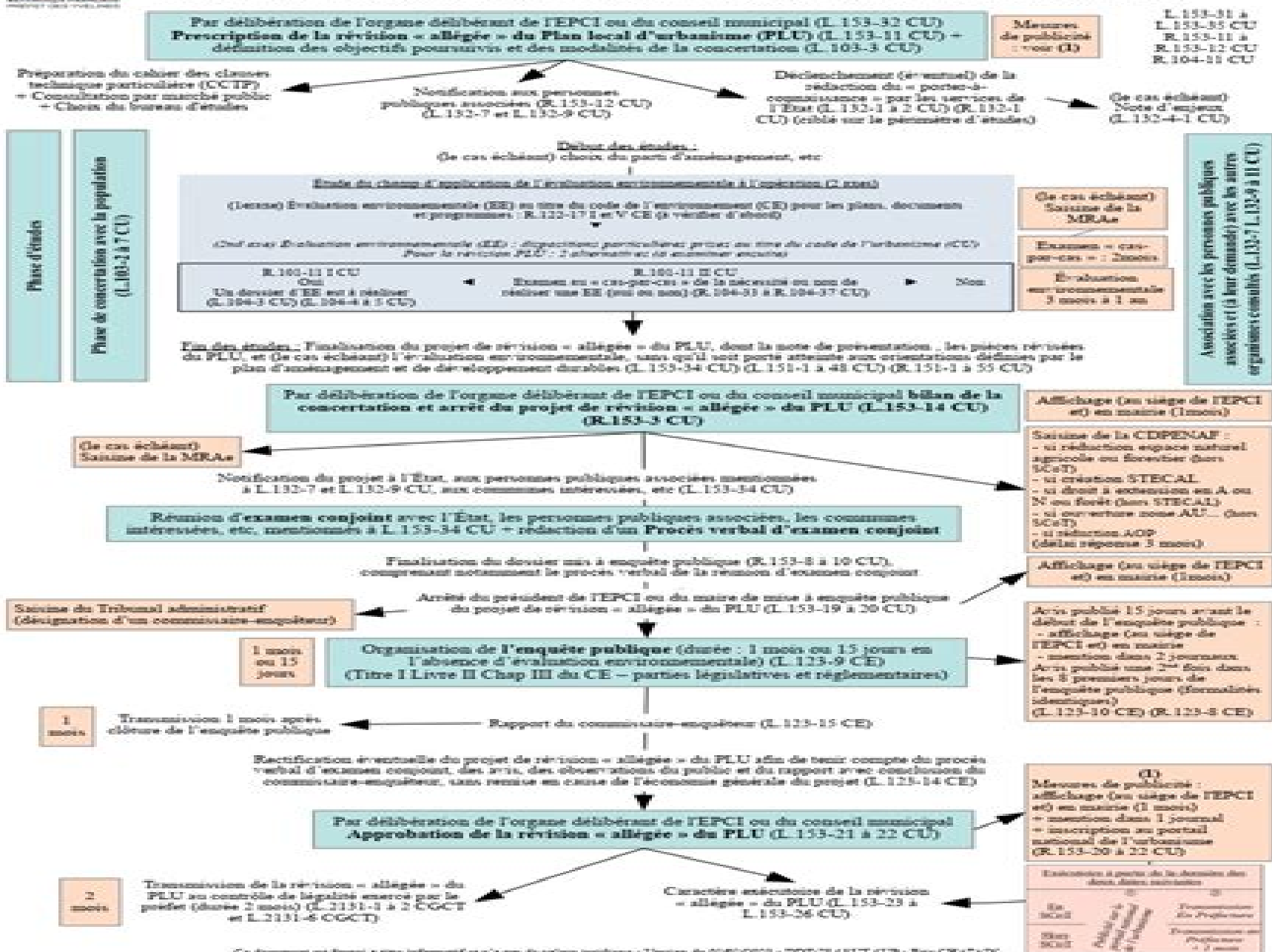


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Lavantprojet De Reacuteforme Du Droit De La Responsabiliteacute

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Avant-projet de réforme du droit de la responsabilité civile : l'art et la technique, 2016-11-02 Beaucoup ont souligné la curiosité d'une réforme du droit des obligations opérée par l'ordonnance du 10 février 2016 qui n'incluait pas le droit de la responsabilité civile en général et celui de la responsabilité contractuelle en particulier. Le processus est désormais enclenché par un avant-projet de loi rendu public le 29 avril 2016 ayant ouvert une période de consultation qui s'est clôturée le 31 juillet 2016. C'est dans le cadre de cette consultation publique que l'Institut de Recherche pour un Droit Attractif IRDA de l'Université Paris 13 Sorbonne Paris Cité a entrepris d'apporter sa contribution à la réflexion. Cet avant-projet constitue une œuvre de compromis. Même si certaines corrections mériteraient d'être opérées et certaines adjonctions d'être intégrées, l'avant-projet du 29 avril 2016 offre ce qui pourrait demain devenir un nouveau modèle du droit de la responsabilité civile et contribuer ainsi à renforcer l'attractivité du droit français. *Réforme du droit de la responsabilité extracontractuelle. Commentaires*, 2020 Si le droit et en particulier le droit civil nourrit l'ambition de régir la vie collective d'une société, une société démocratique se mesure à la qualité des normes qu'elle dicte et qu'elle applique. Démocratie et droit sont ainsi intimement liés. Aujourd'hui, le monde politique œuvre à la réforme du Code civil tendant vers plus de lisibilité, de clarté et de prévisibilité. L'objectif est louable. L'avant-projet de Loi portant insertion des dispositions relatives à la responsabilité extracontractuelle dans le nouveau Code civil se veut une réforme totale du droit de la responsabilité. Le chantier est vaste et complexe. Si certaines innovations paraissent opportunes, d'autres choix posés par le projet de réforme posent question. De la confrontation des points de vue peut naître un projet solide et constructif qui peut aboutir. C'est le modeste espoir des présentes réflexions.

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