



Kennismaking met het burgerlijk procesrecht

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R. C. van Caenegem



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English summary Bartosz Sujecik examines the need for an introduction of an electronic order for payment procedure in the Dutch civil procedure In his study he compares the German and the Austrian order for payment procedures In addition he examines the framework of a future Dutch order for payment procedure by analyzing the European order for payment procedure as well as the constitutional requirements for an electronic order for payment procedure In conclusion the author shows that this procedure is required in the Netherlands as well and makes a proposal for a Dutch electronic order for payment procedure German description Mit der Einfuhrung des Europaischen Mahnverfahrens erhalten niederlandische Glaubiger eine neue Moglichkeit Geldforderungen gegen Schuldner aus anderen Mitgliedstaaten Danemark ausgenommen gerichtlich durchzusetzen doch beschränkt sich dies lediglich auf grenzüberschreitende Geldforderungen Das nationale niederlandische Zivilverfahrensrecht kennt hingegen kein besonderes Gerichtsverfahren zur Durchsetzung von unbestrittenen Geldforderungen Bartosz Sujecki geht der Frage nach ob auch in der niederlandischen Zivilverfahrensordnung die Notwendigkeit der Einfuhrung eines rein nationalen Mahnverfahrens besteht Er demonstriert anhand der Darstellung der derzeitigen Rechtslage dass die Durchsetzung von Geldforderungen zwar schnell aber aufgrund der sehr formellen Verfahrensausgestaltung die einen Rechtsbeistand erforderlich macht auch teuer ist In einer anschliessenden rechtsvergleichenden Untersuchung des deutschen sowie osterreichischen Mahnverfahrens verdeutlicht der Autor dass nicht nur das Mahnverfahren sondern vielmehr auch seine elektronische Durchföhrung eines erheblichen Rationalisierungs und Beschleunigungseffekts bedarf Er widmet sich dem gesetzlichen Rahmen eines zukünftigen niederlandischen Mahnverfahrens wobei er zum einen das Europäische Mahnverfahren und zum anderen die verfassungsrechtlichen Grenzen eines elektronischen Mahnverfahrens darstellt und analysiert Der Autor schliesst seine Untersuchung mit einem Vorschlag für ein nationales elektronisches Mahnverfahren in den Niederlanden ab *Subject Catalog, 1978* Library of Congress, 1978 *Library of Congress Catalog* Library of Congress, 1974-07 Beginning with 1953 entries for Motion pictures and filmstrips Music and phonorecords form separate parts of the Library of Congress catalogue Entries for Maps and atlases were issued separately 1953 1955 **European Legal Book Index** ,1994 **National Union Catalog** ,1978 Includes entries for maps and atlases **Handboek gerechtelijk recht** Jean Laenens, Karen Broeckx, Dirk Scheers, 2004 **Grote Winkler Prins** R. C. van Caenegem, 1980 **Die Leistungsverfügung im niederländischen,**

deutschen und europäischen Zivilprozessrecht Félicie Schneider, 2013 Im internationalen Rechtsverkehr ist oft nur schneller Rechtsschutz effektiv Das schlagkraftigste aber auch gefährlichste Instrument des grenzüberschreitenden einstweiligen Rechtsschutzes stellen Leistungsverfügungen dar Besonderer Beliebtheit erfreut sich in diesem Zusammenhang das niederländische kort geding Um eine angemessene Risikoverteilung der Interessen von Gläubiger und Schuldner bemüht entwickelte der EuGH in seinen Entscheidungen van Uden und Mietz spezielle Voraussetzungen für einstweilige Massnahmen die in ihrer praktischen Umsetzung für den Rechtsanwender im Anwendungsbereich der Europäischen Gerichtsstands und Vollstreckungsverordnung EuGVO eine Reihe von Fragen aufwerfen Felicie Schneider stellt dar warum sie eine Präzisierung der richterrechtlichen Anforderungen für Leistungsverfügungen unter besonderer Berücksichtigung des niederländischen kort geding auch im Hinblick auf die anstehende Reform der EuGVO für geboten hält

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