several chapters discuss the regime of the Public Sector Procurement Directive 2004 18 EC governing the procurement activities of the EU Member States the coverage of the Directive qualification and technical specifications procurement procedures and award criteria A specific chapter describes the EU principles applicable to contracts not covered or partially covered by the Directive which have been the subject of relevant developments in the case law of the European Court of Justice Another chapter covers sustainable procurement Second three chapters are devoted to special procurement regimes namely public private partnerships defence and utilities Third the review and remedies regime for public procurement is covered in two chapter Fourth one chapters goes beyond public procurement and looks at the effect of EU law on the contract management of public contracts after their conclusion Fifth three chapters go beyond the regulation of the Member States and look at the EU law regime applicable to contracts of the EU institutions Sixth and finally a concluding chapter provides a critique of the EU legal framework by an author from outside the EU

The Comprehensive and Progressive Trans-Pacific Partnership Jorge A. Huerta-Goldman, David A. Gantz, 2021-12-02 This volume provides comprehensive chapter by chapter assessment of one of the world's most important regional trade agreements the TPP CPTPP

Traité de droit administratif européen Jean-Bernard Auby, Jacqueline Dutheil de la Rochère, 2022-10-24 La première édition 2007 du *Traité de droit administratif européen* se voulait un point de départ au développement de la science du droit administratif européen dans la littérature francophone Sa troisième édition 2022 entièrement actualisée est aujourd'hui devenue une référence pour de nombreux praticiens Elle s'inscrit dans la continuité des éditions précédentes en mettant en lumière les deux séries majeures d'éléments constitutifs du droit administratif européen la part du droit de l'Union européenne qui concerne la mise en œuvre des législations et des politiques communes l'influence que le droit de l'Union européenne exerce sur les droits administratifs nationaux parce qu'ils forment des instruments de la mise en œuvre des législations et des politiques communes L'ouvrage est composé de plus de quarante contributions La plupart représente une actualisation de celles présentées en 2007 tenant compte des développements les plus récents D'autres sont inédites et rendent compte de l'évolution profonde de la matière et de son enrichissement constant Cette troisième édition marque une nouvelle étape dans l'étude de cette science du droit administratif européen dont l'intérêt ne cesse de grandir

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