



RÉFÉRENCE
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Traité de contentieux de la commande publique

Olivier Guézou

3^e édition

EDITIONS
LE MONITEUR

Trait Contentieux Commande Publique Olivier

Philippe Fabre



Trait Contentieux Commande Publique Olivier:

Traité de contentieux de la commande publique Olivier Guézou, 2023-11-22 L'volution des sources des notions des catégories et du fond du droit de la commande publique entre en résonance avec celle non moins fondamentale d'un contentieux des contrats administratifs dont l'architecture a été en quelques années seulement totalement repensée. La logique des recours, les raisonnements suivis et l'office du juge permettent désormais de mieux tenir compte de la richesse de ces contrats particuliers dont la dimension économique se combine avec l'action publique et l'intérêt général. Le requérant est placé au cœur de l'action, le contrat, tant le point de basculement chronologique d'une logique de protection à une autre. Aux concurrents, vint la passation et son impact sur le contrat selon une dynamique de libéralisation du marché économique. Aux parties, le contrat et son exécution selon une approche centrée sur la protection des consentements et la loyauté contractuelle. Aux autres tiers, enfin, des considérations variées d'intérêt général, environnement, finances locales, service public, etc., justifiant l'existence d'un contentieux administratif d'un troisième type, encadré et aménagé. Mais le contentieux de droit commun ne peut pas tout, et les spécificités des contrats de la commande publique imposent la protection de l'ordre public économique et de la probité selon une logique répressive sanctionnant les pratiques anticoncurrentielles et le délit pénal de favoritisme. Le *Trait de contentieux de la commande publique* respecte cette architecture nouvelle et combine une étude précise des règles applicables avec la mise en perspective des logiques générales qui les orientent. Il offre ainsi au lecteur un accès simplifié à l'information en lui permettant d'entrer dans la partie qui le concerne plus directement selon qu'il agit en tant que concurrent, vint. Partie 1, partie au contrat; Partie 2, ou qu'il est intéressé par un autre contentieux; Partie 3, Cette troisième édition, mise à jour et enrichie, comprend une table exhaustive de la jurisprudence citée et des arbres de questions permettant un accès plus facile à l'information.

Traité de contentieux de la commande publique Olivier Guézou, 2023-11-22 *Le Conseil d'État et Vichy* Philippe Fabre, 2001. L'antisémitisme du régime de Vichy qui ne cesse de se rappeler à la mémoire de notre temps, les historiens ont consacré de très nombreuses recherches. Au Conseil d'État qui vient de célébrer son deuxième centenaire au sein de l'organisation administrative française, les juristes ont réservé une littérature non moins prospère. Pourtant, sur les relations troubles entretenues par le Conseil d'État avec la politique antijuive de Vichy, la bibliographie disponible, malgré quelques récents apports, s'avère beaucoup plus restreinte. Le fond de ces quelques contributions, en outre, est parfois contradictoire, souvent discutable, toujours environné de crispations individuelles ou collectives. C'est partant de ce constat que le présent ouvrage s'est engagé dans la double voie d'une synthèse et d'un approfondissement des travaux existants. Ainsi, trouvera-t-on d'abord, en ces pages, la matière des plus fiables recherches qui intéressent le sujet, mais aussi une analyse exhaustive, ce jour, la seule des arrêts rendus par le Conseil d'État dans le contentieux n° de l'application du droit antisémitique dicté par les autorités de Vichy. L'étude, alliant selon une démarche originale l'approche historique au raisonnement juridique, s'efforce de réexaminer posément les conclusions qui ont été formulées sur cette jurisprudence; cet effet, elle opère de amples comparaisons tant avec le reste de l'activité des membres du Conseil

durant la période 1940-1944 qu'avec l'attitude des juridictions judiciaires et de l'ensemble des juristes alors confrontés aux lois raciales. Loin des révisionnismes feutrés dont la généralisation se trouve galement retracée ici qui depuis la Libération et aujourd'hui encore tentent d'oblitérer les aspects les plus sombres de ce contentieux de l'antisémitisme, l'auteur retient un bilan nuancé soucieux de comprendre les errements passés comme d'ouvrir la réflexion ce qu'est un juge aussi bien qu'un juge de droit. Issu d'un mémoire soutenu en 1998 dans le cadre du DEA de droit public interne de l'Université de Paris I Panthéon-Sorbonne, cet ouvrage qui a reçu le soutien du Conseil scientifique de l'Université constitue le premier volume de la collection de la Cole doctorale de droit public et de droit fiscal De Republica.

L'articulation des voies de droit dans le contentieux de la commande publique à l'initiative des tiers au contrat Laura Tallet Preud'homme, 2014-11-15. Parallèlement à la formation progressive d'un droit de la commande publique, le contentieux à l'initiative des tiers au contrat a muté tel point que le changement de paradigme opérant tend à faire merger un contentieux de la commande publique. Diverses voies de droit ont été instituées engendrant l'embarras du choix voire l'embarras tout court du tiers concurrent. La complexité de ce contentieux est telle qu'il faut défricher pour reconstruire ce paysage contentieux.

Contentieux administratif Olivier Le Bot, 2014. Les juridictions administratives rendent plus de 200 000 décisions par an dans les litiges opposant la puissance publique aux particuliers. L'exercice des recours, l'instruction des demandes et le déroulement du procès obissent des règles complexes destinées à assurer l'égalité des parties en présence. L'objet de cet ouvrage est de les rendre accessibles tous au moyen d'une présentation claire et didactique. Les développements s'articulent en trois parties : les juges, les recours, le procès.

Les transformations du contentieux administratif dans le domaine de la commande publique Stéphane Franchi, 2018.

Le contentieux administratif Olivier Gohin, 1988.

Guide du contentieux de la commande publique Christophe Cabanes, 2025-11-19. Le contentieux de la commande publique se distingue par sa complexité liée à la multiplication des recours et à l'évolution constante de la jurisprudence. Face aux enjeux financiers, acheteurs publics et opérateurs économiques doivent pouvoir identifier rapidement les voies de recours adaptées en cas de litiges entre cocontractants ou avec des tiers. Cet ouvrage propose une analyse synthétique et opérationnelle de l'ensemble des procédures contentieuses applicables aux phases de passation et d'exécution. Il aborde également les contraires exercés par les juges financiers et pénaux. Enfin, il détaille les modes alternatifs de règlement des différends : conciliation, médiation, accord amiable, permettant de résoudre les litiges de manière rapide et sécurisée. Grâce à une approche à la fois opérationnelle et rigoureuse illustrée par des cas concrets, des exemples jurisprudentiels et des conseils pratiques, ce guide aide à sécuriser les procédures, anticiper les risques juridiques et défendre efficacement ses droits dans l'univers complexe de la commande publique. Les juristes y trouveront un appui technique, les acheteurs et responsables de marchés un outil de prévention des contentieux et les décideurs publics un repère fiable pour piloter leurs actions avec maîtrise. Cet ouvrage s'adresse aux avocats, juristes territoriaux, entreprises soumissionnaires ou exécutant des marchés publics.

Contentieux de la commande publique MONSEMBERNARD, 2019.

Guide de la

commande publique Philippe Cossalter, Jacques Fournier de Laurière, Philippe Mazet, 2023-10-25 Le choix du contrat de commande publique le plus adapté une opération constitue la première difficulté rencontrée par celles et ceux qui souhaitent satisfaire leurs besoins en matière de travaux de services de prestations intellectuelles etc Cet ouvrage propose au moyen de 300 questions de répondre simplement et rapidement aux interrogations des entrepreneurs et personnels des administrations publiques qui traitent des contrats de commande publique Tout d'abord il permet de déterminer quelle formule convient le mieux chaque type de besoin Ensuite cet ouvrage dissèque les règles de passation et d'exécution des principaux contrats de commande publique marchés publics marchés de partenariat concessions délégations de service public Il identifie et explicite les voies de droit ouvertes en cas de conflits référé contractuel et contractuel recours ouverts aux parties et aux tiers Enfin des tableaux récapitulatifs des procédures et de nombreux exemples rassemblent les informations essentielles et illustrent abondamment l'ouvrage Cet ouvrage est destiné aux responsables de marchés juristes et entrepreneurs qui souhaitent acquérir rapidement et simplement des connaissances en droit de la commande publique

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