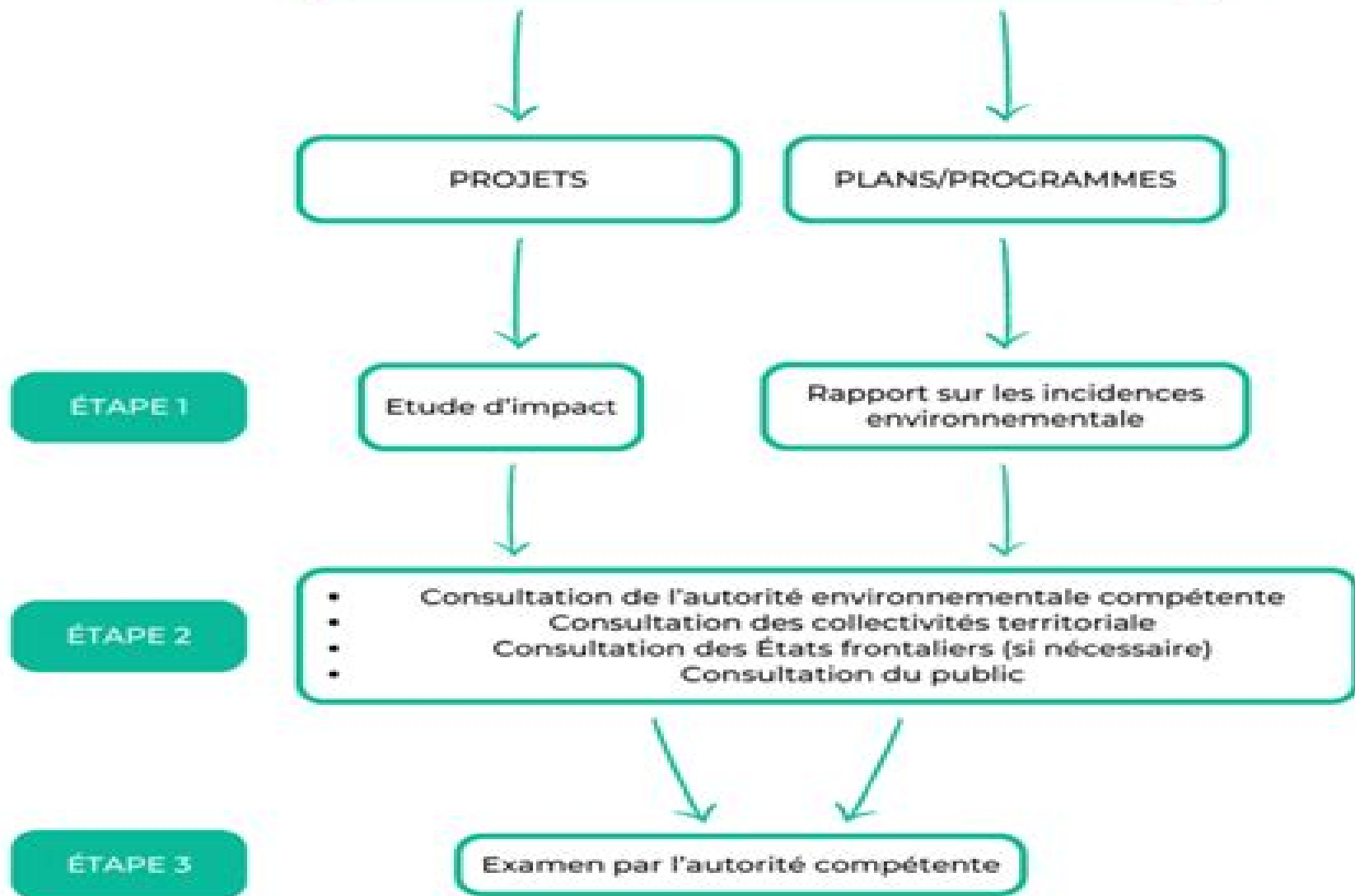


Évaluation environnementale



Contrat L'environnement Etude Droit Compar

Laurent Granier



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Sites contaminés en droit comparé de l'environnement Michel Prieur, 1995-11 Routledge Handbook of Private Law and Sustainability Marta Santos Silva, Andrea Nicolussi, Christiane Wendehorst, Pablo Salvador Coderch, Marc Clément, Fryderyk Zoll, 2024-06-05 The Routledge Handbook of Private Law and Sustainability reflects on how the law can help tackle the current environmental challenges and make our societies more resilient to future crises Sustainability has been high on the political agenda since the approval of the Sustainable Development Goals in 2015 and the EU Green Deal in 2019 The Green Agenda aims at making Europe the first climate neutral continent by 2050 but humanity persists in an ecological overshoot that puts at risk the survival of species including that of our own Drawing together a selection of leading thinkers in the field this Handbook provides a curated overview of the most recent and relevant discussions for private lawyers related to environmental and sustainability concerns The authors delve into case study examples from 20 countries in Europe and beyond and discuss a wide range of issues including new property law and consumer law paradigms the use of legal tech for promoting sustainable property management strategies for fighting planned obsolescence eco design the servitisation economy advances on corporate climate litigation and mandated green private sludges Overall the volume is designed to empower new generations of legal scholars to take an active role in the transition to a more sustainable future It will also assist policymakers in producing better policy through pinpointing the main legal issues that need to be addressed and offering a comparative overview of legal solutions and best practices Divided into six key parts and overseen by a team of internationally recognised expert editors this Handbook will be an essential resource for students scholars private lawyers and policymakers who wish to have a comprehensive fundamental overview of how environmental sustainability concerns reflect on private law

Les Conventions locales de gestion des ressources naturelles et de l'environnement

Laurent Granier, 2006 *Le contrat et l'environnement* Mathilde Hautereau-Boutonnet, 2015-09-15 *Le contentieux climatique : une révolution judiciaire mondiale* Christian Huglo, 2018-05-23 Le droit climatique a été officialisé au Sommet de la Terre en 1992 duquel est issu la Convention cadre des Nations unies sur les changements climatiques Par la suite la société civile a manifesté son intérêt pour faire face aux défis du réchauffement climatique c'est ainsi que sont nées des coalitions d'organisation pour promouvoir la justice climatique comme l'initiative pour la justice environnementale et le changement climatique Les mouvements religieux ont également souligné l'importance de la justice climatique la protection des équilibres climatiques et de l'environnement Les praticiens du droit de l'environnement travers notamment la mission confiée en juin 2015 par le Président François Hollande Corinne Lepage se sont clairement prononcés en faveur d'une justice climatique pour répondre aux appels de la société civile Le texte qui en est issu est un projet de Déclaration universelle des droits de l'humanité dans laquelle l'Homme est appelé ses devoirs vis-à-vis de l'environnement Mais c'est au cours des années 2000 que le juge américain va ouvrir la voie au contentieux climatique national dans l'affaire dite Massachusetts v EPA n° 05 1120 jugée en avril

2007 selon laquelle la plus haute juridiction des tats Unis a impos l Agence am ricaine de protection de l environnement de r glementer les missions des gaz effet de serre sur le fondement du Clean Air Act Par la suite la justice climatique a t mise en uvre par d autres juridictions nationales travers le monde comme l illustrent les affaires Urgenda foundation v Kingdom of the Netherlands Hollande Ashgar Leghari v Federation of Pakistan Pakistan qui vont largir les r gles traditionnelles de proc dure contentieuse comp tence preuve causalit Le succ s du contentieux climatique repose entre les mains des juges nationaux lesquels s appuient g n ralement sur les travaux du GIEC relatif l valuation des risques climatiques De plus certaines d cisions de justice sont all es jusqu proclamer et reconnaitre des droits sup rieurs au droit constitutionnel interne C est dire que le sujet de la justice climatique qui se propage grande vitesse pr s de 700 d cisions de justice recens es aujourd hui devient un extraordinaire laboratoire en vue de l laboration d un droit efficient pour l avenir des hommes et de la plan te Cet ouvrage s adresse aux juristes galement aux non juristes tous les tudients et chercheurs ainsi qu aux praticiens et professionnels du droit

Eficácia dos princípios ambientais nos contratos Marcelo Moreira dos Santos, 2020-09-08 Por mais que se reconhe a a forte presen a de uma nova tica em favor da natureza a aplica o dos princ pios fundamentais a um ambiente ecologicamente equilibrado tem apresentado desafios Neste trabalho destaca se o problema da incid ncia dos princ pios ambientais nos contratos o que nos faz pensar tanto no crescimento de princ pios positivados no Direito Fundamental Ambiental e portanto de sua import ncia como elemento de interpreta o ou mesmo de otimiz o do sistema jur dico quanto na import ncia dos contratos nas rela es privadas que tenham os bens ambientais como objeto ou ainda mais no que se vem denominando atualmente como contratualiza o do Direito do Ambiente trecho do livro

La protection conventionnelle des espaces naturels Catherine Giraudel, Centre de recherches interdisciplinaires en droit de l'environnement, de l'aménagement et de l'urbanisme, 2000 Le cri d alarme des scientifiques devant les dommages irr versibles caus s la biodiversit est relay par les juristes Si la prise de conscience in gale des pouvoirs publics dans les pays de droit latin ou anglo saxon s est traduite par des protections r glementaires diversifi es ou par le recours la propri t publique les initiatives priv es issues notamment du mouvement associatif se d veloppent de plus en plus Il s agit pour ces groupements g n ralement de caract re priv dot s de pr rogatives variables d assurer la pr servation des espaces naturels et des habitats de la flore et de la faune sauvages par la ma trise fonci re ou la ma trise d usage D o le recours des instruments juridiques diversifi s contrats ou servitudes la difficult tant de p renniser la protection instaur e Cet ouvrage qui doit beaucoup Cyrille de Klemm expert aupr s de l IUCN et du Conseil de l Europe et qui lui est d di permet une confrontation fructueuse entre les pays de tradition latine et les pays de Common Law Il sugg re et anticipe les volutions vers un d veloppement des mesures volontaires de protection et une sensibilisation plus grande des personnes priv es l exigence vitale de sauvegarde et de respect de la nature

Le statut juridique de l'air Thierry Largey, 2017-10-15 Qu est ce que l air en droit La r ponse cette question conduit qualifier cette ressource naturelle vitale en identifiant son statut juridique dans une approche fonctionnelle faisant cho son r le cosyst

mique Elle s'attache considérer les enjeux juridiques qui découlent des multiples utilisations de l'air en distinguant ses divers aspects le volume atmosphérique l'air matier et la force oléenne L'analyse du droit positif mène au constat que l'air est une chose commune La présente thèse s'attache dès lors construire une théorie moderne des communs En droit interne l'air est tour tour envisagé en tant que non chose commune domaine public naturel et objet d'un statut sui generis En droit international l'attention est portée sur les concepts de patrimoine commun et de préoccupation commune de l'humanité La recherche s'achève sur l'examen du cadre légal et des principes juridiques applicables la régulation des droits d'usage de l'air afin d'en préserver durablement le caractère commun et le noyau intangible **Le mineur consommateur, étude**

comparée du droit français et du droit brésilien Maxime Péron, 2025-01-30 Influenciadores do consumo de seus pais consumidores autônomos de produtos e serviços ou vítimas de sua utilização na França e no Brasil por volta de 78 milhões de crianças e adolescentes são alvos de incitações comerciais Comuns legisla o de ambos os países os mecanismos de incapacidade não são suficientes para protegê-los porque negam seu consumo real e não cobrem todas essas hipoteses Questiona-se se eles devem ser qualificados como consumidores ou se necessitaria uma categoria jurídica de criança consumidora para protegê-los Em face dos riscos do consumo acentuados pelas novas tecnologias suas vulnerabilidades são agravadas e implicam uma proteção específica O método do direito comparado permite refletir sobre estas questões Tal como particularmente encorajado pelo direito brasileiro marcado por uma proteção centrada na qualidade da pessoa a identificação de uma categoria de criança consumidora oportuna para promover sua proteção Sua eficácia seria assegurada pelo desenvolvimento de um regime específico em torno da relação de consumo adequado a ambos os ordenamentos jurídicos e em parte inspirado na abordagem contratual dominante no direito francês Entre as diversas propostas que integrariam este regime consideramos algumas de caráter geral como a utilização da metodologia do diálogo das fontes e outras mais específicas como o enquadramento dos anúncios publicitários em função da idade cronológica Contrato público e agrobiodiversidade Marcelo Moreira, 2020-05-20 Este livro o primeiro desta série de três estudos realizados pelo autor por ocasião dos créditos acadêmicos no seu doutorado na Universidade de Lisboa Um trabalho acadêmico e que portanto reflete as angústias e características de uma busca ainda incompleta A pretensão do autor e da Editora da Universidade Federal do Amapá partilhar com o público essa série de ensaios onde são confrontados os sistemas de direito brasileiro e europeu com destaque normativa transposta para o direito português Neste primeiro livro a ênfase foi dada ao papel da contratação pública na conservação da biodiversidade agrícola Espera-se contribuir para o debate e uso dos instrumentos jurídicos tradicionais para a proteção da biodiversidade e prevenção da escassez alimentar

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