



Pick your courses

Aide | Help

Voir mes choix

- semestre 1
- semestre 2

- composante d'accueil
- autres composantes

RECHERCHE

Domaine

Droit, Admin. Economique et Sociale et Adr

Type

Licence

Niveau

Tous les niveaux

Langue

Anglais

Semestre

1

Rechercher

RÉSULTAT

Afficher 10 éléments

Rechercher :

Composante	Niveau	Semestre	Cours	Code	Langue	ECTS	Choix
Droit, Admin. Economique et Sociale et Admin. Publique	Licence 2	S1	French administrative law (oral) French administrative law (oral)	LD403A	Anglais	10	<input type="checkbox"/>
Droit, Admin. Economique et Sociale et Admin. Publique	Licence 2	S1	French administrative law (oral+essay) French administrative law (oral+essay)	LD403B	Anglais	18	<input type="checkbox"/>
Droit, Admin. Economique et Sociale et Admin. Publique	Licence 2	S1	Contracts and torts(oral) Contracts and torts(oral)	LD402A	Anglais	10	<input type="checkbox"/>
Droit, Admin. Economique et Sociale et Admin. Publique	Licence 2	S1	Contracts and torts (oral+essay) Contracts and torts (oral+essay)	LD402B	Anglais	18	<input type="checkbox"/>
Droit, Admin. Economique et Sociale et Admin. Publique	Licence 2	S1	Introduction to French Law Introduction to French Law	LD401	Anglais	3	<input type="checkbox"/>

FRENCH ADMINISTRATIVE LAW**FALL 2022****Professor Dominique CUSTOS****COURSE DESCRIPTION**

The French administrative law (FAL) course examines general FAL over 20 hours. The introductory chapter places FAL in a comparative perspective. The topics covered in the remaining chapters equip students with the key concepts and provide them with the overview necessary for future in-depth studies: 1) Development and characteristics of FAL. 2) The *Conseil d'État* (Council of State), government's legal advisor and judge of administrative action, 3) The principle of legality, 4) Forms of administrative action (public service and police), 5) Elements of administrative procedure

The course is taught by Professor Dominique Custos who is a titular member of the International Academy of Comparative Law and specializes in comparative administrative law.

CALENDAR**FAL class will meet****in Room Dr 268,****on Mondays and Tuesdays, 2 p.m. – 4 p.m.,****on the following dates:****Mondays:**

September 12, 19, 26

October 3, 10, 17

Tuesdays:

September 20, 27

October 4, 11

ASSESSMENT

For **Erasmus students** assessment is mandatory. Students may choose one of two options.

Option 1: oral exam

Option 2: oral exam + a mini-thesis of 10 to 15 pages.

Non-Erasmus students have two options

Option 1: audit the course only

Option 2: audit the course + sit for the oral exam.

OUTLINE

Introduction: Comparative Administrative law (CAL)

Section 1: Late start: Reasons

Section 2: Development of CAL

Section 3: Models of Administrative Law

Chapter 1 : Development and characteristics of French Administrative Law (FAL)

Section 1: Historical development

Section 2: Continuity and change

Chapter 2 : The *Conseil d'État* (Council of State), government's legal advisor and judge of administrative action

Section 1: The three-tier administrative court system

Section 2: Elements of administrative court procedure

Section 3: Scope of administrative jurisdiction

Chapter 3 : The principle of legality

Section 1: Origins and bases of the principle of legality

Section 2: Sources of FAL

Chapter 4 : The forms of administrative action

Section 1: The public service function

Section 2: The administrative police function

Chapter 5 : Procedural forms of AL : administrative decision-making process

Section 1: The unilateral administrative act (UAA)

Section 2 : The public contract

Chapter 6: Non-contractual Public liability: public liability in tort

International Trade Law

Véronique Legrand

(Duration : 20 hours)

Preliminary matters : notion of international jurisdiction and applicable law/ Problems raised by a foreign judgement and its enforceability.

Part I/ International jurisdiction

Chapter 1 : The regulation of Brussels

§1/ The scope of the regulation	
§2/ Exclusive jurisdiction	
§3 Jurisdiction related to certain contracts	
§4/ Prorogation of jurisdiction	
§5 The general rule of jurisdiction	
§6/ Special jurisdiction.....	
A) Article 7 :	
1°) Matters relating to contracts	
2°) Matters relating to civil liability	
3°) Litigations about the operations of a branch or agency or establishment.....	
B/ Article 8	
.....	
§7/ Lis pendens and related actions.....	
A/ Lis pendens. (art 29)	
B/ Related actions (art. 30)	

Chapter 2 : The French rules of international jurisdiction

§1/ Unilateralism	
§2/Rules derived from case law	
A/ General jurisdiction	
B/ Special jurisdiction	
1°) matters related to international contracts	
2°) Matters related to civil liability	
C/ Prorogation of jurisdiction	
D/ Lis pendens and related actions.....	

§3/ articles 14 and 15 of the French code civil (rules that, only the nationals can avail themselves of).....

Chapter 3 / Enforcement and recognition of foreign judgments

§1/ Council Regulation n°1215/2012, of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.....

§ II/ Rules on recognition and enforcement of foreign judgment given in a third State.

A/ Distinction between recognition and exequatur.....

B/ Conditions of enforcement

1°) Jurisdiction of the foreign court

2°) International public policy

3°) Absence of fraud.....

Part 2 / Applicable law to international contracts

Chapter 1: Rules on conflict of laws.

§1/ Applicable law to contractual obligations : Regulation of Rome 2008 (ROME I)

A/ The scope of the Regulation Rome I

B/Rules on conflict of laws.....

1°)Freedom of choice

2°) Applicable law in the absence of choice.....

C/ Scope of the law applicable

1°) overriding mandatory provisions

2°) Formal validity

3°) Legal capacity

4°) matters related to evidence

§2/ law applicable to non contractual obligations (in the course of the negotiation of an international contract or during its performance some events may give rise to non contractual liability).....

A/ Scope of the Regulation Rome II.....

B/ General rule on conflict of laws (article 4).....

C/ Special rules on conflict of laws

1°) Product liability.....

2°) Unfair competition : article 6.....

3°) Infringement of intellectual property rights.....

D/ Freedom of choice.....

E/ Scope of the applicable law

Chapter 2 : Substantial rules of private international law

§1/ Convention of Vienna : substantive rules on international contracts of sales of goods

§2/ Usages created by international business people.....	
A/ lex mercatoria	
B/ Contractual practices.....	

Part 3/ International arbitration

Chapter 1/ Alternative dispute resolution methods

§1/ Mediation and conciliation:	
§2/ Arbitration:.....	
A/Pros and cons of arbitration.....	
B/Ad hoc or institutional arbitration.....	
C/the place of arbitration.....	

Chapter 2 /The conduct of the arbitration

§1) Arbitration agreements.....	
§2) Arbitral proceedings.....	
§3)/ Recognition and enforcement of arbitral awards	
A/ French law.....	
1. Action to set aside awards given in France	
2. Appeal against the order of enforcement of the award	
3. Recourse related to awards made abroad	
B/ The convention of New York	
Scope of the convention and the main provisions of the convention	

Introduction to French Law

Table of contents

Part I The French legal system

Chapter I: The sources of law in France and legislative process

I/ THE INTERNATIONAL SOURCES

II/ DOMESTIQUE SOURCES.

1°/ CONSTITUTIONAL RULES

2°/ ORDINARY LAWS

3°/ STATUTORY INSTRUMENTS : ACTES RÉGLEMENTAIRES

A) ORDER OR ORDONNANCE

4°/ COLLECTIVE AGREEMENTS

5°/ CASE-LAW LAID DOWN BY THE JUDICIAL AND ADMINISTRATIVE COURTS

III/ THE LEGISLATIVE PROCESS IN FRANCE

A/ PRELIMINARY STAGE

B/ FIRST PARLIAMENTARY STAGE

C/ SECOND PARLIAMENTARY STAGE

D/ SUBSEQUENT PARLIAMENTARY STAGE(S)

E / FINAL STAGE: PROMULGATION AND PUBLICATION

Chap.II The organization of the courts and the legal profession

I/ THE JUDICIAL COURTS

A/ THE LOWER COURTS

B/ THE APPEAL'S COURTS

C/ THE COURT OF CASSATION

D/ RULES OF TERRITORIAL JURISDICTION

II/ THE ADMINISTRATIVE COURTS

A/ THE ROLE OF THE CONSEIL D'ÉTAT AS A COURT

B/ THE ROLE OF THE COUNCIL OF STATE AS LEGAL ADVISOR.

III/ THE LEGAL PROFESSION

A/ JUDGES

1/ PROFESSIONAL JUDGES (MAGISTRATS)

The Supreme Council of the Judiciary: the head of the judiciary

2/ NON-CAREER JUDGES (JUGES NON PROFESSIONNELS)

a°) Counsellors of the employment tribunals

b°) Judges of the commercial courts

C/ OTHER OFFICIALS WORKING WITH JUDGES : THE COURT CLERKS

II/ LAWYERS

III/ NOTARIES

A/ORGANISATION

B/ROLE AND FUNCTIONS

IV/ OTHER LEGAL PROFESSIONS

A/ COURT BAILIFFS HUISSIER DE JUSTICE

B/ OTHER OFFICERS OF THE COURT

Part II : Private legal subjects and their rights

Chap. I The Legal subjects : artificial and natural persons

I/ NATURAL PERSONS

II/ ARTIFICIAL OR LEGAL PERSONS

A: LIMITED LIABILITY COMPANIES : SOCIÉTÉS À RISQUE LIMITÉ

1°/ STOCK CORPORATION OR JOINT STOCK COMPANY (SOCIÉTÉ ANONYME)

2°/SIMPLIFIED JOINT STOCK COMPANY (SOCIÉTÉ PAR ACTION SIMPLIFIÉE)

3°/ LIMITED LIABILITY CORPORATION. (SARL)

B/: UNLIMITED LIABILITY COMPANIES. (SOCIÉTIES À RISQUE ILLIMITÉ)

1°/ GENERAL PARTNERSHIP. (SNC : SOCIÉTÉ EN NOM COLLECTIF))

2°/ CIVIL PARTNERSHIP (SOCIÉTÉ CIVILE)

3°/ LIMITED PARTNERSHIP. SOCIÉTÉS EN COMMANDITE

Chap.II: Subjective rights

I/ OWNERSHIP

A/ THE THREE ATTRIBUTES OF OWNERSHIP

1/ RIGHT OF ENJOYMENT (*USUS + FRUCTUS*)

a) USUS

a) FRUCTUS

2/RIGHT TO DISPOSE OF THINGS (*ABUSUS*)

B/ CHARACTERISTICS OF OWNERSHIP

1/ ABSOLUTE

a) Doctrine of Abuse of ownership

b) Doctrine of Abnormal neighbourhood nuisance

2/ EXCLUSIVE

a) One thing cannot be owned by more than one person

b) an owner can stand against any trespasser

2/ PERPETUAL

II/DISEMBLEMENTS OF OWNERSHIP

A/ USUFRUCT

1/ PERFECT USUFRUCT

2/ IMPERFECT USUFRUCT

B/ USE AND HABITATION

III: EASEMENTS (SERVITUDES)

Case Studies about territorial jurisdiction:

To find the right courts see :

<https://lannuaire.service-public.fr/navigation/tgi>

and/or

<https://lannuaire.service-public.fr/navigation/prudhommes>

<http://www.annuaires.justice.gouv.fr/annuaires-12162/annuaire-des-tribunaux-de-commerce-21781.html>

Case n°1 :

Mr. Durant lives in Dreux where he runs a drugstore. Recently he has sold soap to a customer who is really angry because when he washed his new pullover (worth 80€) it was burnt by the soap. The customer, who lives in Paris (5th arr) wants to sue Mr. Durant.

Which Court has jurisdiction over the case ?

Case n°2 :

Miss Jeanne has just rented flat in Flers. The owner of the flat lives in Vire. The tap in the bathroom has leaked since day one and Jeanne has already asked the owner to repair it. The latter still hasn't done anything. Consequently Jeanne has decided not to pay the rent.

If things went worse and the owner decided to sue Jeanne before a court, which one would have jurisdiction?

Case n°3 :

Bertrand lives in Rouen but he works in Paris. His employer has decided to sack him without any reason. Bertrand will sue his employer... which court has jurisdiction ?