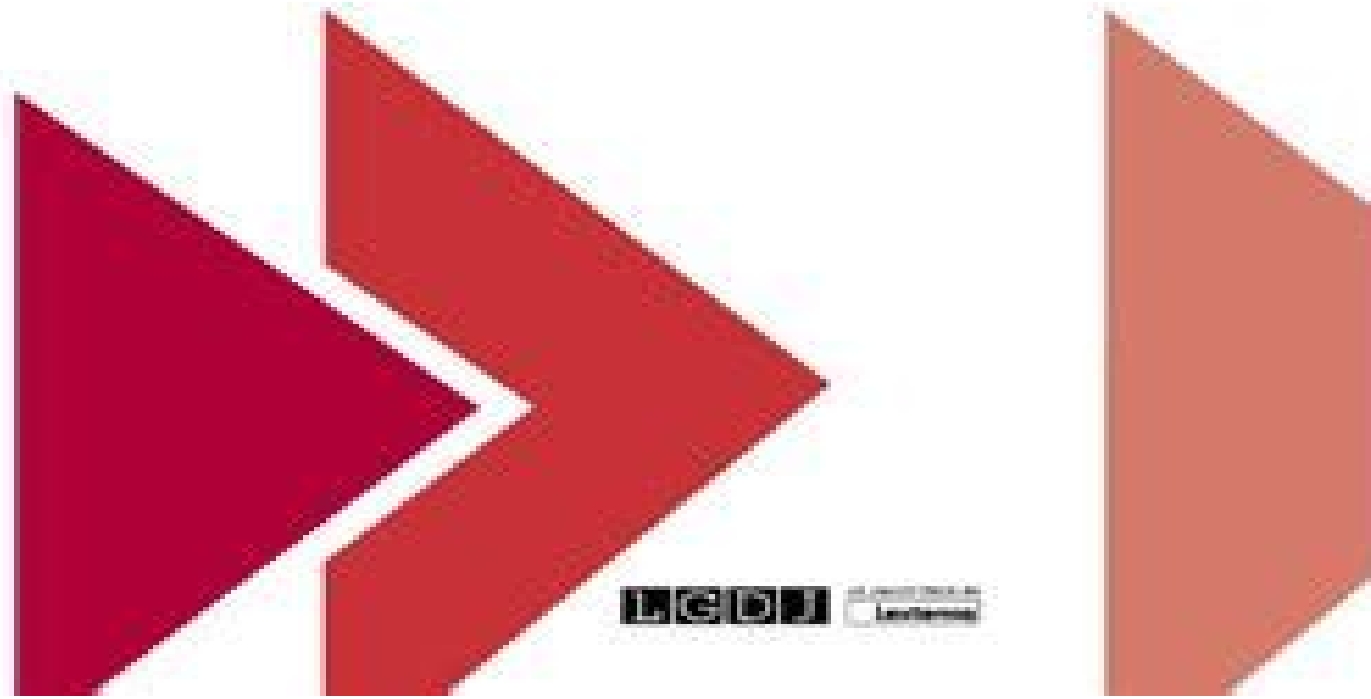


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DOMAT DROIT PRIVÉ

Bernard BEIGNIER
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DROIT DES ASSURANCES

4^e édition



LEDJ Le Droit en
Lectures

Droit Assurances Bernard Beignier

Huangqi Zhang



Droit Assurances Bernard Beignier:

O dever de declaração inicial do risco no contrato de seguro Luis Poças, 2023-06-16 O texto ora dado estampa corresponde essencialmente minha tese de Doutoramento em Direito pela Universidade de Lisboa na especialidade de Ciências Jurídico Empresariais com o título Declaração do Risco no Contrato de Seguro O Dever Pré Contratual do Proponente Foi admitido prepara o de provas em Dezembro de 2008 tendo o trabalho de investigação decorrido sob orientação do Professor Doutor Pedro Romano Martinez A tese foi discutida e aprovada em provas públicas que decorreram em 28 de Fevereiro de 2013 ano em que a Faculdade de Direito de Lisboa comemora o seu centenário O Juri foi composto pelos Professores Doutores Pedro Romano Martinez presidente João Vieira Gomes arguente Filipe de Albuquerque Matos António Menezes Cordeiro arguente Pedro Pais de Vasconcelos Maria José Rangel de Mesquita e José Alberto Vieira O presente estudo tem por objecto um dos temas mais controversos e fecundos entre a jurisprudência e a doutrina do Direito dos seguros a vinculação do proponente do contrato de seguro a informar o segurador de forma completa e exacta em sede de forma do contrato sobre as características do risco proposto de modo a que o segurador possa conformar a sua vontade negocial e determinar o prémio devido Associados origens do seguro e inerente à assimetria informativa e ao carácter uberrima fides que caracterizam este contrato o instituto em análise comporta uma *lex specialis* cujas soluções o precursoras da responsabilidade pré contratual e superam o dualismo entre normas de conduta e normas de validade O texto começa por situar conceptualmente o objecto de análise e identificar os aspectos metodológicos relevantes concentrando-se depois nos fundamentos materiais e normativos do instituto Este estudado tanto numa dimensão histórica acompanhando as grandes tendências de regulação através do tempo como comparatística analisando as soluções normativas de um leque de ordenamentos de referência e dando lugar a uma análise ancorada numa grelha comparativa e construção de uma tipologia de modelos de regulação Quanto ao sistema jurídico português o regime da declaração do risco abrangentemente analisado procurando-se identificar de forma exhaustiva as questões jurídicas suscitadas e as soluções providenciadas pelo ordenamento tanto no âmbito do regime geral da Lei do Contrato de Seguro como no dos regimes especiais do seguro automóvel do seguro de acidentes de trabalho e dos seguros de vida A análise estende-se mesmo para além das fronteiras do Direito dos seguros do Direito civil e do Direito comercial visando implicações pertinentes no quadro do Direito penal e do Direito processual civil e não negligenciando considerações de ordem económica O texto que agora se publica não corresponde integralmente ao original da tese Com efeito e desde logo a presente versão beneficia de alguns comentários de indiscutível pertinência produzidos pelos arguentes Por outro lado a mesma comporta também algumas reflexões que desenvolvi já após a entrega da tese e enquanto preparava a arguição espelhando a minha posição actual sobre as problemáticas abordadas Em terceiro lugar e por contingências de exequibilidade editorial o texto original foi expurgado de alguns trechos que considere menos relevantes ou que como foi o caso da análise consagrada altera o do risco em sede de execução do contrato projecto vir a estudar mais desenvolvidamente em momento posterior Finalmente aproveitei para incluir

referências de outras monografias entretanto publicadas assegurando portanto a plena actualidade do presente escrito Ao Professor Doutor Pedro Romano Martinez que muito me honrou ao aceitar ser meu orientador na prepara o da tese quero expressar uma especial palavra de apre o e de reconhecimento Aos Professores Doutores Ant nio Menezes Cordeiro e J lio Vieira Gomes arguentes nas provas de Doutoramento agrade o a pertin cia e valia dos coment rios cr ticas e sugest es formulados alguns dos quais reflectidos na redac o final agora publicada e outros a retomar em futuros textos Parte fundamental do sucesso do trabalho de investiga o depende da acessibilidade da bibliografia relevante Neste cap tulo devido um especial tributo amabilidade de toda a equipa da Biblioteca do Instituto de Seguros de Portugal efici cia do servi o de empr stimo inter bibliotecas da Biblioteca da Faculdade de Direito da Universidade de Lisboa e gentileza da equipa da Biblioteca da Ordem dos Advogados O encargo do meu empenhamento acad mico pesou em grande medida sobre a minha mulher e sobre o meu filho que me viram frequentemente confinado ao eremit rio do meu escrit rio compreens o e apoio de ambos dirige se portanto a maior fatia da minha gratid o Lisboa Abril de 2013

Direito dos Seguros - Cessa o do Contrato. Práticas comerciais - 2.a Edição Francisco Luís Alves, 2015-06-01 A presente publica o cont m dois estudos aut nomos sobre o direito dos seguros em que se procura desenvolver de uma forma detalhada e exaustiva com refer cia legisla o e bibliografia mais recente as mat rias da cessa o do contrato de seguro e do regime jur dico das pr ticas comerciais desleais na aplica o aos seguros S o estudos em que se procurou mencionar sempre que poss vel ou til exemplos e jurisprud cia de forma a facilitar a liga o realidade pr tica para al m de se pretender dar resposta a diversos problemas jur dicos para auxiliar aqueles que no dia a dia lidam com estas quest es O estudo sobre a cessa o do contrato embora seja um tema cl ssico apresenta particularidades relacionadas com o que se encontra previsto no Regime Jur dico do Contrato de Seguro A mat ria das pr ticas comerciais desleais prevista no Decreto Lei n o 57 2008 de 26 de mar o tem bastantes reflexos nas pr ticas do setor segurador pelo que se procedeu a uma sele o e an lise dos preceitos legais que podem ser mais relevantes para a atividade Apesar de existirem alguns artigos doutrin rios sobre o diploma legal em geral do que se conhece esta a primeira investiga o na perspetiva dos seguros Bulletin critique du livre français ,2000 *Bibliographie nationale française* ,2000

Droit civil Aude Bertrand-Mirkovic, 2004 *Droit des assurances* Bernard Beignier, Sonia Ben Hadj Yahia (juriste).), 2021 Le droit des assurances est un droit omni pr sent extraordinaire mine de r flexions Contrat sp cial parmi les contrats nomm s le contrat d assurance apporte la th orie g n rale du contrat un terreau f cond Parce qu elle est troitement li e la responsabilit civile l assurance fournit l explication de son d veloppement et en canalise les effets L tude du contrat d assurance autorise une autre vision de la relativit des conventions En droit classique le tiers est v ritablement tranger au contrat Sans que celui ci soit tourn contre lui il ne lui nuit ni ne lui profite Le tiers est en position de neutralit Tel n est pas le cas dans le contrat d assurance o la pr sence d un tiers est fr quente qui plus est pr vue C est m me souvent lui qui en sera le b n ficiaire comme dans l assurance de responsabilit ou dans l assurance vie La coh rence de ce droit se trouve donc dans le contrat d assurance

plus que dans les assurances Or ce droit sp cial risque d clater par la multiplication infinie des assurances sp ciales qui surgissent constamment au fil des textes voulus par le l gislateur d une soci t redoutant le risque Le parti pris dans cet ouvrage est inverse tout ramener au droit ordinaire de l assurance Le sp cial doit enrichir le g n ral et non en alt rer la dominante C est la raison pour laquelle le plan de cet ouvrage est celui du d roulement ordinaire du contrat d assurance sous toutes ses variantes fondements de l assurance distribution de l assurance risque contrat prime sinistre garantie d assurance indemnisation prescription biennale et litige et en s achevant par une pr sentation du dualisme des assurances sp ciales ainsi que du particularisme de diverses assurances sp ciales attach es aux assurances des particuliers et aux assurances des professionnels **Recueil Le Dalloz** ,2006 **Revue internationale de droit comparé** ,1998 Recueil Dalloz ,1999

Droit des assurances Bernard Beignier (juriste).),Sonia Ben Hadj Yahia,2024-11-26 Le droit des assurances est un droit omnipr sent extraordinaire mine de r flexions Cette branche juridique qui repose sur l existence d une couverture lors de la survenance du sinistre s int resse tant au contrat d assurance qu au m canisme de l op ration d assurance Contrat sp cial parmi les contrats nomm s le contrat d assurance apporte la th orie g n rale du contrat un terreau f cond L tude du contrat d assurance autorise une autre vision de la relativit des conventions Classiquement le tiers est v ritablement tranger au contrat Sans que celui ci soit tourn contre lui il ne lui nuit ni ne lui profite Le tiers est en position de neutralit Tel n est pas le cas dans le contrat d assurance o la pr sence d un tiers est fr quente qui plus est pr vue C est m me souvent lui qui en sera le b n ficiaire comme dans l assurance de responsabilit l assurance groupe ou l assurance vie La coh rence de ce droit se trouve donc dans le contrat d assurance plus que dans les assurances Or ce droit sp cial risque d clater par la multiplication infinie des assurances sp ciales qui surgissent constamment au fil des textes voulus par le l gislateur d une soci t redoutant le risque Le parti pris dans cet ouvrage est inverse tout ramener au droit ordinaire de l assurance Le sp cial doit enrichir le g n ral et non en alt rer la dominante C est la raison pour laquelle le plan de cet ouvrage est celui du d roulement ordinaire du contrat d assurance sous toutes ses variantes fondements de l assurance distribution de l assurance risque contrat prime sinistre garantie d assurance indemnisation prescription biennale et litige Il s ach ve par une pr sentation du dualisme des assurances sp ciales ainsi que du particularisme de diverses assurances sp ciales attach es aux assurances des particuliers et aux assurances des professionnels **Livres hebdo** ,2010-03 La semaine juridique ,2007 **La Gazette du Palais** ,1998-05 **L'honneur et le droit** Bernard Beignier,1995 LIVRES DU MOIS JUIL-AOUT 1999 7-8 ,1999 *Annuaire national des universit s* ,2009 Bottin Administratif Lexis Nexis,2006-12-18 Identifie les responsables de l administration fran aise fournit leurs coordonn es d crit leur fonction et donne les organigrammes dans lesquels ils figurent Propose plusieurs types d entr es tables par mot cl index nominatifs classement alphab tique et d partemental des administrations ensemble d informations sur l Union europ enne **Bibliographie nationale fran aise** ,1996 Un an de nouveaut s ,1999 **Les Livres disponibles** ,2004 La liste exhaustive des ouvrages disponibles publi s en langue fran aise dans le

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Droit Assurances Bernard Beignier Book Review: Unveiling the Magic of Language

In an electronic era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its ability to stir emotions, provoke thought, and instigate transformation is actually remarkable. This extraordinary book, aptly titled "**Droit Assurances Bernard Beignier**," published by a very acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound impact on our existence. Throughout this critique, we will delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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