

Qu'est ce qu'une collectivité territoriale ?

Les collectivités territoriales **sont des personnes morales de droit public** distinctes de l'État et bénéficient à ce titre d'une autonomie juridique et patrimoniale.

Les collectivités territoriales apparaissent dans la Constitution de 1946 et l'expression sera reprise dans le texte de 1958. Elles sont aussi désignées sous le nom de "collectivités locales". Si la Constitution a souhaité privilégier les "collectivités territoriales" (art. 34 al. 13 et art. 72), de même que le code général des collectivités territoriales créé en 1996, les deux expressions sont employées de manière équivalente dans le langage courant.

Selon l'alinéa 3 de l'article 72, **les collectivités territoriales s'administrent librement dans les conditions prévues par la loi**. Elles ne possèdent que des compétences administratives, ce qui leur interdit de disposer de compétences étatiques, comme édicter des lois ou des règlements autonomes, bénéficier d'attributions juridictionnelles ou de compétences propres dans la conduite de relations internationales.

Leur gestion est assurée par des conseils ou assemblées délibérantes élus au suffrage universel direct et par des organes exécutifs qui peuvent ne pas être élus. C'est la loi qui détermine leurs compétences et non les collectivités elles-mêmes. Le législateur ne doit pas méconnaître le principe de leur libre administration et les priver de ce que le Conseil constitutionnel qualifie d'attributions effectives ou de compétences propres, sans en donner pour autant une liste.

Afin de les distinguer des établissements publics, y compris ceux gérant les différentes coopérations locales, **les collectivités territoriales doivent bénéficier d'une compétence générale leur permettant de prendre en charge toute affaire d'intérêt local**.

Les collectivités de droit commun

Les collectivités de droit commun correspondent à des **catégories qui ont vocation à se rencontrer sur l'ensemble du territoire**, que ce soit en métropole ou outre-mer. En font partie à ce jour les **communes**, les **départements** et les **régions** (art. 72 al. 1er de la Constitution). Ces collectivités, pour relever d'une catégorie, doivent posséder des caractéristiques identiques. Chaque commune relève, par exemple, de la catégorie communale car elle est dotée d'un conseil municipal et d'un maire (déc. n° 82-149 DC du Conseil constitutionnel du 28 décembre 1982).

Mais ces catégories peuvent connaître des **dérogations** : certaines collectivités, tout en ayant les caractéristiques générales de la catégorie, présentent des spécificités pour des raisons diverses.

Tel est le cas des grandes villes françaises, **Paris, Marseille et Lyon** qui, du fait de l'importance de leur population, sont divisées en arrondissements. Il existe ainsi 20 arrondissements à Paris, 9 à Lyon et 16 à Marseille (regroupés en 8 secteurs). Mais le Conseil constitutionnel a précisé, dans sa décision précitée du 28 décembre 1982, que ces arrondissements n'étaient pas une nouvelle catégorie de collectivités territoriales car ils ne bénéficiaient pas de la personnalité juridique.

Quant aux **départements et régions d'outre-mer**, tout en étant régis par un article spécifique de la Constitution (art. 73), ils peuvent faire l'objet d'adaptations tenant à leurs caractéristiques et à leurs contraintes particulières.

Qu'est ce qu'une commune ?

Collectivités Territoriales France Catégories 2016 2017

**Piotr Bogdanowicz, Roberto
Caranta, Pedro Telles**



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Legal Protection of European Inland Waters Jarosław Dobkowski, Elżbieta Zębek, Jakub Jan Zięty, 2025-01-27 This book examines the legal protection and management of inland waters in Europe With inland waters facing a range of significant threats including from climate change pollution and overexploitation this volume discusses legal solutions for protecting and managing these inland waters It presents comparative studies from a range of European countries including the Czech Republic Germany France Lithuania Poland and Spain with each chapter examining the legal status and legal instruments being implemented in each country allowing for easy cross comparison Topics covered include surface water management and protection water quality and monitoring management of hazardous substances and crisis management Through these unique comparative studies the volume highlights legal solutions which can be adopted by other nations and used as models for wider implementation across Europe In doing so this book offers important recommendations for changing water law to ensure a water secure future in Europe This book will be of great interest to students and scholars of water law water resource management environmental policy and environmental conservation

Diversity in Local Political Practice Karen Schönwälder, 2021-05-13 In what ways do local authorities respond to the increasing socio cultural heterogeneity of urban populations While other studies have often focused on policy declarations the eight chapters in this book provide rich evidence on the content and implementation of local policies Furthermore several chapters offer

theoretical insights into the factors driving or hindering policies that acknowledge socio cultural heterogeneity and ensure more equality and inclusive public services The general focus of the book is on cities in France and Germany that is two major immigration countries in Europe countries in which local authorities have a relatively strong position within the state structure The contributions analyze how local actors use their powers to ensure more equal public employment adapt cultural offers and recreational facilities to the demands of a diverse population and or to fight discrimination Further chapters investigate who takes part in formulating policies and seek to explain why cities take different decisions about strategies and practices As a whole the book contributes to the comparative study of societal diversity and local politics in France and Germany and will be of interest to academics researchers and advanced students of Sociology Public Policy Law and Political Science This book was originally published as a special issue of Ethnic and Racial Studies

The European Monetary Union Helmut Siekmann, 2021-12-23 This book provides a commentary on the law of the EU related to the Monetary Union It contains a comprehensive analysis of all provisions of the Statute of the European System of Central Banks ESCB and the European Central Bank ECB In addition the book also analyses all provisions of the Treaties themselves which regulate the ESCB and the ECB This analysis is supplemented by commentaries on other Protocols which contain relevant rules for the Monetary Union In essence all relevant statutory rules governing the euro and its key monetary authority the European Central Bank are unfolded and explained in one volume This gives the book a unique position in the legal literature on the law of the EU With contributions by renowned academics and practitioners this book is an expanded and updated translation of the 2013 German commentary EWU Kommentar zu Europ ischen W hrungsunion Mohr Siebeck and is an invaluable resource for practitioners and academics alike who are looking for a provision by provision commentary on the laws governing the European Monetary Union

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State and Local Government Reforms in France and Germany Vincent Hoffmann-Martinot, Hellmut Wollmann, 2007-12-22 The edited book aims at comparatively analysing the development and current situation of state and local government reforms in France and Germany The articles address State and administrative traditions intergovernmental relations decentralisation administrative modernisation public finances public sector personnel local democracy local mayoral leadership and decentral local social policy

Regionalisation in Europe Standing Conference of Local and Regional Authorities of Europe, 1994-01-01

Criminal Liability of Political Decision-Makers Frank Zimmermann, 2017-08-28 This book is dedicated to a fundamental conflict in modern states those persons holding public office are no more than ordinary citizens Therefore their activities must as a matter of principle be subject to full judicial control But at the same time democratically legitimated politicians need some discretion in their decision making

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Handbook on International Law and Cities Aust, Helmut P.,Nijman, Janne E.,Marcenko, Miha,2021-08-27 This groundbreaking Research Handbook provides a comprehensive analysis and assessment of the impact of international law on cities It sheds light on the growing global role of cities and makes the case for a renewed understanding of international law in the light of the urban turn

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Table of Contents Collectivit S Territoriales France Cat Gories 2016 2017

1. Understanding the eBook Collectivit S Territoriales France Cat Gories 2016 2017
 - The Rise of Digital Reading Collectivit S Territoriales France Cat Gories 2016 2017
 - Advantages of eBooks Over Traditional Books
2. Identifying Collectivit S Territoriales France Cat Gories 2016 2017
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Collectivit S Territoriales France Cat Gories 2016 2017
 - User-Friendly Interface

4. Exploring eBook Recommendations from Collectivité S Territoriales France Cat Gories 2016 2017
 - Personalized Recommendations
 - Collectivité S Territoriales France Cat Gories 2016 2017 User Reviews and Ratings
 - Collectivité S Territoriales France Cat Gories 2016 2017 and Bestseller Lists
5. Accessing Collectivité S Territoriales France Cat Gories 2016 2017 Free and Paid eBooks
 - Collectivité S Territoriales France Cat Gories 2016 2017 Public Domain eBooks
 - Collectivité S Territoriales France Cat Gories 2016 2017 eBook Subscription Services
 - Collectivité S Territoriales France Cat Gories 2016 2017 Budget-Friendly Options
6. Navigating Collectivité S Territoriales France Cat Gories 2016 2017 eBook Formats
 - ePub, PDF, MOBI, and More
 - Collectivité S Territoriales France Cat Gories 2016 2017 Compatibility with Devices
 - Collectivité S Territoriales France Cat Gories 2016 2017 Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Collectivité S Territoriales France Cat Gories 2016 2017
 - Highlighting and Note-Taking Collectivité S Territoriales France Cat Gories 2016 2017
 - Interactive Elements Collectivité S Territoriales France Cat Gories 2016 2017
8. Staying Engaged with Collectivité S Territoriales France Cat Gories 2016 2017
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Collectivité S Territoriales France Cat Gories 2016 2017
9. Balancing eBooks and Physical Books Collectivité S Territoriales France Cat Gories 2016 2017
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Collectivité S Territoriales France Cat Gories 2016 2017
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Collectivité S Territoriales France Cat Gories 2016 2017
 - Setting Reading Goals Collectivité S Territoriales France Cat Gories 2016 2017
 - Carving Out Dedicated Reading Time

12. Sourcing Reliable Information of Collectivit S Territoriales France Cat Gories 2016 2017
 - Fact-Checking eBook Content of Collectivit S Territoriales France Cat Gories 2016 2017
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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