Responsabilité contractuelle et extracontractuelle.({\textcopyright}2017)
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La responsabilité contractuelle et extracontractuelle dans le prisme de l'État, du droit et de la philosophie.

Les éditions universitaires Julliard de Paris.

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Université Paris 1.

Faculté des Sciences Sociales et Droit.

Prénom Nom - Date - Biographie.
INADEMPIMENTO E RISOLUZIONE NEI CONTRATTI DI LUNGA DURATA

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SOMMARIO: I. I “nuovi” contratti di lunga durata e la loro specificità. – II. Le tipologie, fluidi, dei contratti di lunga durata. – III. Inadempimento e cause non imputabili nei contratti di lunga durata. – IV. Procedure per la “cura” del contratto. – V. Inadempimento e contratti collegati. – VI. Contratti di lunga durata e contratti relazionali.

I. I “nuovi” CONTRATTI DI LUNGA DURATA E LA LORO SPECIFICITÀ

Le problematiche dei contratti di “lunga durata” sono studiate da tempo, e da tempo trovano posto nelle discipline codistiche: basti pensare alla locazione di immobili, all’affitto di azienda, al mutuo fondiario.

La caratteristica di tali rapporti è quella della stabilità e della serialità delle prestazioni delle parti: il godimento prolungato nel tempo di un bene, solitamente immobile, contro un corrispettivo periodico. Il fattore T incide soprattutto su quest’ultimo aspetto in quanto fenomeni esterni alla volontà delle parti determinano, quasi inevitabilmente, fluttuazioni nel valore dei pagamenti. Il carattere della serialità si rinvie anche in molti dei contratti di cooperazione commerciale, tipicamente nella produzione e distribuzione,

V) CONTRACTUAL DUTY OR CONTRACTUAL RELATIONSHIP

A.

(b) Non-performance or breach of contract.

(c) Fraud, misrepresentation, or concealment.

(d) Breach of warranty.

(e) Breach of contract.

(f) Breach of statutory duty.

(g) Breach of trust.

(h) Breach of confidence.

(i) Breach of duty of care.

(j) Breach of duty of loyalty.

(k) Breach of duty of fidelity.

(l) Breach of duty of good faith.

(m) Breach of duty of fairness.

(n) Breach of duty of honesty.

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