



NEWSLETTER

IRJI

FRANÇOIS-RABELAIS

(EA-7496)



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COLLOQUE DE TOURS
15 NOVEMBRE 2019



LA TRANSMISSION DES EXPLOITATIONS VITI-VINICOLES

Sous la direction de
Abdelkhalq BERRAMDANE, Professeur Émérite de l'Université de Tours
Alexandre DEROUCHE, Professeur à l'Université de Tours
Fabienne LABELLE, Maître de conférences à l'Université de Tours



FACULTÉ DE DROIT, ÉCONOMIE
&
SCIENCES SOCIALES DE TOURS
AMPHI E - BÂTIMENT B

CONTACT : 02 47 36 11 70
FACULTÉ DE DROIT, ÉCONOMIE
&
SCIENCES SOCIALES
IRJI FRANÇOIS-RABELAIS
BÂTIMENT D - BUREAU 117
50 AVENUE JEAN PORTALIS - BP 0607
37206 TOURS CEDEX 3



f Association ordonnances et prescriptions - Master Droit de la Santé Tours
@M2droitSanté
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Inscription gratuite obligatoire avant le 6 février à :
assoordonnancesetprescriptions@gmail.com



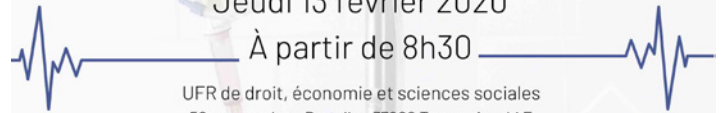
Journée d'étude organisée par le Master II Droit de la santé

LA CRISE HOSPITALIÈRE : L'HÔPITAL EST MORT, VIVE L'HÔPITAL !

Jeudi 13 février 2020

À partir de 8h30

UFR de droit, économie et sciences sociales
50 avenue Jean Portalis - 37200 Tours - Amphi E



Heures validées pour la
formation des avocats : 6 heures



IN THE HEADLINES

NEWS



Postponement of scientific events initially scheduled for the second half of 2019/2020.
(see pages 9 and 13)

CONVENTION

Diffusion of the IRJI François-Rabelais colloquiums on the France Culture website in partnership with Canal U France.



A troubled university

The system of individual certificates allowing a person to come and go freely to buy basic necessities in shops allowed to remain open, or for short journeys within a limit of one hour per day and within a maximum radius of one kilometre around the home, or linked to individual physical activity or to the needs of pets, has been strongly criticised by the Academic community. It has to be said that this requirement for a certificate to move about, the absence of which was criminally sanctioned, was something new in peacetime; even if the certificate was voluntary and randomly controlled.

But, in the middle of May, when the lock-down was lifted, and when academics, in order to have access not only to a part of their professional equipment, but also to what custom or tradition recognise as their home, moved into a system of authorisation with checks and control barriers, there were few voices raised in the academic community in opposition to this new form of lock-out.

Is there a real danger that universities are, in fact, quite open to reform?

François FOURMENT & Pierre-Yves MONJAL,
Co-Directors of IRJI François-Rabelais

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Legal Notice:

In charge of edition: MM. Pierre-Yves Monjal and François Fourment, co-directors of IRJI François-Rabelais (EA 7496)
 Website host : University of Tours
 Writing : Véronique Picard (Research engineer)
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The IRJI François-Rabelais and its 6 research areas ■ ■ ■ ■

The Institute of Interdisciplinary Law Research, François-Rabelais (IRJI François-Rabelais) organizes and promotes research in the fields of private law and criminal science, public law, history of law and judicial institutions, political science and economics. It brings together lecturer-researchers, PhD students, junior researchers and researchers on these subjects, from the University of Tours.

IRJI members work by research focus, adopted at the meeting of 4 November 2015.

- Democracies, Freedoms, Public Policies

This research group brings together specialists from the main branches of law - domestic, international, European - and political science, to analyse contemporary transformations of democratic institutions, practices and citizenship from a dual, complementary and interdisciplinary, perspective. Research is carried out over a wide range of subjects and fields, with the aim of contributing to the critical analysis of current changes in power and law, and, in particular, to determine the state of democratic imperatives and the protection of individual rights.

First of all, this raises issues around the redefinition of citizenship not only in contexts of crisis, of social movements or revolutions, but also in terms of traditional political categories - citizenship, power, norms, the State - as a result of globalization and social, economic or political dynamics beyond State borders. These dynamics in turn produce retreats into identity, such as the resurgence of nationalism, which this research group also studies, relying in particular, on exchanges between lawyers and politicians.

More generally, the goal is also to analyse changes in power relationships and fundamental rights, in particular by examining the strengths and limitations of the law within the framework of various public policies, such as those related to equality and non-discrimination, the fight against social exclusion or vulnerability, access to health care and health protection. This applies not only to issues relating to the status of social rights in the context of welfare state crisis, but also to the question of gender in the field of law and public policies. Within this perspective, particular attention is given to the transformation of the State, be it in terms of exploring reforms to State intervention, by means of participation and citizen information, or by highlighting tensions within public policies, as illustrated by contemporary debates on secularism, integration and social cohesion. Researchers working in this area combine analysis of specific questions with those of a more theoretical nature and, where appropriate, with comparative studies. To varying degrees, the theoretical dimension irrigates all research in this research group. In particular, the aim will be to develop an in-depth analysis of democracy and citizenship, by focusing on institutions, law, social and cultural norms, but also on the actors and different modes of action in contemporary societies, including the press, the "watchdog" of democracy.

- Markets and Business

Broadly speaking, a market can be understood as a space without internal borders. Once its existence has been established and its influence defined, attention is focused on the types of exchange that it accepts (commercial, financial, national, European, international), their instruments and their regulation. This leads to an interest in everything that circulates freely: goods, services, capital, but also people (employees or ordinary citizens). It also invites study into the companies, which are its actors, into competition law (internal, European, international) and distribution, into companies in difficulty, contracts, public procurement, labour, etc. The globalization of law and the economy, and the economic and financial crisis, calls for a rethink, not only of economic and legal relationships between business and markets, but also of the impact of this development on law and the institutions of national, private, public, European and international law. This research area, therefore, opens up perspectives for legal, economic, sociological and historical work of a transversal and multidisciplinary nature.

This research group is an extension of several Masters degrees: Master's in business law (MAJE), international business law, European law, as well as, in part, the Masters in counselling and litigation (counselling in private and public business law, economic litigation).

- Norms and Institutions in Europe

The aim of this research area is to focus on issues relevant to relationships between European and national standards and systems. The normative production of the conventional order (ECHR and Council of Europe) and of the integrated order (European Union) leads to incessant adaptations of legal categories and case law, which requires lawyers to closely monitor these developments. Both the standards in the broad sense and their lawmakers (ECHR/Union/States), i.e. the European institutions, are at the heart of this activity, which invites analysis into all aspects of these changes, particularly those affecting domestic law. Clearly, the institutional, political and economic issues involved in this vast movement reshaping the legal orders are tied to this theme, since the interactions involved are not exclusively normative. The institutional and political dynamics within Europe, be it the Union or the Council of Europe, require specific expertise on the part of researchers. Finally, since Europe cannot be isolated from the vast process of globalization of law(s), the international dimension of our research demands that many aspects of private and public international law be included. This research group is open not only to technical or practical analyses, but also ones which are prospective and theoretical. Private and public lawyers, politicians, historians and economists are all challenged by these new issues which, beyond the specificities of our disciplines, are redefining the nature and the very function of legal instruments.

This research group must be seen as being anchored to the various Masters of the Faculty of Law of Tours, i.e. directly attached to their curriculum & teaching which is designed specifically to prepare young researchers for post-graduate, doctoral studies.

- Procedures

The Procedures research group brings together research on civil, criminal and administrative procedures. In addition to the analysis of each of their specificities, an interdisciplinary approach is made possible by the emergence of common principles brought together in what is more commonly known as procedural law. The enshrinement of the right to a fair trial runs through all civil (and civil enforcement), criminal, administrative, constitutional and conventional procedures.

This area also makes it possible to compare the respective evolutions of the different procedures concerning, among others, the office of the judge.

The area is not limited to litigation, it also aims at analysing the different ways of avoiding going to court, e.g. alternative methods of dispute settlement, non-litigation administrative procedure. It is intended to focus on non-judicial procedures, such as those that take place before regulatory authorities.

- Liabilities

Its purpose is to study civil, administrative, criminal and political liability with an interdisciplinary approach. Alongside numerous individual publications in this field, several collective works have been published:

- a book on damages;
- a work on public and private liability.

The «Liabilities» research group is based on:

- a large number of colleagues and PhD students interested in this topic;
- on the network of the European Research Group on Civil Liability and Insurance (GRERCA), to which several members of the laboratory belong.

- Territory, Town Planning, Real Estate

This theme is centered on the notion of territory and all the questions related to the occupation of space: town planning, development, housing, land, environment, construction and building management... It looks into issues such as the identification of the actors involved and the tools they use, as well as analyzing the various national, European and international legal instruments likely to be implemented in this framework, such as easements, and other planning documents and responsibilities....

This theme also includes study into the life, organization and administration of these territories in terms of local action. The aim here is to analyse decentralization and more particularly the administrative and financial management of local and inter-communal authorities, local policies, local public services, etc., which support local public action.

The aim of this research group is not only to bring together researchers in private and public law, but also to encourage cooperation with other groups, in particular with geographers and planners who already cooperate within four Masters programs: Building Promotion and Management (PGI), Land Management and Urban Planning (MTU), Environment, Territory and Landscape (ETP) and Local Authority Administration (ACL). Applied research through contacts with public and private players in the construction, development and environmental sectors (local authorities, social landlords, town planning agencies, consultancy firms, etc.) will be developed.

Presentation of the IRJI François-Rabelais Board

It is made up of:

The members of the IRJI work within a research group (each headed by two group leaders elected by the members sitting on the IRJI Council).

- « Norms and Institutions in Europe »

Karine Abderemane, karine.abderemane@univ-tours.fr
Veronique Tellier-Cayrol, veronique.tellier@univ-tours.fr

- « Markets and Business »

Fabienne Labelle, fabienne.labelle@univ-tours.fr
Franck Juredieu, franck.juredieu@univ-tours.fr

- « Procedures » (co-chairs elected on 12 november 2019)

Benjamin Defoort, benjamin.defoort@univ-tours.fr
Delphine Thomas-Taillandier, delphine.thomas-taillandier@univ-tours.fr

- « Liabilities »

Olivia Sabard, olivia.sabard@univ-tours.fr
Marie Dugué, marie.dugue@univ-tours.fr (élue le 12 novembre 2019)

Presentation of the IRJI François-Rabelais Board ■ ■ ■ ■

- « Territory, Town Planning, Real Estate »

Nathalie Ros, nathalie.ros@univ-tours.fr

Alexandre Deroche, alexandre.deroche@univ-tours.fr

- « Democracies, Freedoms and Public Policies » (co-chairs elected on 18 december 2019)

Gwenola Bargain, gwenola.bargain@univ-tours.fr

Colombine Madelaine, colombine.madelaine@univ-tours.fr

- one representative of each academic discipline (CNU) which is not represented among the directors and research group leaders;

Kevin Parthenay, kevin.parthenay@univ-tours.fr (political science)

Pascal Favard, pascal.favard@univ-tours.fr (economy)

- of two representatives of the PhD students; (election of 12 february 2020) ;

Élodie Delacoure, elodie.delacoure@univ-tours.fr

Antonin Crinon, antonin.crinon@univ-tours.fr

- of the associate researchers;

* documentary resources:

Nicolas Cayrol, nicolas.cayrol@univ-tours.fr

Sébastien Roland, sebastien.roland@univ-tours.fr

* European and international cooperation:

Véronique Picard, veronique.picard@univ-tours.fr

* PhD supervision and young post-doctoral researchers:

Julie Traullé, julie.traulle@univ-tours.fr

Pierre Mouzet, pierre.mouzet@univ-tours.fr

- administrative staff assigned to the IRJI François-Rabelais:

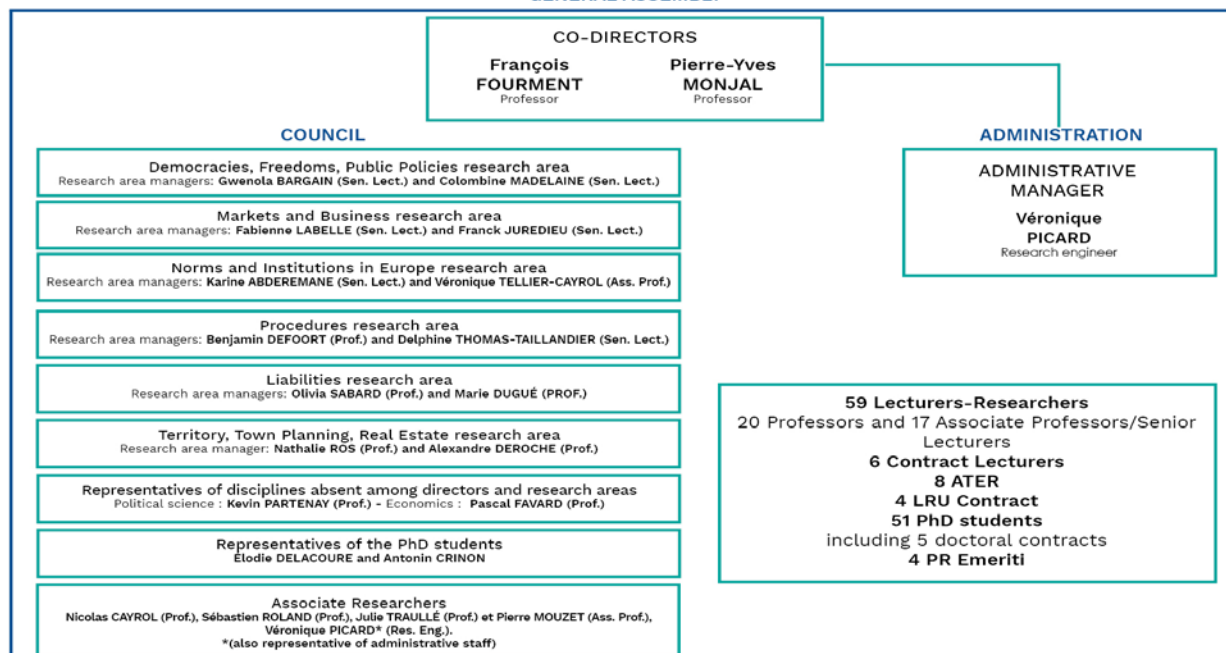
Véronique Picard, veronique.picard@univ-tours.fr

organizational chart of the IRJI François-Rabelais



Interdisciplinary Legal Research Institute François-Rabelais (EA - 7496)

GENERAL ASSEMBLY



Master's degrees attached to the IRJI François-Rabelais leading to a PhD ■ ■ ■ ■

6

| Degree Course | Master's 2 : Course Options | Master's 2 : Persons in charge | Emails |
|-------------------------------------|--------------------------------------|---|--|
| Justice, Trial and Procedure | M2 Counselling & litigation | Federica OUDIN Olivia SABARD | federica.oudin@univ-tours.fr olivia.sabard@univ-tours.fr |
| | Advanced Legal Studies | Delphine THOMAS-TAILLANDIER (CourseHead) Véronique TELLIER-CAYROL (Deputy Course Head) | delphine.taillandier@univ-tours.fr veronique.tellier@univ-tours.fr |
| Company Law | M2 Social Affairs Law | Julien BOURDOISEAU | julien.bourdoiseau@univ-tours.fr |
| | M2 Social Law | Gwenola BARGAIN | gwenola.bargain@univ-tours.fr |
| International Law | M2 International Business Law | Hadi SLIM | hadi.slim@univ-tours.fr |
| | M2 Biotechnology and Law | François-Xavier TESTU | francois-xavier.testu@univ-tours.fr |
| Heritage Law | M2 Heritage engineering | Camille DREVEAU Fabienne Lavelle Franck JUREDIEU | camille.dreveau@univ-tours.fr fabienne.labelle@univ-tours.fr franck.juredieu@univ-tours.fr |
| | M2 Property Promotion and Management | | |
| Public Law | M2 Law and Local Public Management | Corinne TOURET | corinne.touret@univ-tours.fr |
| | Jurist in Public Law | Marie-Laure GELY | marie-laure.gely@univ-tours.fr |
| European Law | M2 Law and Languages | Claude OPHELE | claud.e.ophele@univ-tours.fr |
| | M2 European Jurist | Christine GUILLARD | christine.guillard@univ-tours.fr |
| Health Law | Health Law | Farida AHRAB-GIRARDIN | farida.ahrab-girardin@univ-tours.fr |
| Environmental and Town Planning law | M2 Law and Research | Patrick MOZOL | patrick.mozol@univ-tours.fr |
| Business and Market Economics | M2 Business Economist | Alain BOUSQUET | alain.bousquet@univ-tours.fr |

Current Research Programs

SEPage (Strategies for the transmission of Farms and Professional Practices in Viticulture)

Funding: Central Region, APR 2016- 2020

Responsible for the IRJI François-Rabelais: Abdelkhaleq BERRAMDANE (PR Emeritus), Alexandre DEROCHÉ (Prof.) and Fabienne LABELLE (Senior Lecturer). Coordinator: Françoise SITNIKOFF (Senior Lecturer).

WATER-PONDI (Water Risk Assessment in Pondichéry)

Funding: Central Region, APR 2017-2022

In charge for IRJI François-Rabelais: Christine FAUVELLE-AYMAR (Associate Prof.), Project leader: University of Tours GEHCO, partners LEO, CITERES, and BRGM Orléans.

EUROPA-ASIA-PAC

Funding: AP MSH Val de Loire AP 2019-2020

In charge for IRJI François-Rabelais: Pierre-Yves MONJAL (Prof.) Abdelkhaleq BERRAMDANE (Prof. Emeritus).

The treatment of juvenile offenders and its effectiveness on the reoffending rate. Orléans-Tours regional study.

Funding: Région Centre APR IA 2019, DOREMI

In charge for IRJI François-Rabelais: Delphine THOMAS-TAILLANDIER (Senior Lecturer) and Véronique TELLIER-CAYROL (Associate Prof.).

Research project QPC 2020

Funding: Constitutional Council

In charge for IRJI François-Rabelais: Véronique TELLIER-CAYROL (Associate Prof.).

Anglo-American Neoliberalism in the 1980s: Construction, Evolution and Transmission of a Paradigm/Model

Funding: Transversal research actions, PA 2019

In charge for IRJI François-Rabelais: Nathalie LEVY (Senior Lecturer)

Industry of the futur

Financement : Université de Tours, ART 2020-2021

In charge for IRJI François-Rabelais: Federica OUDIN (Associate Prof.) et Alain BOUSQUET (Prof.).

Ongoing research programs: an update ■ ■ ■ ■

Research project CPQ 2020

In charge for the IRJI François-Rabelais: Véronique TELLIER-CAYROL (Associate Professor).

Several IRJI members applied to the Constitutional Council's CPQ 2020 call for proposals. The research, conducted over several months, focused on the treatment of CPQs by the courts of substantive jurisdiction in the jurisdiction of the Courts of Appeal of Angers, Bourges, Caen, Orléans and Rennes and in the jurisdiction of the Administrative Court of Appeal of Nantes. The conclusions of this research were discussed at a closed seminar at the Constitutional Council on 5 March 2020. On this occasion, Selma Josso and Véronique Tellier-Cayrol presented the main recommendations of this work.

The first idea was that the public prosecutor's role should be modified concerning CPQs. At the moment, all CPQs are transmitted directly to the public prosecutor's office for an optional opinion. A more coherent system would be to transmit CPQs to the public prosecutor's office only in matters falling within its field of competence and to make its decision mandatory.

The second proposal was to allow the trial judge to raise a CPQ ex officio, and during the seminar, this proposal was well received by the members of the Constitutional Council. It therefore requires serious consultation and reflection with regard to the questions it raises (in particular with regard to the principle of adversarial proceedings).

Finally, a review of the numerous CPQ decisions handed down by the courts of substantive jurisdiction has highlighted the problem of dilatory CPQs. Faced with this recurring problem, it is proposed, not to create a new sanction, but to promote the application of existing texts (in particular the use of civil fines) and to develop continuing training courses for lawyers.

The results of this research will be published next autumn in the journal Title VII of the Constitutional Council and the final report will be posted on the Council's website. A short presentation of the CPQ project and the seminar is available online at:

<https://www.conseil-constitutionnel.fr/actualites/video-qpc-2020-le-seminaire-du-5-mars-au-conseil-constitutionnel>

WATER-PONDI (Water Risk Assessment in Pondicherry)

In charge for the IRJI François-Rabelais: Christine FAUVELLE-AYMAR (Associate Professor).

The Waterpondi project deals with the functioning of the water cycle in the city of Pondicherry and the issues in terms of public policy. This project involves teams of geologists, economists, geographers, sociologists and specialists in environmental metrology from several laboratories (GeHCO, IRJI, BRGM, GREMAN, CITERES, IFP). It benefits from APR-IR funding (2018 - 2021).

The project is principally based on a convergence between an economic dimension piloted by Christine Fauvelle-Aymar (IRJI) and a geoscience dimension piloted by Cécile Grosbois (GeHCO). The value of this interdisciplinary approach lies in a better understanding of the relations between urbanization and contamination in a specific area, namely the urban fringes of megacities, particularly in Asian countries. These urban fringes are experiencing demographic, migratory and economic "explosions" that are taking place without any urban planning and without any management of sewage and other industrial discharges. This lack of public policies generates chemical, microbiological and plastic pollution that has a major impact on the quality of urban rivers, which are still used as resources by the populations in their vicinity. Furthermore, the contamination of these urban rivers spreads downstream and, depending on the geographical context, reaches as far as estuaries and oceans or rural areas which are used for agriculture.

The project aims to cross-reference the socio-economic data of the megalopolis under study (changes in population density, urbanization rate, urban infrastructure, population income, etc.) with the physical and chemical data of the environment (temporal changes and spatial analysis of pollutant concentrations). One of the aims is to explain the changes in the environmental quality with regard to the socio-economic development of Pondicherry and more precisely to identify the factors controlling these changes in the urban fringe.

In operational terms, we have established strategic sampling points for representative sediments based on socio-economic data of the area at the neighbourhood level (evolution of population density, state of infrastructure). A sampling program took place in March 2019 and the analysis of the reported sediments is in progress. The study of the relationships between the spatial distribution of sediment quality and the evolution of urbanisation is also in progress. A final sampling program is scheduled for 2021.

Visiting Professors, Post-Doctoral and PhD students from abroad Looking back

Mid-February - Mid-March 2020

Mohamed CHOURAK (Professor at Hiroshima University) guest of the NihonEuropa programme

<https://www.hiroshima-u.ac.jp/en>



As part of the 2019-2020 campaign, we had the pleasure of welcoming as an invited professor (February 15 - March 10) our colleague Mohamed Chourak from the Hiroshima University. During the 1970s, he had been a student in economics at the University of Tours. He then embarked on an international career in his own country (Morocco) which included diplomatic responsibilities at the Moroccan Embassy in Japan, a country he has been living now for more than 35 years. Currently, he is posted at the Hiroshima University in charge of both the mobility agreements of the Faculty of Law and a Master of International Relations entirely in English. In 2015, thanks to Professor A. Berramdane, a mobility agreement (students and professors of the European Legal Master) and research agreement was concluded with Hiroshima University (ranked 11th among public universities in 2019). This agreement has been renewed in 2019. Two students of the European Lawyers Master degree were supposed to spend a whole semester in Hiroshima but were not able to do so for a health situation that we are all aware of. It is possible that these two students may be able to attend in the fall-semester if the situation related to COVID improves.

Looking back at the colloquia ■ ■ ■ ■

15 November 2019 - **The transmission of winegrowing estates**, a symposium organized Abdelkhaleq Berramdane (professor emeritus), Alexandre Deroche (Professor) and Fabienne Labelle (Senior Lecturer). Research Focus: Territory, Town Planning, Real Estate. A publication of the conference is planned for the year 2020 at LexisNexis.



On 15 November 2019, a colloquium was held at the Law Faculty on the transfer of winegrowing estates. This colloquium corresponds to the main judicial component of the interdisciplinary and multi-year research program entitled Sepage, funded by the Region and led by our sociologist colleagues Françoise Sitnikoff and Hélène Chazal.

Based on field surveys of some forty winegrowers, this programme examines the issue of the transmission of winegrowing estates in the Centre Val-de-Loire region. The IRJI is associated with it and the colloquium was organized in three parts.

First, Fabienne Labelle and Alexandre Deroche provided an initial analysis drawn from their interviews with regional winegrowers involved in the programme. This survey provided a better understanding of the heritage, land and organizational profile of the farms with a view to their transmission. This was followed by a number of academic presentations by University colleagues, most of them legal experts, which provided an insight into the general issue of the transfer of winegrowing estates in all its aspects: heritage law (Hubert Bosse-Platière), tax law (Sabrina Le Normand), contract law (Raphaëlle-Jeanne Aubin-Brouté), administrative law (François Robbe), wine law (Ronan Raffray) and environmental aspects (Michel Pech). Finally, during two round tables presided over by Frédéric Rocheteau and Samuel Crevel, practitioners were invited to share their complementary points of view on the transfer of farms in our region: notary (Séverine Taphinaud), lawyer (Marie Mandeville), banker (Samuel Brennetot), chartered accountant (Xavier Auriault), SAFER (Yannick Turpin), territorial administration (Luc Tessier), farmers' union (François Cazin) and Agricultural Chamber (Jean-Christophe Mandard). The colloquium brought together a large and diverse audience, which produced fruitful exchanges with the speakers.

21-22 November 2019 - **Environmental and health damage: legal approaches and transdisciplinary issues**, symposium under the scientific direction of Farida Arhab-Girardin (Associate Professor), Christel Cournil (Professor), Fabienne Labelle (Senior Lecturer) and Damien Thierry (Associate Professor). The publication of the Acts is in the special issue of the *Revue Juridique de l'Environnement* 2020.

The relationship between environment and health is legally recognised. By stating that "everyone has the right to live in a balanced and healthy environment", Article 1 of the Environmental Charter enshrines the close relationship between environment and health. Current events provide many examples of questions about the effects of certain substances and processes on human health. These cases reveal a number of challenges in collecting and processing information which demonstrate a causal link between pollution and health. They highlight the antagonism of certain interests: transparency versus business secrecy, precautionary principle versus economic development, freedom of trade and industry, agricultural policies. The challenge is scientific, political, economic but also judicial.

Speakers first discussed the rights to a healthy environment before considering the knowledge and identification of health risks related to the environment.

Lastly, the jurisdictional processing of the issue was examined. The papers were rich in terms of analyses and proposals and the exchanges with the public were very interesting.



28 and 29 November 2019 - **How should public officials be made accountable for their actions?** Colloquium organized by Christian Garbar (professor emeritus), Bénédicte Delaunay (professor emeritus), Corinne Touret (Associate Professor), Mathilde Collin (Associate Professor), Anne Jeannot (Senior Lecturer), Véronique Tellier-Cayrol (Associate Professor) and Pierre Mouzet (Associate Professor). Research Focus: Liabilities.



This colloquium (28-29 November, 2019) was a follow-up to the 2014 colloquium (From Responsibility to Accountability of Public Officials) and aimed at delving further into the issue of the accountability of both public officials and public decision-makers. The differing points of views presented, in front of a large audience of academics, practitioners and students, by around thirty French and foreign speakers (jurists, politicians, elected officials and journalists) in twenty papers and two round tables, brought to light some relatively surprising results. The answers to this vast multidimensional debate were fairly consistent, despite the diversity of the political and legal systems of the countries represented (Chile, Colombia, Spain, United States, France, Italy, Japan, Poland), be it in terms of the different modes of responsibility (criminal, financial, political), the nature of the sanctions or the limits of accountability.

The collective work resulting from the colloquium will be published at the end of 2020 by the Presses Universitaires Juridiques de Poitiers-LGDJ.

Looking back at the colloquia ■ ■ ■ ■

13 February 2020 - **The hospital crisis: The hospital is dead, long live to the hospital!** Study day organized by the Health Law Master II Degree. The publication of the proceedings is scheduled in the journal *Gestions Hospitalières*.



The annual seminar of the Health Law Master II Degree, organized by the students & overseen by their supervisor, was this year devoted to the hospital crisis. It was specifically entitled « The hospital crisis: the hospital is dead, long live to the hospital! ».

For years, even decades, the hospitals have been in crisis and attempts to solve the crisis through a variety of reforms have had little effect. Today, the crisis seems to have reached its most critical point. *There are many causes. One of them is the application of entrepreneurial mechanisms to hospitals by associating administrative power with medical power at the head of the establishments. Another is the implementation of a financial system identical to public and private establishments; i.e. activity-based pricing (T2A). The various presentations focused on hospital management as seen through the eyes of a hospital practitioner, such as hospital practice in the face of abundant regulation or the impact of the European budgetary framework on health expenditure. The effects of the hospital crisis were then discussed. They can be seen, in particular, by the right of access to care being hampered by territorial inequalities, by the legalization of medical activity, and by the increase in acts of violence inside hospitals. Finally, remedies to this crisis were*

put forward through the "My Health 2022 plan and the law of 24 July 2019: remedies for ills?" as well as experiments carried out in other countries, including Denmark. The annual seminar was rich in lessons and exchanges.

13 March 2020 - **Having convictions, what impact on heritage management today?** Colloquium organized by the Master of Law and Heritage. A publication of the colloquium is expected in the first half of 2021.

On March 13, 2020, students from Tours University's Heritage Law Master's degree were pleased to see that the colloquium they had been organizing for a year (Supervisor: Fabienne Labelle), actually took place. The theme chosen was premonitory in terms of discussions that will soon be taking place to rebuild the world economy after the health crisis linked to Covid-19. The subject of the colloquium was an invitation to question the impact of convictions on heritage management today.

Managing one's patrimony consists in arbitrating choices in order to achieve various objectives. So, any patrimonial strategy has one or more goals. The needs expressed by individuals do not only reflect strictly individualistic concerns. The social and environmental questions they now put to their advisors reveal the role played by convictions in the exercise of their choices. Conviction can therefore lead to profound change in practices.

At a time when the role of the company is evolving under the aegis of RSE (Responsabilité Sociétale des Entreprises/Corporate Social Responsibility) and the Pacte law, when the Court of Auditors is calling for better supervision of the sponsorship system, and when the amount of sustainable funds offered to French savers has almost doubled in one year, investors' convictions could lead to changes in asset management. The purpose of this colloquium was to look at the issue of conviction-based investments through a number of themes.

With Professor Claude Ophèle in the chair, this colloquium allowed researchers, professionals and experts in this field to express their points of view. On the one hand, it confronted patrimonial asset management with the desire to contribute to entrepreneurial innovation (F. Labelle, F. Juredieu, T. Gueraud, B. Bréhin) and on the other safeguarding common property (C. Dreveau, M. Bailly, S. Taphinaud, C. Anger) with supporting social and environmental changes (A. Le Ruyet, T. Girard, A. F. Kerouedan). To close the event, a round table moderated by Marie-Laure Gely provided an opportunity to debate the challenging question of managing one's legacy with one's heart (M. de Rostolan, D. Malherbe, A. Hardy). The contributions were very rich and there was a good response from the audience.



Upcoming Colloquia



2021 « [Enterprise and Sustainability](#) », organised by Gwenola Bargain and Franck Juredieu.

2021 « [From seduction to aggression](#) », International colloquium organized with the Resource Centre for Professionals working with the Perpetrators of Sexual Violence of the CHU of Tours (<https://www.fccriavs.org/les-criavs/crivals-centre/>) and the research team E.E. 1901 Quality of Life and Psychological Health (QualiPsy).

2021 « [Concerning the nature of constitutional law. Debate to mark the publication of Jean Rossetto's PhD](#) », organized by Sébastien Roland et Pierre Mouzet.

2021 « [Anglo-American neoliberalism in the 1980s: construction, evolution and globalization of a paradigm/model at the turn of the twentieth century](#) », organized by ICD (Cultural and Discursive Interactions - EA 6297), IRJl François-Rabelais (EA 7496) and the University of Tours' Institute of Technology.

A look back at the NihonEuropa Network's colloquia ■ ■ ■

20 September, 2019 - Tokyo Colloquium, University of Tokyo - **How to maintain the quality of life of elderly people in France and Japan? Franco-Japanese perspectives**



The ageing of the population (900 million elderly people in the world in 2019) is a major challenge for French and Japanese societies facing a demographic shock with unprecedented legal, social and economic consequences. In France, people aged 75 and over represented 6.6% of the population in 1990, nearly 9.5% in 2019 with a projection of more than 15% in 2040. In Japan, the proportion of people over 65 years of age represented 28% of the population in 2019 (more than 35 million people). In Japan, as in France, the future of the social model (financing of pensions, social assistance and action relating to the elderly) is impacted by an ageing society. By comparing the legal and social issues, particularly those arising from ageing in these two countries, this colloquium follows on from the one organized on 22-23 March 2018 at the University of Poitiers. The aim of this colloquium is to draw up a diagnosis of the situation today by questioning the solidarity and protection for the elderly in France and Japan, particularly in terms of their employability and vulnerability, before beginning an analysis of, on the one hand, the places where people age (respective roles of the State, local authorities, social and medico-social institutions) and on the other, support for the elderly with the essential role of the family and carers and the growing importance of innovations.

This colloquium, organized as a part of the NihonEuropa programme, was conceived and financed within the framework of a Hubert Curien (Sakura) programme by Emmanuel AUBIN, Vice-President in charge of Social Relations, Legal Affairs and Ethics at the University of Poitiers, Professor of Public Law at the University of Poitiers (IDP, EA n° 2623) and French head of the PHC SAKURA ERASCLA (Emerging Risk in an Ageing Society: Comparative Law Analysis).

Eri KASAGI, CNRS research fellow, COMPTRESEC laboratory (UMR n° 5114), University of Bordeaux. Loïc LEVOYER, 1st Vice-President of the University of Poitiers, Associate Professor in Public Law, IDP (EA 2623), laureate of an exploratory program on Japan. Tetsushi SAITO, Assistant Professor of Civil Law at the Institute of Social Sciences of the University of Tokyo, Japanese leader of the PHC SAKURA ERASCLA with the JSPS (Japan Society for the Promotion of Science).

4 October, 2019 - Colloquium, French National Assembly – **The Constitution in the face of time - Franco-Japanese Cross Perspectives**, under the scientific direction of Emmanuel Aubin and Loïc Levoyer, Vice-Presidents of the University of Poitiers

The purpose of this international Franco-Japanese colloquium, organized under the aegis of Nihon-Europa and with the support of the Japanese Embassy in France, was to compare the constitutional revision processes underway in the two countries by including a comparison of the relationship at the time of the Constitutions of 1946 in Japan and 1958 in France. The colloquium was fully in line with the IRJI's Democracy and Freedoms research group because of the link between the renewal of democratic life and the guarantee of freedoms in both countries. The originality of the colloquium was in the comparative input of academics and parliamentarians from France (including the president of the law commission, Mrs Yaël Braun-Pivet) and Japan (presentation of the draft constitutional revision by Mrs Shiori Yamao, MP). This interaction between actors of constitutional revision and constitutional experts brought a very high added value to the proceedings. The strengths and weaknesses of the French and Japanese Constitutions, the limits and limitations of constitutional revision in both countries, the scope of possible changes to the content of the laws and the guarantees of fundamental rights were all subject to cross-examination. This made it possible to analyse, from the point of view of comparative law, the Franco-Japanese convergences and divergences in the plans to revise the Constitutions for the first time in Japan and for the 25th time in France.

25-26 November, 2019 - Ho Chi Minh Colloquium, Ho Chi Minh Law University
28-29 November, 2019 - Chiang Mai Colloquium, Chiang Mai University
Partnerships of economic powers in the Asia-Pacific region



Under the aegis of French and Japanese Lawyers Network in Tours (Nihon-Europa) and the Multidisciplinary Network "New External Partnership Dynamics of the EU in the Asia-Pacific region" (NODYPEX) of Rennes. This event follows on from those already initiated by the two networks, in Hanoi, Tours and Rennes.

The European Union has concluded or will conclude several political and economic partnership agreements with Asia-Pacific countries (Malaysia, Singapore, Thailand, Philippines, Indonesia, Vietnam, South Korea, Japan, Australia, New Zealand, Chile, Mexico). Political or strategic partnership agreements have already been signed with all these countries except Mexico and Chile, which are contracting parties to a single agreement,

and economic partnership agreements have been finalised with South Korea, Canada, Japan, Singapore and Vietnam.

A look back at the NihonEuropa Network's colloquia ■ ■ ■ ■

This dense network of agreements, constituting the EU-Asia-Pacific hub, cannot be understood without linking it to the many agreements concluded or to be concluded between the various partners in this same region, first and foremost the agreements concluded between the ASEAN countries and between ASEAN and its third-party partners in the area. Alongside the EU-Asia-Pacific and ASEAN clusters, a third cluster is emerging which is divided into three overlapping groups: one group, led by Japan and Canada, with the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), another group led by China, with the Regional Comprehensive Economic Partnership (RCEP), and a group around the United States, with the recent Canada-United States-Mexico Agreement (CUSMA), and the US-South Korea Free Trade Agreement (KORUS).



The whole issue is to know how these different, emerging poles, which account for more than 80% of the world economy, are organized. More specifically, are the Euro-Asian agreements as well as those with the American Pacific countries (CETA with Canada, revised global agreement with Mexico, future revised association agreement with Chile) built according to the same model as those of the other regional partnerships of the EU and third countries? Are they specific in terms of content? How can these partnerships be organized in the form of "Olympic rings", given that the European Union and several Asian-Pacific states are in several rings at the same time?

The distribution of the themes envisaged in the two colloquia responds more to organisational needs than to legal coherence.

You will find below a link showing the outcome of the Ho Chi Minh meeting: <http://web.hcmulaw.edu.vn/nodypexnews/index.php/fr/>

Michel TROCHU and Abdelkhalq BERRAMDANE, Emeritus Professors of the University of Tours & Legal experts at the European Parliament.



The Nihon-Europa



The NihonEuropa network was developed by Professor Monjal in 2014-2015 with strong initial support from the MSH. This network currently brings together more than fifty Japanese and French lawyers. They are mainly professors of public law, private law, some economists, lawyers and institutions (CCI France of Tokyo, Bar of Paris and Tokyo, Representative of Japan in Brussels, Embassy, etc.). The aim of this network is to develop research between France, the European Union and Japan. The new generation economic partnership agreement between the EU and Japan for 2019 is a very important axis of joint research (See our conclusions in our e-conference EU-Japan <https://blogdroiteuropeen.com>) as well as the whole issue related to the ageing of populations and the social arrangements for their care. The Japanese partners include the top 15 Japanese universities, three of which are ranked in the Shanghai 2020 Top 100. Five international symposiums have already been organized in Tours, at the University of Tokyo and at the French National Assembly.

The NihonEuropa network is also a set up enabling us to initiate, within the framework of the European Legal Master's Degree, a major mobility scheme for Master 2 students. Next year, the following Universities with whom we have agreements will be part of our network: Chuo, Aoyamagakuin (located in Tokyo), Kobe and Hiroshima. Two other partners are expected: Meiji (Tokyo) and Kagawa (located in Takamatsu, the city twinned with Tours). In 2018, 2 female students benefited from this mobility, in 2019 it was 3 students and this year, 2020, out of the 11 that were planned, in the end, 6 students were able to go to Japan. An association and a «NihonEuropa» website will be created. From April to September, these students follow two or three courses (in English) at the partner university, learn Japanese and write their Master 2 dissertation, the defence of which involves a referent colleague. The students can also follow internships. All the students have already completed internships in law firms and one student in a French company. Currently, out of the 5 students who left in 2018 and 2019, 2 students are settled in Japan and work there. This



year, a third one has found a 2-year contract at the French Embassy and a fourth one will benefit - it is pending - from a government research grant to pursue her PhD which is Supervisor: Professor Monjal. Let us add that another student currently on mobility in Kobe has received a student grant from the city of Kobe. Finally, next year a European-Japanese Master 1-Master 2 Degree with Chuo University will be opened. 5 French and 5 Japanese students will benefit from a one-year mobility in the host country. This Master's degree is closely attached to the European Legal Master's degree. In total, our mobility capacity for students from Tours in Japan amounts to 20. From this point of view, the system put in place is unique, both in terms of the numbers of partners and students that can be "mobilised" and from a disciplinary point of view (European Legal Master's degree).



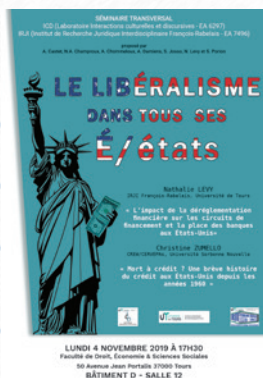
The website will be completely redesigned in the coming months: <http://nihoneuropa.univ-tours.fr>

This network was set up with funds from outside the IRJI budget (Jean Monnet Chair, MSH, APR in particular). The 133 pages of the missions' reports carried out so far, as well as the agreements with the partners, are available on request from Professor Monjal.

Looking back at conferences ■ ■ ■ ■



7 October, 2019
“The abdication of the Emperor” by Hideki ETO, Assistant Professor at Meiji University (Tokyo). Our Japanese constitutionalist colleague, accompanied by Professor Ken HASEGAWA of Kogakuin University (Tokyo), also constitutionalist, and both members of the NihonEuropa network, honoured us with a presentation of the Japanese constitutional regime and, in particular, a presentation of the legal issues relating to the abdication of the Emperor. Indeed, this abdication is not provided for in the Japanese Constitution and it is the first time (at least in the 20th and 21st centuries) that an Emperor has abdicated in favour of his son, essentially for reasons of age.



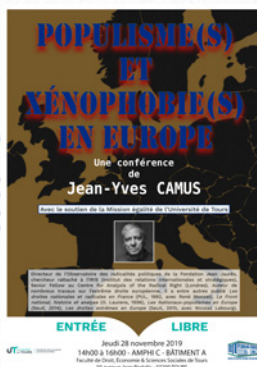
4 November, 2019
“Liberalism in all its S/states - The impact of financial deregulation on finance circuits and the place of banks in the United States” by Nathalie LEVY, IRJI François-Rabelais, University of Tours; **“Death by credit? A brief history of credit in the United States since the 1960s”** by Christine ZUMELLO, CREW/CERVEPAS, University Sorbonne Nouvelle.



8 November, 2019
“Fundamental rights, a new horizon for European Union law?” by Claude BLUMANN, professor emeritus of the University of Paris Panthéon-Assas (Paris II), former Dean of the Faculty of Law, Economics and Social Sciences of Tours.



25 November, 2019
“Liberalism and Media in the USA - Antimedia Politics in the USA: Conservatives' Weaponization of the Liberal Media Critique in the Age of Reagan” by Sébastien MORT, Laboratoire Écritures, University of Lorraine.



28 November, 2019
“Populism(s) and xenophobia(s) in Europe” by Jean-Yves CAMUS, Director of the of the Political Radicalities' Observatory of the Jean Jaurès Foundation; researcher attached to IRIS (Institute of International Relations and Strategies).



27 January, 2020

“Liberalism in all its S/states - The Supreme Court of the United States and Liberalism” by Anne DEYSINE, Lawyer, Americanist and graduate of Sciences Po Paris, professor emeritus of the University Paris Nanterre.



17 February, 2020

“Liberalism in all its S/states - British and American welfare states in the face of neoliberalism: what reforms for disability policies? (1996-2016)” by Marie ASSAF; Simon DAWES and Marc LENORMAND for their two co-edited books, **“Neoliberalism in Context”, Palgrave, 2020** and **“New perspectives on the Anglophone World”, Angles magazine n°8 2019.**



6 March, 2020

“The principle of fraternity: promising future or illusory hopes?” with the participation of Samy BENZINA, Professor of Public Law, University of Poitiers, Pierre BOISSEAU, Senior Lecturer in Public Law, Marie-Laure GÉLY, Senior Lecturer in Public Law and Kévin PARTHENAY, Professor of Political Science, University of Tours.

Upcoming Conferences

2021 **“Algorithms : Biais , Discrimination and Equity”**. Conference organized by MécEN and IRJ François-Rabelais. (Alain Bousquet). Speaker: Patrice Bertail, MODAL X, UFR SEGMI, University Paris Nanterre; Discussants: Pascal Fardard, Francois Fourment and Vincent Perrolaz

Algorithms are becoming more and more involved in our daily lives, be they decision-support algorithms (recommendation or scoring algorithms), or autonomous algorithms embedded in intelligent machines (autonomous vehicles). They are deployed in many sectors and industries for their efficiency and their results are increasingly discussed and contested. In particular, they are accused of being black boxes and of leading to discriminatory practices based on gender or ethnic origin. The aim of this conference is to describe the biases associated with algorithms and to outline ways to remedy them. We are particularly interested in the results of algorithms in relation to equity objectives, and their consequences in terms of discrimination. Three questions will be addressed: By what mechanisms can bias in algorithms occur? Can they be avoided? And, finally, can they be corrected or limited?

In the first part, we will describe how a statistical learning algorithm works.

In the second part we will look at the origin of these biases, which may be cognitive, statistical or economic. In the third part, we will present some promising statistical or algorithmic approaches to correct the biases. We will conclude with the main societal issues raised by statistical learning algorithms such as interpretability, explicability, transparency, and accountability.



Colloquiums and conferences of the IRJI François-Rabelais posted online on Canal U



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These videos were made with the help of Philippe DUMAS, head of the audiovisual department of the Faculty of Law, Economics & Social Sciences.



"The Constitution in the face of time - Franco-Japanese Cross Perspectives", Colloquium of 4 October 2019.

https://www.canal-u.tv/producteurs/irji/nihon_europa/la_constitution_face_au_temps



"The transfer of wine-growing estates", Colloquium of 15 November 2019.

https://www.canal-u.tv/producteurs/irji/la_transmission_des_exploitations_viti_vinicoles



"Environmental and Health Damage: Legal Approaches and Transdisciplinary Issues", Colloquium of 15-16 November, 2019.

https://www.canal-u.tv/producteurs/irji/atteintes_a_l_environnement_et_sante



"Populism(s) and xenophobia(s) in Europe", Conference of 28 November, 2019.

https://www.canal-u.tv/video/irji/conference_de_jean_yves_camus_populisme_et_xenophobie_en_europe.56495



"How should public authorities be made accountable for their actions", Colloquium of 28 and 29 November, 2019.

https://www.canal-u.tv/producteurs/irji/comment_les_responsables_publics_doivent_ils_repondre_de_leurs_actes



"The hospital crisis: the hospital is dead, long live to the hospital!", Study Day on 13 February, 2020 organized by the Master II in Health Law.

https://www.canal-u.tv/producteurs/irji/la_crise_hospitaliere



"The principle of fraternity: promising future or illusory hopes?", Conference of 6 March, 2020 organized by the Master 2 Juriste de Droit Public.

[lien bientôt disponible sur https://irji.univ-tours.fr/actualites-scientifiques/colloques-et-conferences-en-ligne/](https://irji.univ-tours.fr/actualites-scientifiques/colloques-et-conferences-en-ligne/)



"Having convictions: what impact on Heritage management today?", Colloquium of 13 March, 2020 organized by the Master of Law and Heritage.

[lien bientôt disponible sur https://irji.univ-tours.fr/actualites-scientifiques/colloques-et-conferences-en-ligne/](https://irji.univ-tours.fr/actualites-scientifiques/colloques-et-conferences-en-ligne/)

The University of Tours' Master's in Health Law, directed by Mrs Farida Arhab-Girardin, will soon celebrate its 30th anniversary. It was created in 1991 in collaboration with the University of Poitiers (initially as a DESS in Medical Law) and was one of the first in this field. Since September 2018, it is now a University of Tours degree.

Affiliated to IRJI, various scientific events have been organized or co-organized by the Master in Health Law, including in 2019, the Colloquia "Medical liability and compensation for medical accidents. Review and prospects" and "Environmental damage and health: legal approaches and transdisciplinary issues" under the scientific oversight of Fabienne Labelle, Damien Thierry, Farida Arhab-Girardin and Christel Cournil.

Three Franco-Polish research programmes have also been carried out under a partnership between the Universities of Tours and Łódź in Poland, initiated by Patrick Baleynaud and under the scientific co-direction of Farida Arhab-Girardin. The first programme, entitled "Crossed Perspectives on medical responsibility under French and Polish law", was in 2012-2014, the second responded to a call for projects from the French Embassy in Poland in 2016 and was devoted to "Alzheimer's disease and other related diseases" and the most recent programme, in 2017, addressed "Health policies in the fight against cancer and patients' rights".

Master's students are introduced to research by entrusting them with the organisation of an annual study day supervised by the Master's department and with the support of the IRJI. The MGEN is a partner of this event. Various topics have been discussed, notably, "compulsory vaccinations: between individual liberties and collective duties"; "the detained patient"; "the right to be tested by new technologies" and in February 2020, "the hospital crisis".

The healthcare crisis raises new questions and opens up new fields of research, some of which will be studied, in particular, in collaboration with the Ethical Study Group of the Centre Val de Loire Region.

30th anniversary of the European Master's Degree in Law , an illustration of the relationship between the IRJI and the Tours Master's degree in Law



The IRJI and European Master's Degree in Law co-organized a day of study and awareness of European Union law in celebration of the 30th anniversary of this Master's degree. The scientific part was opened with a speech by Professor Claude Blumann, whose presence was essential for two reasons. Firstly, he founded the Master's Degree and, secondly, he also founded the former research group in international and European law, GERCIE (forerunner of IRJI's current, Norms and Institutions in Europe Research group), which introduced a large part of the European Union Law lecturers in Tours to research. Professor Claude Blumann gave a lecture on fundamental rights in the European Union. In the afternoon, the student-ambassadors of European careers presented the career opportunities in European Union law, with the help of the French Association for European Studies (Afee). A member of the Single Market Observatory of the European Economic and Social Committee, Jean-Pierre Faure, then gave an illustration of these European careers by presenting his functions and his work on the consequences of Brexit in the Member States and on new economic models in the European Union. Along with a series of activities thought up by the Master's students, including a quiz and short sketches illustrating some of the highlights of the last 30 years of European integration, the day ended with the graduation ceremony for the winners of the 2018-2019 year class. This took place in the presence of Sabine Thillaye, MP, Chairwoman of the European



Affairs Committee of the French National Assembly and former student of the European Lawyer Master's Degree, Jérôme Tebaldi, MP & mayor of Tours, Mr. Faure, the students and Assistant Professors of the Master's program and a few dozen alumni, including some from the very first degree classes, who came especially from Luxembourg, Brussels and Paris. In its dual capacity as a research laboratory and European documentation centre, the IRJI had managed to obtain an exhibition of press cartoons from the European Commission which contributed to the success of the event.



This day was an illustration of the close relationship between the IRJI and the courses it offers, including the European Master's Degree in Law and the other courses in European Law. In addition to the ongoing participation of academics and professionals, it is worth noting that students are also active. They regularly speak at IRJI scientific events (such as the Franco-German study days at the Universities of Tours and Bochum), they have helped in the setting up of a European citizens' consultation and they have also organised conferences. On 12 December, under the guidance of their lecturers, they presented a conference on "The European Union in the aftermath of the European Parliamentary elections of 23-26 May 2019". Another sign of this student interest in research is the award of the second Valéry Giscard d'Estaing Prize for European Commitment to Simon Blin, a student of the European Master's 2 Degree in Law. This award was followed by the publication of an article in the journal of the European Union, published by Dalloz.

8 Novembre 2019 à 18h30, Amphithéâtre

Pliez de lots à la clé :

- Le tote bag
- Le t-shirt

Site pour le quiz : [Kahoot!](#)

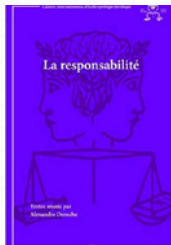
30^{ème} ANNIVERSAIRE DU MASTER JURISTE EUROPÉEN

Vendredi 8 Novembre 2019

9h - 18h

Inscription obligatoire à mjuri@univ-tours.fr avant le 7 novembre

30^{ème} Anniversaire



Liability - Proceedings of the The International Study Days of the History of Law Society of Tours (1-4 June 2017) - Texts collected by Alexandre Deroche
Publisher: Presses Universitaires de Limoges - Pulim
ISBN: 978-2-84287-737-8 - Parution: 06/2019

Summary: "Any act of a person, which causes damage to another, obliges he whose fault was the cause of the damage, to repair it". This article 1384 of the French Civil Code, which became article 1240 in 2016, is an anthological text, undoubtedly the most famous in matters of liability. It is a cardinal concept of law in many national traditions although liability does not only concern civil law. It is equally important in other branches of law - criminal, administrative or constitutional - in which it has always played an important role, and increasingly does so. Liability does not only have a rich present and a bright future, it also has a long past, which, despite the brilliant historical work that has already been devoted to it in various languages, contains many grey areas. In order to throw new light on this question, around sixty academics came together at the memorable International Study Days of the History of Law Society held in Tours in 2017. The present collection provides the reader with the essence of the debates, hoping to fill gaps in scientific knowledge and to stimulate new avenues of research.



Medical liability and compensation for medical accidents. Edited by Farida Arhab-Girardin
Publisher: Dalloz - Revue de droit sanitaire et social n° 6/2019
ISSN: 0245-9469 - Parution: 10/2019

Summary: Summary: The Kouchner Act of 4 March 2002 on patients' rights and the quality of the health system represents an undeniable step forward in the compensation of bodily injury. Indeed, it creates an innovative compensation scheme for medical damage in various ways. First of all, it redefines and unifies the rules of medical liability by giving fault a major role. Secondly, for reasons of national solidarity, it enshrines a right to compensation for medical accidents that are not seen as faults ("the therapeutic hazard"), although this is subject to a condition of seriousness. Finally, it sets up a system of conciliation and compensation commissions for the amicable settlement of culpable and non-culpable medical damage in order, in particular, to divert disputes in this area but also to simplify and speed up the procedure. More than fifteen years after coming into force, have the objectives pursued by the legislator been achieved? Are the rights of victims better preserved? In order to answer these questions, the speakers first looked at the latest developments in medical liability. The introduction of a unitary system of administrative and civil liability presupposed an identical interpretation of the legislative provisions. Has such harmonization and stabilization of the rules been achieved? What about the criminal liability of health professionals? The focus of the debates, for many years, on compensation of damages cannot hide the existence of criminal litigation. Secondly, it was a question of assessing the system of compensation for non-culpable medical accidents through national solidarity and of the various compensation procedures. The speakers wondered about the interpretation of the conditions of compensation for therapeutic risks. Is it really favorable to the victims or, on the contrary, too restrictive? The discussion then moved on to the choice of compensation procedure. By introducing a procedure for the amicable settlement of medical damages, the legislator intended to improve the situation of victims. Yet, its attractiveness has been called into question. However, the system introduced in 2002 was a considerable step forward that has inspired other European legislation. In this context, and with reference to the Franco-Polish program on medical liability of the Universities of Tours and Łódź, a Polish perspective was presented on the compensation of medical accidents. Finally, the discussions focused on compensation for personal injury as well as the impact of the civil liability reform project on this issue.



Luck in Administrative Law - Camille Giraud
Publisher: Presses Universitaires d'Aix-Marseille
ISBN: 978-2-7314-1138-6 - Parution: 10/2019

Summary: "Luck" is a heterogeneous notion in Administrative law. Indeed, it can be interpreted in several different ways such as chance, probability or risk, each of which can have different practical applications as well as, unsurprisingly, different consequences. However, this lexical diversity does not mean luck is invisible, given that the emergence and reactions of luck can be systematized by those who oversee the daily functioning of the administration and its relations with its citizens. For the administrative judge and the legislator, probabilities are always an illustration of the fact that luck can be a useful tool in establishing judicial truth in a situation of uncertainty. For the administrative judge and the legislator, chance and risk systematically refer to the occurrence of unforeseeable events or phenomena that must be avoided. There is therefore a "good" form of luck that they use, and a "bad" form of luck that they reject. Despite all the subtleties deployed by luck in administrative law, it nevertheless reveals itself as a notion whose unity appears at the stage of the study of the function common to all its appearances. While probabilities help the administrative judge to determine more precisely the amount of compensation for a loss of health chances and to increase the reparable damages, chance and risk are rejected by the administrative judge and the legislator in such a way that their repercussions on the individuals concerned are compensated by an indemnity. Luck is therefore a functional concept and it is likely it will be increasingly used to improve the compensation provided to citizens, both from a qualitative and quantitative point of view.



Research on the notion of Constitution and the evolution of constitutional regimes - Jean Rossetto
Publisher: Institut Francophone pour la Justice et la Démocratie
ISBN: 978-2-37032-249-4 - Parution: 01/2020

Summary: "The divorce frequently observed between the prescriptions drafted and their subsequent implementation is a phenomenon inherent in the very nature of constitutional norms and their conditions of interpretation. Whether unilateral or joint, the institutional practice which is established as soon as a Constitution comes into force, expresses nothing other than its interpretation by the public authorities. It emerges on the basis of the virtualities contained in the text, whose meaning and scope it thus determines. Two essential factors condition this operation. On the one hand, the various competences available to the constituted bodies; on the other hand, the political context which informs their faculties of interpretation. Consequently, the physiognomy taken by a political regime depends on the mode of distribution of powers adopted and the environment in which it has to be applied."

Almost forty years later, the idea expressed by Jean Rossetto in his PhD has lost none of its power or relevance.



Numbers and Law - Edited by Marion Brosset Briand, Antonin Crinon, Élodie Delacoure and Émilie Delcher
Publisher: L'Harmattan
ISBN: 978-2-343-19575-9 - Parution: 02/2020

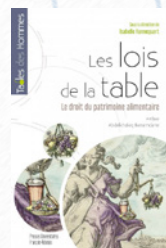
Summary: The choice of the theme "Numbers and Law" was based on the observation that numbers, understood lato sensu as what is quantifiable, have taken up a considerable place in the field of law. Their importance can also be seen, for example, by the introduction of numerical targets, performance indicators and other quantitative imperatives in law. A term derived from the management sciences - New Public Management - and from economics, along with terms such as governance, regulation, efficiency, is also gradually invading the field of law.

This incursion seems to be affecting every part law: international (setting greenhouse gas emission thresholds, etc.), European (Treaty on Stability, Coordination and Governance, etc.), national (LOLF, etc.) or local (allowance for functions, hardship and expertise of civil servants, etc.). It even influences the office of the judge (proportionality control, "cost/benefit" balance, etc.).

So the aim of this book is to take stock of this penetration of economics, management and mathematics, in the legal sphere in order to understand if – and if so how - it is a factor in changes to the law.

This book brings together the academic contributions of young researchers, doctoral students and PhDs, proposing varied and multidisciplinary legal approaches. It is the result of the colloquium organized on 23 November 2018 by Hémisphère Droit, an association bringing together doctoral students and young doctors from the University of Tours.

List of contributors: Vassil Bézier, Jennifer Bomstain, Marion Brosset Briand, Akassi Brou, Antonin Crinon, Élodie Delacoure, Émilie Delcher, Ahmed Elkahwagy, Alexis Lecatelier, Léa Lucienne, Benjamin Mosny, Pierre Mouzet, Adeline Paradeise, Paulien Parinet, Théo Scherer, Marion Travers.



Rules of the Table - The Law of Food Heritage - Under the direction of Isabelle Hannequart-Foreword by Abdelkhaleq Berramdane
Publisher: Presses Universitaires François-Rabelais - Tours
ISBN: 978-2-86906-733-2 - Parution: 02/2020

Summary: Feeding oneself, eating, eating good food and eating well, these acts of daily life are legal acts. The law has its own language to tell us about food laws. However, it does not provide a definition of food heritage, a notion shared by many other related disciplines. Rules of the table echo our culture, the gastronomic meals of the French, and also manifest themselves through the many labels of intellectual property.

Ingredients of food heritage can be found in the different areas of law according to patrimonialisation processes with very different foundations. A joyous heritage, no doubt, but must food heritage also be a virtuous heritage responding to a growing societal demand for a quality heritage by taking into consideration the environment, biodiversity, health, animals, collective preferences, human rights, etc. To what extent can food heritage deal with patent or trademark protection?

Food heritage requires legal protection. But protection is not necessarily based on a patrimonial intention and purpose. Too fatty, too salty... too regulated?! Nor should the law nip food heritage in the bud, but rather draw the contours of a new judicial synthesis; the right to food heritage, at the heart of cultural diversity, itself the common heritage of humanity.



Symbolic sentences in French positive Law - Juliette Brunie
Foreword by Fabrice Leduc
Publisher: mare & martin
ISBN: 978-2-84934-482-8 - Parution: 04/2020

Summary: When hearing the expression “symbolic sentence”, the jurist immediately thinks of the victim of a prejudice who obtains one euro in symbolic damages. However, beyond this intuition, symbolic sentences remain unknown. The first question that comes to mind is: are they limited to symbolic damages? The answer is no. The author of a criminal offence who is found guilty but is exempted from punishment, the reduction to 1€ of the amount of compensation provided for in a contract as a penalty clause or the annulment by the highest courts of court decisions in the sole interest of the law also illustrate the widespread use of symbolic sentences in French positive law. Hence a second question: what is or are their purpose(s)? As no comprehensive summary research has yet been carried out on these sentences, this book uses the concrete study of symbolic sentences and the experience of foreign legal systems to discover the multiple facets of a growing phenomenon.



The Reform of Liability Law in France and Belgium - Crossed Perspectives and Aspects of Comparative Law - Studies coordinated by Bernard Dubuisson
Publisher: Bruylant
ISBN: 978-2-8027-6433-5 - Parution: 05/2020

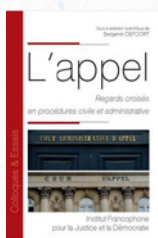
Summary: This book is the result of a seminar of the European Research Group on Liability and Insurance Law (GRERCA), organized by the Centre of Private Law, UCLouvain with the support of the University Saint-Louis-Bruxelles, on the occasion of the tenth anniversary of the foundation of this international research network. In keeping with current legal developments, the seminar, which was held in Brussels on 7-8 December 2018, was entirely devoted to examining the draft reforms of civil liability in France and Belgium.

These two countries have, in fact, successively begun the vast task of reforming their Civil Codes, whose origins are common and date back to the Napoleonic Code of 1804.

In France, the contractual dimension of the law of obligations has already been reformed by the order of 10 February 2016. From the point of view of civil liability, a preliminary draft had been submitted in February 2016. Following public consultation, a new draft was submitted by the Minister of Justice on 13 March 2017. In Belgium, the reforms of the law of evidence and property law have been adopted and will soon come into force. The law of obligations and the law of liability were to follow but this momentum was broken by the fall of the government on 18 December 2018. These two important areas of private law therefore remain for the time being at the draft stage. With respect to civil liability, the draft prepared by a working group appointed by the Minister of Justice was submitted in March 2018 and reviewed in August 2018 following public consultation.

As the two reforms launched in parallel were in progress, the time was particularly well chosen to compare the two texts from an academic point of view. The present book is based on the reports presented at the seminar, updated in 2020.

Moving away from the usual GRERCA practice, each topic addressed (general considerations, facts giving rise to liability, relationship between contractual and extra-contractual liability, damage and effects of liability) is, first, the subject of a French report and a Belgian report. These reports are then enriched by comparative law viewpoints put forward by professors coming from various universities of the European Union, whether or not they are part of the GRERCA network. All of them give rise to interesting and welcome ideas in a very hectic political and health care context.



The appeal - Crossed Perspectives in Civil and Administrative Proceedings - Edited by Benjamin Defoort
ISBN: 978-2-37032-251-7 - Parution: 05/2020

Summary: The appeal system is a means of recourse which, in principle, is open to litigants in any legal system, in order to challenge a court decision. Today, however, it stands at a crossroads. In administrative litigation, the originality of the Judge of Appeal lies in the fact that s/he was only very belatedly attributed to courts specifically entrusted with this task (i.e. Administrative Courts of Appeal), the thirtieth anniversary of which was recently celebrated.

Some of its characteristics can thus be sought between the model that traditionally constitutes the civil appeal, and that inherited from the historical role of the Council of State as the judge of last resort.

But it was precisely during this same period that the regulatory authorities, in a series of decrees in May 2017, modified the system of appeal in civil matters, following on from the deeper reform of 2011. In so doing, both the office of the appeal judge and access to it have been adversely affected.

These texts herald other reforms; in which directions will they go? Will they also concern the administrative court system? Will they be anticipated, accompanied or qualified by the case law of the civil and administrative courts? Will the latter be inspired by the new directions of civil appeal? These are all questions that were usefully submitted to the civil law and public law specialists present during this study day.

Proceedings of the study day organized on 5 October 2018 by the IRJI François-Rabelais (EA 7496) of the University of Tours.

The UMR GRALE (Research Group on Local Government in Europe) attached to the University Paris 1 Panthéon Sorbonne has moved into new premises. However, these new premises do not allow it to keep its collection of PhD theses (oral viva format), i.e. those copies deposited for participation in the annual GRALE PhD prize. So, IRJI François-Rabelais has proposed that the Law Research Library of the Faculty of Law of Tours host this collection of more than 600 volumes so as not to deprive the scientific community of this formidable documentary collection initiated and developed by Professor Marcou.

The GRALE (Research Group on Local Government in Europe) is a scientific interest grouping (GIS); it is based on a current five-year renewable contract, the 2019-2023 contract), associating academic institutions and public or private partners.

The partners share the conviction that research development is necessary for a better understanding of local socio-political and economic processes, territorialized public action and the legal problems they raise.

Their cooperation with researchers will help the latter to identify emerging problems more quickly and facilitate their study of them. Research is indeed essential for the renewal of expertise capacity; if it is not fuelled by creative research, expertise quickly becomes obsolete.

The GIS is based on a contract between partners and its whole raison d'être is in the dense and diversified network of research teams or scientific associations in the various disciplines that it helps to maintain and stabilise.



EDC: New partnership agreement and Pan European Working Group

With a view to strengthening its information and communication network in the Member States (Europe Direct), DG Communication of the European Commission launched, in 2018, a renewal of its network of European Documentation Centres (EDCs). In France, following the renewal of the Europe Direct information centres (49 since 2018) and the Team Europe Assistant Professors (42 since mid-2018), EU MEPs have also given a new impetus to the French network of EDCs on the basis of its new mandate, i.e. the organisation of citizens' dialogues, debates, conferences, seminars, etc.; creating synergies with the other branches of the Europe Direct network and other European networks; participation in the European Commission's general information measures on the European Union.



On 3 October 2019, the University of Tours signed a new partnership agreement updating the terms of cooperation of our University with the European Commission.

The Tours EDC, managed by the IRJI, had been selected to represent the French EDCs at the EDC Pan European Working Group on Outreach Activities that took place on 26-27 September 2019 in Seville.





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* On 8 November, 2019, **Anthony TARDIF** defended his PhD on [Immunity from liability in private and public law](#) (Supervisor: Professor Fabrice LEDUC)

Jury :

Fabrice LEDUC, Professor, University of Tours
 Hubert GROUDEL, Professor Eméritus, University of Bordeaux (Chairman and Reporting Examiner)
 Christophe GUETTIER, Professeur, University of Le Mans (Reporting Examiner)
 Julie TRAUILLÉ, Professor, Université de Tours

Summary :

Immunity from liability in private and public law is defined as the legal mechanism by which a person may be exempted from the normal application of an obligation of reparation or action for reparation on account of a particular quality which he or she possesses. It is inferred from this definition that immunity is divided into several subspecies. Immunity may first of all be substantial in that it affects the substance of the law. The substance of the law may then be affected to a different degree: some substantial immunities cover their beneficiary from the obligation to make reparation for the consequences of their simple faults, while other substantial immunities cover their beneficiary from the obligation to make reparation for the consequences of all their unintentional faults.

Immunity may also be procedural in that it exempts the beneficiary from an action for damages. This kind of immunity may also have different intensities, since the action for compensation may be neutralised by the author of the damage committing either a simple fault or an intentional fault. For each of these immunity's subspecies, the present PhD will attempt to attach a specific legal regime to them.

Keywords :

Immunity; Civil liability; Administrative liability.

* On 9 December, 2019, **Anaïs HACENE** defended her PhD on [Co-responsibility in civil and administrative liability law](#) (Supervisor: Professor Claude OPHÈLE)

Jury :

Claude OPHÈLE, Professor, University of Tours
 François BRUNET, Professor, University of Tours (President of the jury)
 Jérôme FRANÇOIS, Professor, University of Paris V (Reporting Examiner)
 Christophe QUÉZEL-AMBRUNAZ, Professor, University of Savoie Mont Blanc (Reporting Examiner)
 Jean-Sébastien BORGHETTI, Professor, University of Paris II

Summary :

Co-liability is the obligation for several people to be liable for the consequences of the same damage. It introduces complexity and has a disrupting effect on the mechanism of civil liability because it deviates from the classical model of French law.

From the outset, civil liability has been seen as a single harmful event which opposes a single victim to a single person responsible. However, the amount of harmful situations in such simplistic circumstances are increasingly rare and changes in the notion of liability, its foundations and its functions have led to an increasing number of co-liability cases.

However, the Civil Code, imbued with the individualistic philosophy that prevailed in 1804, does not contain any general provision for collective liability. To correct this omission, judges have had to reshape a legal regime by dealing with rules created, initially, to govern individual responsibility. This system has its limits however as it amounts to treating collective responsibility as the juxtaposition of single responsibilities without considering it as a phenomenon in its own right.

In this era of Tort Law reform, a change of perspective is needed and the established rules need be viewed as a whole in order to judge their coherence.

The study of co-liability entreats us to reconsider the importance given to the classical three-fold offence charge - damage, cause of damage, causal link - and to place the conditions of accusation at the heart of the reparation process.

Keywords :

Causality, co-authors, co-responsible, imputation, obligation to the whole, recourse in contribution, liability, solidarity, subrogation.



* On 13 December, 2019, **Sofian GOUDJIL** defended his PhD on [Ideological analysis of penal reforms since 1981](#) (under the co-supervision of Professor Laurent REVERSO and Véronique TELLIER-CAYROL, Associate Professor)

Jury :

Véronique TELLIER-CAYROL, Associate Professor, University of Tours
 Laurent REVERSO, Professor, University of Toulon
 François ROUSSEAU, Professor, University of Nantes (Président of the jury)
 Audrey DARSONVILLE, Professor, University of Paris Nanterre (Reporting Examiner)
 Xavier PIN, Professor, University of Lyon III (Reporting Examiner)

Summary :

Penal reform evolves alongside social trends, of variable levels of violence and sometimes contradictory, and it is shaped by them. In pride of place stands ideology, with its full force of persuasion but also contradiction. Unearthing the ideology behind reforms offers a key to understanding to the penal system. With reference to the ideological rupture in 1981, due to political alternation of power, and by making this same year the starting point for this study, the challenge is to place ideology at the heart of this analysis of penal reforms since then.

Such an analysis highlights the ideological diversity that characterizes penal reforms at the initial stage of their development. However, it reveals an ideological unity that is hidden behind this apparent diversity when it comes to implementing these same reforms.

Keywords :

Penal reforms; ideology; criminal policy; social contract; criminal law of dangerousness; humanist criminal law; social control.

* On 10 January, 2020, **Joachim LEBIED** defended his PhD on [The requirement of loyalty in contractual relationship under Public Law](#) (under the co-supervision of Professors Nathalie ALBERT-MORETTI and François BRUNET)

Jury :

Nathalie ALBERT-MORETTI, Professor, University of Tours
 François BRUNET, Professor, University of Tours
 Pierre BOURDON, Professor, University of Cergy-Pontoise (Président of the jury)
 Charles-André DUBREUIL, Professor, University of Clermont-Auvergne (Reporting Examiner)
 François BRENET, Professor, University of Poitiers (Reporting Examiner)
 Gilles PELLISSIER, Maître des requêtes at the Council of State

Summary :

The requirement of loyalty in contractual relations is the instrument by which the Council of State sounded the death knell for the instability of administrative contracts. Since 2009 and the famous Béziers I decision, the pleas invoked by the parties contesting the validity of their own contract must pass the test of loyalty. That being said, the loyalty of contractual relations helps to guarantee the stability of many administrative contracts, even irregular ones. Our study will identify this particular instrument of loyalty in litigation between the parties to an administrative contract. Although private lawyers are familiar with it, loyalty appeared to be rediscovered in 2009. Once we have identified it, the study will outline the functions of loyalty to check whether it has managed to guarantee "the objective of stability of contractual relations". Finally, working for the very stability of irregular contracts necessarily raises the question of the intensity of tolerance. In other words, the study will have to show whether or not the Council of State is too tolerant in the presence of irregularity. Moreover, although loyalty is characterized by its indeterminacy and by its compartmentalisation of disputes in the strict recourse of the parties, this does not in any way preclude future change.

Keywords :

Loyalty. Good faith. Disloyalty. Bad faith. Honesty. Trust. Behavior. Loyalty. Accountability. Intent. Strategies. Severity of irregularity. Litigation of administrative contracts. Public procurement. Stability. Legality. Litigation cycles. Crisis. Demand. Obligation. Duty. Principle. Contractual relations. Pre-contractual relations. Post-contractual relations.



* On 23 June, 2020, **Seda EMTAWBEL** defended her PhD on [Transitional Justice in the Arab World](#) (Supervisor: Isabelle HANNEQUART, Associate Professor)

Jury :

Isabelle HANNEQUART, Associate professor, University of Tours
 Virginie SAINT-JAMES, Associate Professor, University of Limoges (Reporting Examiner)
 Alioune Badara FALL, Professor, University of Bordeaux (Reporting Examiner)
 Abdelkhaleq BERRAMDANE, Professor Emeritus, University of Tours

Summary :

Transitional justice is a legal approach to justice in the transition from conflict and/or authoritarian rule to peace and democracy by seeking to ensure criminal accountability, reparation and truth-seeking, i.e. to recognize victims, build trust and consolidate democracy. Transitional justice processes and mechanisms are an essential element of efforts to strengthen the rule of law, especially as the strategies adopted in this context are generally of a comprehensive nature. Transitional justice confines its scope to serious violations of human rights, certain international crimes, such as genocide and crimes against humanity, and serious violations of the laws and customs taking place in armed conflicts. Transitional justice is rooted in international charters, declarations and conventions, and its foundations are in the provisions of international humanitarian law, international human rights law and international criminal law.

It differs from criminal justice mainly with regard to the period in which it is implemented. In this context, the four main rights recognized for victims are the right to truth, the right to justice, the right to reparation and the guarantee of non-repetition. In the context of national reconciliation, it would appear that amnesties sometimes granted to perpetrators of serious crimes is one of the most controversial mechanisms of transitional justice. Indeed, it may be perceived as incompatible with the international law principle of non-impunity and generates a sense of loss of rights for the victims. This research analyses the implementation of transitional justice in four States of the Arab world - Morocco, Algeria, Egypt and Libya - which belong to the same region, namely North Africa.

Morocco and Algeria were chosen for their experience in the field of transitional justice and national reconciliation, while retaining their power structures. On the other hand, in Egypt and Libya the popular revolutions during the "Arab Spring" uprisings, gave rise to real transformations in the ruling regime. During the research, it was noticeable that these states were facing legal, economic, political and security obstacles. In Morocco and Algeria, only a few measures of transitional justice have been put into effect. As for Egypt and Libya, they have started to implement transitional justice, but in a discontinuous manner due to their unstable situations.

Keywords :

Transitional justice; truth commission; memory ; repair; institutional reform; reconciliation; amnesty; lawsuits ; human rights violations; right to the truth; democracy.

* On 29 June, 2020, **Abdulrahman ALMUTAIRI** defended her PhD on [Monetary Uncertainty - A Comparative Study](#) (Supervisor: Professor Nicolas CAYROL)

Jury :

Nicolas CAYROL, Professor, University of Tours
 Walid BEN HAMIDA, Associate Professor, University of Paris Saclay (Reporting Examiner)
 Arnaud LECOURT, Associate Professor, University of Pau et des pays de l'Adour (Reporting Examiner)
 Myriam ROUSSILLE, Professor, University of Le Mans
 Hadi SLIM, Professor, University of Tours

Summary :

This paper discusses monetary risk as an economic phenomenon in the pricing of bonds in future contracts. It is a comparative study between the provisions of French and Egyptian law and those of Islamic law, the latter serving as a regulator in Saudi Arabia with respect to contractual obligations. The first part of the PhD focuses on the willingness of the contracting parties to enter into specific contracts or to include clauses in a contract to mitigate currency risk. The second part deals with solutions to monetary fluctuation, applied by the judge and aimed at restoring the balance of the obligations contracted by the parties. To guide his decision, the judge relies on specific theories concerning the correction of the final price of the obligation, as evidenced by the compensation of the parties suffering from monetary risk.

Keywords :

Currency contingency; currency fluctuation; contractual obligations; Islamic law; clauses; exceptional circumstances; monetary valuation; redress; compensation.

Candidate on the list of qualifications for the position of Senior Lecturer, Section 01, of the February 2020 session of the National Universities Council (CNU)

Anaïs HACENE-KEBIR, “Co-responsibility in Civil and Administrative Liability Law”
Supervisor: Professor Claude OPHÈLE-ROSSETTO

A few words of introduction? Anaïs Hacene-Kebir, doctor of private law and member of the IRJL. I came to Tours for my studies, I only intended to stay here for three years and I never left. I was born in the South, however, I now feel as if I really come from Tours.

Why law? As far as I can remember, from the sixth grade onwards, I wanted to go to law school so I could become a magistrate. My godmother, who was a court clerk, says she let me go to court when I was a kid. I would come out of it saying, “When I grow up, I want to be a Prosecutor!”. So it must have been a long time ago. **Why a PhD?**

Because if I hadn't done a PhD, it would have felt like I'd left something unfinished, that I'd stopped half-way through my studies. And I liked doing research. On the other hand, if teaching didn't directly influence this choice, it often made me want to continue. 3 words to define your PhD: transversal, technical and imperfect.

Que fait-on quand on doute en cours de route ? On essaye de se rappeler les raisons pour lesquelles on s'est lancé dans ce projet.

What do we do when we have doubts along the way? We try to remember the reasons why we started this project. Is the PhD a solitary adventure or one of solidarity? Both, depending on the period. On the other hand, in the final stretch, it is real teamwork!

What you've learned over the years? Transmission and resilience.

What if I had to do it all over again? I'd do it again because I've learned a lot, scientifically but not only that. The PhD teaches us a lot about ourselves. But I'd like to spend less time on it.

If you could say something to your “you” from the beginning of the PhD, what would it be? Something like “It's going to be okay”.

Any lecturers-researchers who've made an impression on you? Yes. Claude Ophèle, because of his humanity and his unfailing optimism; Catherine Thibièrge, because of her humility and her passion; Nicolas Cayrol, because he is a genius. I have also noticed that the best lecturers are often the most humble and humane.

The best recipe for a qualified PhD? I don't think there is only one, but mine would be: hard work, rigour, form at the service of substance but never the other way around and the relationship with the director.

So what now? That's a good question! If I was lucky enough to qualify right after my viva, it's all still to be done. An academic career means you have to find a position as a Senior Lecturer, and we all know how difficult that is. A career in law means taking more exams & passing them. That's one of the main difficulties of the PhD, to fully invest yourself in finishing a job without really knowing what you'll do next. That's why it seems to me that it takes a great deal of determination to complete such a task. **Research projects?** Yes. Individual and collective.

Any final words? I'm very happy to have defended this PhD and to have been qualified because I feel that the sacrifices made have paid off. And what is reassuring, nevertheless, amidst this uncertainty inherent in the PhD and the post-PhD period, is that whatever the chosen profession, nothing prevents you from continuing research and teaching.

Candidate on the list of qualifications for the position of Senior Lecturer, Section 02, of the February 2020 session of the National Universities Council (CNU)

Pauline PARINET, “The shortcomings of the administration”
Supervisor: Professor Nathalie ALBERT-MORETTI

My PhD deals with a notion that regularly comes up in administrative law – and current events have shown this once again - but which is rarely analysed. The main idea was to propose an original and renewed reading of this omnipresent notion, by reviewing the whole of French administrative law in the light of its shortcomings.

It is impossible to approach it completely in terms of content, since its defining features such as obligation or legality only allow for its approximate identification; the notion under study is only really revealed through the study of its function. I have chosen to approach the notion of shortcomings as a lack resulting from a deficiency: it thus has a revealing function, in that it signals inadmissible passive behaviour, which I have been able to break down. This signal denounces, on the one hand, insufficient action, falling short of the minimum action that could reasonably have been taken by the administration. The study moves on to consider what we are entitled to expect from the administration: since it should not automatically follow from the simple fact that the result is not achieved, the deficiency must then be proven by establishing an insufficiently adapted use of the administration's means. This signal, on the other hand, denounces abusive administrative inaction, going beyond the maximum inaction that can reasonably be authorised. The failure to act thus excludes authorised administrative inaction, whether necessary or arranged, which is of particular interest from the point of view of time.

Highlighting the unacceptability of this inaction, naturally leads to seeking a remedy for it. The PhD then takes stock of the instruments, jurisdictional or not, that can be made available by a legal system to fight against an abnormally inactive administration. A general observation then became clear. Faced with an administration against which no one, not even the judge, can use coercive means, what remains important, if this struggle against inaction is to be effective, is the ability, first and foremost, of the authority concerned – be it jurisdictional or not - to convince; by means of education, dialogue or even threat. And when persuasion fails, repairing the consequences of culpable inaction with a liability lawsuit is a good idea, and this would constitute the last link in the fight against administrative failure.

June 2020

Juliette BRUNIE defended her PhD "[The Symbolic Sentence](#)" on 5 april, 2017,
Supervisor: Professeur Fabrice LEDUC, qualified for the position of Senior Lecturer, Section 01, of the February 2019 session of the National Universities Council (CNU).
Recruited at the UFR of Sciences juridiques, économiques, politiques et de gestion (SJEPEG) of the University of Franche-Comté.

Arrivals of new Lecturers-researchers (portraits to come)

Job transfer

Emmanuel AUBIN, Professor of Public Law.

Recruitments

Hélène GOURDY, Senior Lecturer of Private law,
Ludovic LAUVERGNAT, Contract Lecturer of Private Law.

List of IRJI François-Rabelais Lecturers-Researchers

CNU section 01 - Private Law and Criminal Sciences

(27 Lecturers-Researchers, 4 Contract lecturers, 1 Emeritus and 1 honorary)

ARHAB-GIRARDIN Farida, Associate Professor
BARGAIN Gwenola, Senior Lecturer
BERCHON Pierre, Senior Lecturer (départ au 31/08/2020)
BOURDOISEAU Julien, Associate Professor
CAHN Olivier, Professor
CHENOT Fanny, PAST (départ au 31/08/2020)
CAYROL Nicolas, Professor
COTTEREAU Vincent, Senior Lecturer
DAMIENS Audrey, Senior Lecturer
DANOS Frédéric, Professeur des Universités
DREVEAU Camille, Senior Lecturer
DUGUÉ Marie, Professeur des Universités
FOURMENT François, Professor
GOURDY Hélène, Senior Lecturer (arrivée au 01/09/2020)
JULIEN Franck, Contract lecturer
JUREDIEU Franck, Senior Lecturer
LABELLE Fabienne, Senior Lecturer
LANGÉ Daniel, Honorary Professor
LAUVERGNAT Ludovic, Contract lecturer (arrivée au 01/09/2020)
LEDUC Fabrice, Professor
MERINO Steven, Contract lecturer
OPHÈLE Claude, Professor
OUDIN Federica, Associate Professor
OUDIN Martin, Associate Professor
PEYRONNET Marie, Senior Lecturer
RAVENNE Sylvain, Senior Lecturer
ROULET Vincent, Associate Professor
SABARD Olivia, Professor
SLIM Hadi, Professeur des Universités
SOTOMAYOR Raoul, Contract lecturer
TELLIER-CAYROL Véronique, Associate Professor
TESTU François-Xavier, Professor
THOMAS-TAILLANDIER Delphine, Senior Lecturer
TRAULLE Julie, Professeur des Universités
TRÉMORIN Yannick, Professor Emeritus

CNU section 03 - History of Law and Institutions

(3 Lecturers-Researchers)

CHAUVIN-HAMEAU Paul, Senior Lecturer
DEROCHE Alexandre, Professor
MOURÉ Stéphane, Senior Lecturer

CNU Section 05 - Economics

(6 Lecturers-Researchers)

BOUSQUET Alain, Professor
CONCETTINI Silvia, Senior Lecturer
FAUVELLE-AYMAR Christine, Associate Professor
FAVARD Pascal, Professor
KOSSI Yann, Senior Lecturer
LÉVY Nathalie, Senior Lecturer

CNU section 02 - public Law (end of July)

(24 Lecturers-Researchers, 2 Contract lecturers and 3 Emeriti)

ABDEREMANE Karine, Senior Lecturer
ALBERT Nathalie, Professor
AUBIN Emmanuel, Professor (arrivée au 01/09/2020)
BERRAMDANE Abdelkhaleq, Professor
BOISSEAU Pierre, Senior Lecturer
BRUNET François, Professor
COLLIN Mathilde, Associate Professor
DEFOORT Benjamin, Professor
DELAUNAY Bénédicte, Professor Emeritus
GARBAR Christian, Professor Emeritus
GAUTRON Jérôme, Associate Professor
GÉLY Marie-Laure, Associate Professor
GUILLARD Christine, Associate Professor
HANNEQUART Isabelle, Associate Professor
JEANNOT Anne, Senior Lecturer
JOSSO Selma, Senior Lecturer
LACAILE Philippe, Contract lecturer
LAVERGNE Benjamin, Senior Lecturer
LEROUSSEAU Nicole, Professor Emeritus
MADELAINE Colombine, Senior Lecturer
MANSON Corinne, Associate Professor
MONJAL Pierre-Yves, Professor
MOUZET Pierre, Associate Professor
MOZOL Patrick, Associate Professor
PELLISSIER Gilles, Contract lecturer
ROLAND Sébastien, Professor
ROS Nathalie, Professeur des Universités
THIERRY Damien, Associate Professor
TOURET Corinne, Associate Professor

CNU Section 04 - Political Science

(3 Lecturers-Researchers)

CRÉPON Sylvain, Senior Lecturer
DUCLOS Nathalie, Associate Professor
PARTHENAY Kevin, Professor
VITIELLO Audric, Associate Professor

Visitor

LE GLASS Louis-François, Caisse des Dépôts et Consignations, Public Financial Institution

List of PhD students IRJI François-Rabelais ■ ■ ■ ■

Surname, first name, PhD title, PhD supervisor, (date of first registration)

- ADEOSSI Adechinan, *The organization of time in comparative French and Beninese criminal proceedings*, PhD co-supervised by Professors François FOURMENT and Eric Codjo MONTCHOAGBASSA (11/10/17)
- ALSGHAYIR Ala Abulkasim, *The European Union and the Libyan crisis*, Supervisor: Professor Emeritus Abdelkhaleq BERRAMDANE (11/12/17)
- ANDAGUI OLENDE Dastern, *Obtaining confessions through ill-treatment: A comparative study of French and Gabonese law*, PhD co-supervised by Professors François FOURMENT and Charles MBA OWONO (28/11/18)
- APPERT Clémence, *The Office of the Judge of Appeal for Administrative Disputes*, Supervisor: Professor Benjamin DEFOORT (20/09/18)
- AUBELLE Vincent, *Does the new commune form the basis of a new territorial architecture?*, Supervisor: Professor Pierre-Yves MONJAL (03/01/17)
- AYASSOU Madji, *Local authorities and innovations*, Supervisor: Patrick MOZOL, Associate Professor (09/01/17)
- BENOIT ISART Pauline, *Artificial Intelligence and Robotics in Health*, Supervisor: Farida ARHAB-GIRARDIN, Associate Professor (30/10/18)
- BROSSET BRIAND Marion, *Public order and competition*, Supervisor: Professor François BRUNET (03/10/16)
- BROU Akassi, *Formalism in real estate matters*, Supervisor: Professor Nicolas CAYROL (27/11/14)
- BRUNIE Juliette, *Comparative study of compensation for damages suffered in public hospitals and private clinics*, Supervisor: Professor Nathalie ALBERT (19/09/17)
- BUI Huong Giang, *The conflicts in the South China Sea. The case of Vietnam in relation to the claims of other states in the region*, Supervisor: Professor Nathalie ROS (21/11/17)
- CHAUSFOIN Antoine, *Real Estate Property Division*, Supervisor: Professor Yannick TREMORIN (23/09/13)
- CORBY Xavier, *Obligation established by judgment*, Supervisor: Professor Nicolas CAYROL (03/10/16)
- COSSO Mélanie, *The evolution of financial risk sharing in administrative contracts*, Supervisor: Professor Bénédicte DELAUNAY (15/11/12)
- COTTAZ Mélanie, *The notion of contractual balance in the light of the law of obligations reform*, Supervisor: Professor Hadi SLIM (30/09/19)
- CRINON Antonin, *Precariousness and law: research on the construction of a legal concept*, Supervisor: Professor Diane ROMAN (01/10/15)
- DAMBABA Mohamed Sanghur, *Parliamentary oversight of government action in Africa: the cases of Benin, Senegal and Togo*, PhD co-supervised by Pierre MOUZET, Associate Professor and Ibrahim SALAMI (24/11/15)
- DELACOURE Elodie, *Reflections on the separation of judicial functions in criminal proceedings*, Supervisor: Professor François FOURMENT (20/09/16)
- DELCHER Emilie, *Integration without EU membership: the case of the European Economic Area*, PhD co-supervised by Professors Pierre-Yves MONJAL and Sébastien ROLAND (02/04/13)
- DE MOURA COSTA VARGES LOPES Thuany, *Cultural recognition of social groups and the importance of democracy at the local level as transforming elements of socio-environmental injustices*, PhD co-supervised by Patrick MOZOL, Associate Professor and Damien THIERRY, Associate Professor (20/02/20)
- DIALLO Harouna, *United Nations peacebuilding in a post-conflict situation. The DDR process in Mali and ex-combatants*, Supervisor: Nathalie DUCLOS, Associate Professor (24/01/19)
- DIEU Erwan, *From Recidivism Prevention to Desistance: A Criminal Science Study of Correctional Practices*, PhD co-supervised by Véronique TELLIER-CAYROL, Associate Professor and Professor Nicolas COMBALBERT (05/12/18)
- DJAITO Codjo Adjeoda, *Surety bonds in French law and within the OHADA area: comparative study and developments*, Supervisor: Professor Frédéric DANOS Frédéric DANOS (07/12/18)
- DOGAN-YILMAZ Humeyra, *The Gender criticism of the asylum-seeking regimes of Turkey and its place in international law*, Supervisor: Professor Diane ROMAN (20/07/17)
- DOUADJIA Menad, *Real estate advice*, Supervisor: Professor Claude OPHÈLE (17/10/18)
- DUBREUIL Sébastien, *Transposition of French criminal law in the Far East (1850-1930)*, Supervisor: Professor Alexandre DEROCHE (04/12/19)
- DUPREZ Richard, *Legal protection of communication protocols*, Supervisor: Professor François-Xavier TESTU (29/10/15)
- EMOU Marino, *French Cooperation institutions in Côte d'Ivoire from independence 1960-2000*, Supervisor: Professor Alexandre DEROCHE (17/09/19)
- FILLET Geoffrey, *Constitutional conventions in French law*, Supervisor: Pierre MOUZET, Associate Professor (21/11/17)
- FONTAINE François, *Civil liability in triangular labour relationships*, Supervisor: Professor Olivia SABARD (24/10/18)
- GAUTHIER Pascal, *Patient's right to have his or her will respected*, Supervisor: Farida ARHAB-GIRARDIN, Associate Professor (03/12/19)
- HEMA Maïghin Gwladys, *Exploitation of natural resources and the right to an adequate standard of living in French-speaking West Africa*, Supervisor: Isabelle HANNEQUART, Associate Professor (09/10/15)
- HERMAND Thomas, *Assizes Court: between oral debates and judicial writings*, Supervisor: Professor François FOURMENT (26/11/15)
- HIOL Stéphanie, *Court of Justice and Council of State: a dialogue between judges?*, Supervisor: Professor Pierre-Yves MONJAL (06/01/17)
- HORLAVILLE Clotilde, *Value in public law*, Supervisor: Professor François Brunet (04/10/18)
- HUNAUT Nicolas, *Personal injury*, Supervisor: Julien BOURDOISEAU, Associate Professor HDR (23/11/17)
- JONES Benjamin, *Fairness in sports competitions and the European sport model: Study of legal measures to ensure competitive balance in professional sports*, Supervisor: Professor Nathalie ROS (29/01/20)

List of PhD students IRJI François-Rabelais ■ ■ ■ ■

Surname, first name, PhD title, PhD supervisor, (date of first registration)

- KADJKA Essouham, *The Local Finance Committee*, Supervisor: Pierre MOUZET, Associate Professor (29/09/17)
- KEKE Sakre, *Strengthening participatory democracy through the protection of digital personal data. Comparative study France - Côte d'Ivoire*, Supervisor: Patrick MOZOL, Associate Professor (09/11/17)
- KERROUMI Nezha, *Consumer protection of banking and financial services under French and Moroccan law*, Supervisor: Professor Nicolas CAYROL (05/12/14)
- KHAFIF Anass, *The law of economic regulation (comparative research on the relationship between the state and the economy - cases of Morocco and France)*, PhD co-supervised by Professors Pierre-Yves MONJAL and David MELLONI (28/09/15)
- KOUASSI Kouakou Samuel, *The legal profession in France and European Union law*, Supervisor: Professor Sébastien ROLAND (17/01/18))
- KPANOUGOU Dihigbamba, *Equality of creditors in French and OHADA collective procedures: between capitalist purpose and social imperative*, Supervisor: Professor Nicolas CAYROL (09/12/19)
- LAURENT Thomas, *Essay on Ageing in Health Economics*, PhD co-supervised by Professors Pascal FAVARD and Liliane BONNAL (21/01/20)
- LUCIENNE Léa, *Specialia Generalibus derogant*, Supervisor: Professor Fabrice LEDUC (09/10/12)
- MACÉ Marion, *Public Real Estate management: towards a public real estate law?*, Supervisor: Patrick MOZOL, Associate Professor (02/12/19)
- MADI Saidali, *Challenges and prospects for intermunicipal cooperation in the department of Mayotte*, Supervisor: Corinne TOURET, Associate Professor (21/11/17)
- MARIAM Mahamat Adjid, *Security interests in Ohada law and banking*, PhD co-supervised by Professors Hadi SLIM and Frédéric DANOS (04/12/19)
- MASQUILIER Ariane, *Public Service and the Principle of Non-Discrimination (Franco-Canadian Comparative Law Research)*, Supervisor: Professor Diane ROMAN (29/10/18)
- MESSIGA Kokougan, *The international responsibility of Sea States*, Supervisor: Professor Nathalie ROS (22/11/16)
- NAZZAL Sam, *Geopolitics of Blackmail or the Impact of Regional and International Political and Economic Blackmail on the Palestinian Problem*, Supervisor: Professor Pierre-Yves MONJAL (30/10/2018)
- NIVERT Alexandre, *De facto contract*, Supervisor: Professor Fabrice LEDUC (20/09/19)
- NTOUTOUME MINTOGUE Jacinthe, *The specialities of French customs criminal law*, Supervisor: Véronique TELLIER-CAYROL, Associate Professor (13/02/17)
- PAKHOMOFF Natacha, *Essay on a general theory of collective properties*, Supervisor: Professor Frédéric DANOS (11/10/17)
- PLANTINET Lucas, *Changes in public action*, Supervisor: Professor François Fourment (16/09/19)
- RAMEL Magali, *The right to food in the European Union*, Supervisor: Professor Diane ROMAN (06/10/14)
- ROSSETTO Claire, *The free service*, Supervisor: Professor Fabrice LEDUC (25/09/14)
- SILBERMAN Eric, *Cannibalism in criminal law*, PhD co-supervised by Professor Claude OPHÈLE and Véronique TELLIER-CAYROL, Associate Professor (06/01/15)
- STIEN Arnaud, *Financial Intelligence Units*, Supervisor: Professor Olivier CAHN (10/10/16)
- THIBAudeau Benjamin, *Forensic evidence*, Supervisor: Professor Olivier CAHN (10/10/16)
- THUILLIER THOMAS, *Public law on natural disasters*, PhD co-supervised by Professor Nathalie ALBERT and Corinne MANSON, Associate Professor HDR (29/09/14)
- VODOPLAV Matija, *Investment facilitation in the area of financial markets: a study on the new generation of free trade agreements*, Supervisor: Professor Pierre-Yves MONJAL (08/12/16)
- VOLKOV Anastasia, *The Economic Partnership Agreement between the European Union and Japan. Contribution to a general theory of new generation agreements concluded by the European Union*, Supervisor: Professor Pierre-Yves MONJAL (22/10/19)





Adress :

Faculté de Droit, Économie & Sciences Sociales
 IRJI François-Rabelais (EA 7496)
 Bâtiment D - Bureau 117
 50 avenue Jean Portalis - BP 0607
 37206 TOURS CEDEX 3

Véronique PICARD (Research engineer) is the administrative manager of IRJI François-Rabelais.
veronique.picard@univ-tours.fr Phone: 00 33 (2) 47 36 11 70

Xavier HOUILLER (Documentary Information and Heritage Collections Technician) is responsible for of the Law-Research Library associated with IRJI François-Rabelais.
xavier.houiller@univ-tours.fr Phone: 00 33 (2) 47 36 11 81

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