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avec Exemples et Échantillons



L'architecte Pratiques Professionnelles Et Responsabilités

Tobias Bleicker

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L'architecte Michel Darnet, Sylvie Gendre, Laurent Depuy, 2005 Au carrefour d'une multiplicité de réglementations d'origines diverses l'architecte est également au cœur d'un système juridique très complexe. Technicien il est l'un des principaux acteurs du droit de l'urbanisme et de la construction il y puise ses procédures qui scandent le rythme de chacun de ses projets et ses obligations qui établissent les limites de ses responsabilités. Artisan il délivre la fois du conseil et une construction. Il est donc assujetti ce double titre aux responsabilités et droits prévus par le Code civil et le Code penal. Enfin artiste le fruit de sa création est protégé par le droit de la propriété intellectuelle, droit moral et patrimonial qui lui assure la permanence du nom au travers de ses créations. Or cet architecte n'est pas juriste. Comment donc se retrouver dans cet imbroglio de réglementations diverses ? Comment déterminer les fils de tous les textes qui lui sont applicables dans de si différents domaines du droit ? C'est cette mise en place du régime juridique applicable à l'architecte que cet ouvrage se propose d'expliquer de manière pragmatique et systématique. Il est destiné tout d'abord à clarifier cette profession sur ses pratiques quotidiennes ainsi que leurs conseils mais il aidera également leurs multiples partenaires à limiter précisément le champ des droits et devoirs de chacun.

Code Théorique et Pratique des Architectes, 1888 **European Architect Law** Stéphanie van Gulijk, 2009 The legal relationship between architects and clients suffers from two basic tensions that have been debated in several European countries. First the market for design of buildings is not the exclusive domain of architects anymore. Other disciplines have gradually encroached on the architect's core activities. Many new forms of contract have been developed in the construction industry. These market models no longer fit the traditional design contract departing from the idea that an architect designs a structure that is fit for its purpose and subsequently supervises the realization of the design by the building contractor. Second designing buildings is a low yield high risk endeavor. If the obligations of architects under the design contract are not performed well they are exposed to severe liabilities which may cause serious financial problems. Detailed comparative research on design contracts shows that rule makers have difficulties in dealing with these two tensions. In Europe considerable differences exist regarding the national rules that apply to the contractual relationship between architects and clients. Therefore in this study four regulation issues have been investigated that deal with establishing rules to govern the two tensions: market entry regulation, architect liability, limitation of architect liability and professional liability insurance. In order to evaluate these regulation issues a law and economics perspective is applied. The book will help to establish which combination of regulation options is likely to lead to more efficient outcomes. It provides insights in what is the best way to deal with the two tensions in the relationship between architects and clients and it contributes to establishing a new design for European architect law.

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