



Anwendungsbereich des UN-Kaufrechts (German Edition)

Michaela Altmann

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Studienarbeit aus dem Jahr 2005 im Fachbereich BWL - Recht, Note: 1,3, FOM Essen, Hochschule für Oekonomie & Management gemeinnützige GmbH, Hochschulleitung Essen früher Fachhochschule, Sprache: Deutsch, Abstract: Angesichts der zunehmenden Internationalisierung des Handels treten verstärkt Vorschriften, welche die rechtliche Beziehung zwischen Importeur und Exporteur regeln, in den Vordergrund.

In diesem Zusammenhang spielt das UN-Kaufrecht (UNK) eine entscheidende Rolle, da es sich mit den zentralen Problemen des internationalen Warenaustausches zwischen den Vertragsstaaten befasst. Das UNK ersetzt nicht das bislang maßgebliche Recht, sondern tritt im Wesentlichen neben die bereits vorhandenen Normen (in Deutschland z.B. HGB und BGB). Des Weiteren gelten für internationale Sachverhalte insbesondere die Art. 27ff. EGBGB. Diese doppelte Rechtslegung macht es notwendig, den Anwendungsbereich des UNK genauer abzugrenzen, um für die praktische Arbeit zu wissen, ob dessen Bestimmungen zu beachten sind, oder ob der Sachverhalt nach BGB/HGB bzw. nach einer ausländischen Rechtsordnung zu behandeln ist.

Zunächst werden die Grundlagen des UN-Kaufrechts näher erläutert. Hierbei wird auf dessen Entstehung, Inhalt und Bedeutung eingegangen. Im Hauptteil der Arbeit wird der Anwendungsbereich aus den folgenden Perspektiven dargestellt: sachlich, räumlich, zeitlich, sowie persönlich. Im Anschluss wird die Rechtswahlmöglichkeit der Parteien näher erläutert, bevor die Arbeit mit den Kernaussagen, in Form eines Fazits, abgeschlossen wird.



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