

Bestimmung Des Anwendbaren Rechts Im Vertragsrecht: (stand 2003) - Anja Repke

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Im Zeitalter der Globalisierung und der Europäischen Union, in dem eine multikulturelle Gesellschaft mittlerweile für fast alle Menschen zur Normalität geworden ist, sind Grenzen trotz aller Liberalisierungsmaßnahmen noch nicht auf der Strecke geblieben. Dies schafft vor allem im grenzüberschreitenden Rechtsverkehr, bei Sachverhalten mit Auslandsbeziehung, die Frage, nach welchem nationalen Recht ein solcher Sachverhalt zu beurteilen ist. Dieses Problem versucht das Internationale Privatrecht, nachfolgend IPR, zu lösen. Dabei handelt es sich grundsätzlich um nationales Recht, das bei einem Sachverhalt mit Auslandsbeziehung, bestimmen soll, welches materielle Recht anwendbar ist. Selbst im vermeintlich grenzenlosen Europa steht eine umfassende Harmonisierung des Zivilrechts noch aus. Die folgende Ausarbeitung beschäftigt sich jedoch nur mit einem Teilbereich des IPR, dem Internationalen Vertragsrecht. Diesem kommt im heutigen Wirtschaftsleben eine essentielle Bedeutung zu, da durch die zunehmende Globalisierung der Anteil der grenzüberschreitenden Verträge ständig zunimmt. Sie stehen somit im Zentrum des internationalen Wirtschaftsverkehrs. Im folgenden soll aufgezeigt werden, wie die Vorgehensweise zur Ermittlung des anwendbaren Rechts im Bereich des Internationalen Vertragsrechts ist.

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