

DIPLÔME UNIVERSITAIRE
**RESPONSABILITÉ DES CONSTRUCTEURS
ET ASSURANCE-CONSTRUCTION**

Risques Assurances Construction Pascal Dessuet

Daria Belovetskaya, Juliette Mel



Risques Assurances Construction Pascal Dessuet:

Le contentieux des dommages de construction Jean-Louis Sablon, 2012-02-23 Au travers des données factuelles et juridiques tirées du dossier pour être soumises à l'analyse ouvrage dommage réception et autres événements d'après le contrat l'auteur traite de la responsabilité des constructeurs Dans un second temps il étudie la mise au point du recours et sa mise en œuvre judiciaire Avocat spécialisé dans le domaine de la construction Jean Louis Sablon s'est attaché à formuler les questions avant de suggérer des pistes pour enfin proposer des solutions Il renvoie chaque fois aux livres qui font autorité aux articles de doctrine et la jurisprudence abondante elle comprend ici des arrêts de cassation inédits dont les plus récents datent du 31 12 11 Abordant spécifiquement le contentieux des dommages de construction en tant que tel mais de façon exhaustive ce travail s'adresse non seulement aux praticiens mais tous les juristes Chacun saura l'utiliser sa manière suivant le contexte rencontré car il est conçu pour différents modes de consultation notamment une lecture transversale grâce aux 20 mots clés dont le texte est balisé Par ailleurs un index de près d'un millier d'entrées en fait un ouvrage de référence Maître d'œuvre bâtiment, 10e édition Leonard Hamburger, 2024-10-03 La révolution BIM peine à passer le monde du bâtiment à tout confronté un nouveau bouleversement il a tenté de contribuer à la sauvegarde du climat en diminuant drastiquement les émissions carbone du secteur de la construction l'important c'est La Gazette du Palais, 1997 **Risques et assurances construction** Michel Périer, 2012 L'ouvrage a pour objectif de décrire les risques de dommages et de responsabilité liés à l'opération de construction et les assurances obligatoires et facultatives qui y sont attachées Il incorpore les dernières évolutions législatives loi n° 2008-735 décret n° 2008-1466 arrêt du 19 novembre 2009 assurance construction des grands chantiers plafonds de garantie contrats collectifs nouvelles clauses types en matière d'assurance construction et la jurisprudence la plus récente Garantie en deux parties Les risques de la construction I La prise en charge des risques les assurances II *Risques et assurances construction* Jean Bigot, Michel Périer, 2007 30 ans après l'adoption de la loi Spinetta l'assurance construction o en est on Quels sont les apports des retouches législatives et jurisprudentielles qui ont façonné le régime actuel Comment interpréter la forme mise en place par l'ordonnance du 8 juin 2005 Que faut-il attendre du rapport Mercadal ou encore de celui du Conseil Général des Ponts et Chaussées et de l'Inspection Générale des Finances octobre 2006 Ce chantier perpétuel encore relancé par l'amendement Mercier ayant créé un article L 243 9 du Code des assurances introduisant un plafond de garantie dans les assurances de responsabilité pour les ouvrages à usage autre que l'habitation L n° 2006-1771 justifie un inventaire détaillé des solutions acquises et de celles en devenir Fondé sur un plan clair et opérationnel l'ouvrage traite les risques 1re partie et les assurances obligatoires et facultatives 2e partie liés à l'opération de construction La diversité des intervenants la notion d'ouvrage les Epers le régime de la réception l'étendue des dommages ouvrage l'assurance de responsabilité délictuelle et tous les risques chantier ne constituent qu'un aperçu des notions abordées Les auteurs rompent la complexité de la matière transmettent

leurs analyses claires par de nombreuses illustrations jurisprudentielles. Au fil des développements ils n'hésitent pas lorsque les sujets font défaut faire œuvre de doctrine en exposant les solutions qu'ils jugent les plus appropriées. Riche tant d'un point de vue pratique que théorique. Risques et assurances construction s'adresse tous les spécialistes de la matière. Risques et assurances construction Jean Roussel (assureur.), Solange Becqué (juriste.), 2021. La 4^{me} de couverture indique : Les défis du secteur de la construction se renouvellent perpétuellement tant pour le constructeur et ses sous-traitants qui gèrent des risques techniques lourds de responsabilités que pour l'assureur qui accepte d'en assumer la charge financière. Rédigé par une universitaire spécialiste du droit de la construction et un praticien expert en assurance construction cet ouvrage a pour objectif de rendre intelligible une matière réputée complexe et technique. Sont d'abord envisagés les risques liés à l'acte de construire intervenants ouvrage fondement juridique et régime des responsabilités et garanties puis la prise en charge de ces risques par les assurances obligatoires responsabilité décennale et dommages ouvrage et assurances facultatives. Vritable outil de travail pour les praticiens l'ouvrage est enrichi d'encadrés reprenant textes et extraits de jurisprudence et d'annexes résumant la matière travers 8 axes fondamentaux et 15 articles de principe ou encore la CRAC dans sa version actualisée. Cette nouvelle édition est jour des évolutions récentes qu'il s'agisse du projet de réforme de la responsabilité civile des conséquences de la crise sanitaire sur les délais de prescription ou encore du déploiement de la modélisation des données du bâtiment ou Building information modeling BIM.

Les clauses essentielles du contrat d'assurance construction Daria Belovetskaya, Juliette Mel, 2022-05-11. Comprendre ou rédiger une ou des clauses d'une police d'assurance n'est pas chose aisée surtout lorsque cette police s'applique des travaux de construction. D'abord parce que le domaine d'application est particulièrement régit et que la plupart des dispositions sont d'ordre public ce qui multiplie les risques de nullité de clauses. Ensuite parce que les enjeux sont financièrement importants autant qu'est déterminante la compréhension des rôles des intervenants l'opération de construire et de leurs responsabilités. Par le prisme des clauses les plus fréquemment stipulées dans les polices d'assurance construction décennale ce livre pratique a vocation résumer l'essentiel connaître. Il s'adresse tous ceux qui ont ou vont avoir une police d'assurance construction décennale entre les mains jour des différences réformes et évolutions jurisprudentielles il offre une vision synthétique de la matière avec des schémas des tableaux des points de vigilance et bien entendu des exemples de clauses.

Les Risques de l'entreprise pendant les travaux de construction et leur assurance Charles de Montmirail, 1962. *ESSAI SUR LA REPARTITION DE RESPONSABILITE DES RISQUES ASSURES APPLICATION A L'ASSURANCE-CONSTRUCTION* MOHAMED.. BACCOUCHE, 1999. L'ASSURANCE CONSTRUCTION EST REGIE EN FRANCE PAR LA LOI MODIFIEE DU 4 JANVIER 1978 LOI SPINETTA QUI INSTITUE UNE DOUBLE OBLIGATION D'ASSURANCE CONTRE LE RISQUE DECENNAL L'ASSURANCE DOMMAGESOUVRAGE DES MAITRES D'OUVRAGE ET LA RESPONSABILITE DECENNALE DES CONSTRUCTEURS. CETTE THESE PRESENTE UN CADRE THEORIQUE DE CE SYSTEME FONDE SUR DES MODELES D'ASSURANCE A LA MOSSIN UN JEU DE CONTRATS ENTRE LES ASSUREURS

EST MIS EN EVIDENCE IL MONTRE QUE L OFFRE D UN ASSUREUR UNIQUE DOMINE LES OFFRES DE DEUX ASSUREURS DISTINCTS GRACE A SA VALEUR DE COORDINATION ET NON AUX SUBVENTIONS CROISEES ENTRE CONTRATS L ETUDE PORTE ENSUITE SUR LA REPARTITION DES RESPONSABILITES QUI COMPREND TROIS ASPECTS DANS LA CONSTRUCTION LA COUVERTURE DE LA DEFAILLANCE D UN CONSTRUCTEUR PENDANT LE DEROULEMENT DES TRAVAUX CE RISQUE JUSTIFIERAIT L INTERDICTION DE LA FRANCHISE EN ASSURANCE DO EN CAS DE RISQUE DECENNAL EN REVANCHE IL APPARAIT SOUHAITABLE DE FAIRE SUPPORTER AU MAITRE D OUVRAGE UNE FRANCHISE EN CAS DE FAILLITE DE SON CONSTRUCTEUR LA REPARTITION DES RESPONSABILITES ENTRE CONSTRUCTEURS CETTE QUESTION DEPEND DE LA MASSE ASSURABLE DE CHAQUE INTERVENANT ET DU COUT D EXPERTISE DES RESPONSABILITES DANS CERTAINS CAS IL EST SOUHAITABLE DE RECOURIR A L EXPERTISE DE MANIERE ALEATOIRE L OFFRE DES ASSUREURS DISTINCTS PEUT DOMINER CELLE D UN ASSUREUR UNIQUE PARCE QUE CE DERNIER A UN POUVOIR D ENGAGEMENT PLUS FAIBLE EN L ABSENCE DE PROBLEMES D ENGAGEMENT L OFFRE DES ASSUREURS DISTINCTS EST TOUJOURS DOMINEE PARFOIS STRICTEMENT PAR CELLE DE L ASSUREUR UNIQUE CE DERNIER BENEFICIE DE LA VALEUR DE COORDINATION QUAND L INFORMATION EST SYMETRIQUE ET IL RECOURT A DES SUBVENTIONS CROISEES QUAND IL Y A RISQUE MORAL LA REPARTITION DES RESPONSABILITES ENTRE VICTIMES ET CONSTRUCTEURS LE REGIME D EXEMPTION DE RESPONSABILITE DOMINE LE REGIME DE RESPONSABILITE DE PLEIN DROIT DANS UN CONTEXTE D ANTISELECTION CE RESULTAT PEUT DEMEURER MEME DANS UN CONTEXTE DE RISQUE MORAL QUAND LES MARCHES DES DROITS A NE PAS DIMINUER LA SINISTRALITE SONT POSSIBLES

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