

STUDII

O PROBLEMĂ SIMPLĂ, COMPLICATĂ DE JURISPRUDENȚĂ: NATURA JURIDICĂ A DOCUMENTAȚIILOR DE URBANISM (PUG, PUZ, PUD)

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Ovidiu Podaru*

Rezumat: O problemă importantă a dreptului urbanismului cu care s-a confruntat în ultimii ani jurisprudența noastră, a fost aceea de a stabili natura juridică a documentațiilor de urbanism (planul urbanistic general – PUG, planul urbanistic zonal – PUZ și planul urbanistic de detaliu – PUD). Sunt ele acte normative sau dimpotrivă, au un caracter individual? Importanța practică a chestiunii este vizibilă din două puncte de vedere: pe de o parte, potrivit regulilor contenciosului administrativ, actele normative pot fi atacate oricând în justiție, fără o limită în timp, în vreme ce pentru actele individuale este instituit un termen de prescripție de șase luni. Pe de altă parte, doar în cazul actelor individuale este obligatorie chemarea în judecată, alături de organul emitent, și a beneficiarului actului, sub sancțiunea respingerii cererii ca inadmisibilă.

În prezentul studiu am ajuns la concluzia că cele trei tipuri distincte de documentații de urbanism au, în mod necesar, una și aceeași natură juridică: sunt acte administrative normative. Am pornit analiza acestei situații de la criteriul de distincție dintre cele două categorii fundamentale de acte administrative: este vorba despre un criteriu calitativ – determinabilitatea destinatarilor actului, iar nu despre

* Conferențiar universitar doctor la Facultatea de Drept a Universității Babeș-Bolyai din Cluj-Napoca. Acesta a fost subiectul de discuție al autorului la Conferința Națională de Contencios administrativ. Ediția specială de Transilvania (UJ), organizată la Cluj-Napoca în 13 noiembrie 2019.

Protection Sociale 6 Ans De Jurisprudence 1997

A Loxley



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Le contentieux de la protection sociale Isabelle Sayn, 2005 **Extraits clés de jurisprudence : cour européenne des Droits de l'Homme** Gilles Dutertre, Council of Europe, 2003-01-01 La première requête transmise la Commission européenne des Droits de l'Homme date de 1955 et la Cour européenne des Droits de l'Homme a rendu son premier arrêt en 1961 La publication de tous ces arrêts et décisions représente plusieurs centaines de volumes une abondance qui en rend la consultation parfois difficile L'auteur de présent ouvrage juriste extrait l'essentiel de cette vaste jurisprudence pour la rassembler en un volume unique En effet celui-ci représente pour chaque article de la Convention les passages clés d'arrêts de la Cour et de certaines décisions de la Commission assortis de leurs commentaires L'objectif est de fournir en un seul document le maximum de citations d'arrêts en une consultation concrète et directe Ce livre offre ainsi un accès pédagogique synthétique et clair la jurisprudence de la Cour du Conseil de l'Europe Par ailleurs une table des matières détaillée et un index donnent au lecteur différentes voies d'accès cet ouvrage qui devient ainsi un outil indispensable tant pour le novice que pour le spécialiste plus expérimenté de la Convention Les arrêts en matière du travail: partie 1. Année 1997 Ndomelo Kisusa Kaimba, 1997 **La sécurité sociale au Québec. Histoire et enjeux** Denis Latulippe, 2017-01-16T00:00:00-05:00 Le présent ouvrage fait état du développement de la sécurité sociale au Québec tablit certains constats et dresse les principaux enjeux pour l'avenir **La semaine juridique**, 2004 **Informations sociales**, 2004 **Le statut social des travailleurs indépendants** Collectif, Anthemis, 2016-05-04 Les éditions Anthemis vous proposent un outil complet afin de comprendre les tenants et aboutissants du statut social des travailleurs indépendants Toute personne qui exerce une activité professionnelle en Belgique doit être assujettie au régime de sécurité sociale C'est une règle d'ordre public Il existe deux grands régimes le régime des travailleurs salariés et celui des travailleurs indépendants Les travailleurs indépendants sont essentiellement définis par la négative Il s'agit de personnes qui exercent une activité professionnelle en dehors d'un contrat de travail ou d'un statut L'arrêt royal n° 38 du 27 juillet 1967 organisant le statut social des travailleurs indépendants n'avait plus fait en doctrine l'objet d'un examen approfondi depuis un certain temps Or la question de l'assujettissement au statut social des travailleurs indépendants pose en pratique de nombreuses difficultés Les auteurs de cet ouvrage tous issus soit du monde académique soit de celui des praticiens se sont penchés sur les actualités importantes qui marquent cette matière requalification de la convention situation particulière des mandataires de sociétés commerciales incidence du droit européen sur l'assujettissement compétences des juridictions du travail pour connaître des décisions de refus de dispense de cotisations sociales modification des règles relatives au calcul des cotisations sociales des travailleurs indépendants etc Un ouvrage crit par des professionnels pour des professionnels A PROPOS DES ÉDITIONS ANTHEMIS Anthemis est une maison d'édition spécialisée dans l'édition professionnelle soucieuse de mettre la disposition du plus grand nombre de praticiens des ouvrages de qualité Elle s'adresse tous les professionnels qui ont besoin d'une information fiable en droit économique ou en médecine **LPP et LFLP** Gertrud

E. Bollier, Jürg Brechbühl, Claudia Caderas, Beat Christen, Philipp Fischer, Thomas Flückiger, Ghislaine Frésard-Fellay, Lara Fretz, Thomas Gächter, Maya Geckeler Hunziker, Thomas Geiser, Marc Hürzeler, Marc Jean-Richard-dit-Bressel, Bettina Kahil-Wolff Hummer, Ueli Kieser, Didier Mange, Yvar Mentha, Nicolas Merlino, Ulrich Meyer, Romolo Molo, Roland A. Müller, Kurt Pärli, Sylvie Pétremand, Christina Ruggli-Wüest, Kaspar Saner, Gustavo Scartazzini, Jacques-André Schneider, Christoph Senti, Carmen Steiner, Patrick Sutter, Hans-Ulrich Stauffer, Dania Tremp, Anne Troillet, Laurence Uttinger, Hermann Walser, Rémy Wyler, 2020-10-19 L'importante institution sociale de la pr voyance professionnelle confronte souvent les praticiens des d fis majeurs Le commentaire d taill des deux lois f d rales sur lesquelles repose la pr voyance professionnelle a requis la collaboration d diteurs issus de plusieurs universit s Lausanne Saint Gall Zurich visant ainsi une coh rence nationale dans la compr hension de la pr voyance professionnelle Depuis la publication de la premi re dition du commentaire 2010 de nombreuses r visions l gislatives sont entr es en vigueur dans le cadre restreint de la pr voyance professionnelle p ex r forme structurelle r forme du financement des institutions de pr voyance de corporations de droit public et troitement li es ce domaine p ex r vision relative au partage de la pr voyance professionnelle Elles ont toutes t int gr es dans le commentaire Par ailleurs la jurisprudence et la doctrine ont t actualis es certains d veloppements ont t approfondis et d autres compl tement retravaill s Cette deuxi me dition enti rement r vis e a une nouvelle fois t r dig e par des experts reconnus dans les domaines de la recherche de la justice de l administration et du barreau Un index complet des mots cl s contribue augmenter la valeur pratique de l ouvrage

Trente ans de droit européen des droits de l'homme Hanno Hartig, 2007

Kommentar zum Gesetz über die Verwaltungsrechtspflege im Kanton Bern Michel Daum, Reto Feller, Ruth Herzog, Markus Müller, Michael Pflüger, David Rechsteiner, Lorenz Sieber, Lucie von Büren, 2020-12-03 Das Gesetz über die Verwaltungsrechtspflege des Kantons Bern wurde seit Inkrafttreten 1990 massgeblich ge ndert Seit 2009 sind die Rechtsweggarantie und die revidierte Bundesrechtspflege umgesetzt und hat die Einheitsbeschwerde die fr here Verwaltungsbeschwerde und Gemeindebeschwerde ersetzt Dies stellt neue Anwendungsprobleme Der neu aufgelegte Kommentar will getreu dem bew hrten Konzept des Werks von Merkli Aeschlimann Herzog 1997 auf der Grundlage der kantonalen und bundesgerichtlichen Rechtsprechung die Grundz ge der bernischen Verwaltungs und Staatsrechtspflege darstellen Die Verfahrensgarantien der EMRK und BV finden dabei ebenso Beachtung wie parallele eidgen ssische Vorschriften namentlich des BGG VwVG und ATSG die teilweise erg nzend anwendbare ZPO sowie die Verfahrensregeln der Gesetze über die politischen Rechte von Kanton und Bund PRG und BPR Der Apparat enth lt neu ein Sachregister in Franz sisch

Recueils de jurisprudence du Québec, 2003

La Gazette du Palais, 1998-05

La sécurité sociale Ana Gómez Heredero, 2008-01-01 Les normes internationales et europ ennes qui prot gent le droit la s curit sociale les obligations des tats les tendances des l gislations nationales par rapport aux normes du Code europ en les instruments de base du Conseil de l Europe et l volution de la jurisprudence de la Cour europ enne des droits de l homme dans ce domaine sont tudi s par

rapport aux autres instruments normatifs Recueil Le Dalloz ,2004 **La constitutionnalisation de l'exigence de sécurité juridique en droit français** Anne-Laure Valembois,2005 La 4 me de couverture indique L exigence de s curit juridique a envahi le discours juridique fran ais ce qui est symptomatique du besoin social accru de s curit qui caract rise de mani re g n rale les soci t s modernes L ampleur du questionnement au sujet de la s curit juridique conduit consid rer qu elle doit tre impos e par les normes juridiques les plus lev es Elle est ainsi l objet d un processus de constitutionnalisation qui pour tre diffus n en est pas moins r el Le caract re largement implicite de ce processus invite s interroger sur ses fondements puis en rechercher les manifestations dans la jurisprudence du Conseil constitutionnel La s curit juridique est une exigence fondamentale de l Etat de droit En France elle progresse en raison de l ins curit n cessairement s cr t e par le syst me juridique notamment du fait de sa complexification croissante Originaires d Allemagne elle traverse les fronti res europ ennes b n ficiant de la double propulsion que constituent les enseignements du droit compar et le puissant effet unificateur des droits des Communaut s europ ennes et de la Convention europ enne des droits de l homme La s curit juridique appara t substantiellement reconnue par le Conseil constitutionnel car il a formellement consacr certaines exigences qui en d rivent et renforce l encadrement de la mutabilit glislative notamment dans ses formes les plus violentes La cons cration formelle de la s curit juridique semble possible sur le fondement de l article 16 de la D claration de 1789 Elle appara t en outre opportune sous la forme d un objectif de valeur constitutionnelle principalement car elle permettrait au Haut conseil de rationaliser sa jurisprudence et de renforcer la garantie de la s curit juridique *SCAD Bulletin* ,1999 *Annuaire de jurisprudence et de doctrine du Québec* ,2000 **La sécurité sociale comme droit de l'homme** Ana Gómez Heredero,2007-01-01 Cette tude explique comment la Convention europ enne des Droits d l Homme prot ge les droits relevant de la s curit sociale qui entrent dan son champ d application sans pourtant y tre express ment mentionn s Elle retrace aussi l volution r cente de la jurisprudence de la Cour en la mati re qui c t des garanties de proc dure a d velopp et renforc la protection mat rielle de certains droits Elle cite aussi les mesures d ex cution adopt es par les Etats la suite de arr ts de la Cour sur des litiges de s curit sociale Ces arr ts sont de plus en plus nombreux et se caract risent par un protection sociale toujours plus large avec des r percussions importante au niveau national La s rie Dossiers sur les droits de l homme s adresse aux sp cialistes e droit europ en des juristes des chercheurs et des tudians en droit Elle sert galement comme r frence pour la mise en uvre de la Convention europ enne des Droits de l Homme dans les pays signataires **Aanwinsten van de Centrale Bibliotheek (Queteletfonds)** Bibliothèque centrale (Fonds Quetelet),1998 **Droit budgétaire : budget de l'État, budgets locaux, budget de la Sécurité sociale, budget européen** Jean-Claude Martinez,Pierre Di Malta,1998-12-31T23:00:00+01:00 La d finition et les sources du droit budg taire l laboration de la loi de finances pr paration administrative du projet de loi de finances l adoption parlementaire la pr sentation de la loi de finances formelle et mat rielle l ex cution de la loi de finances moyens et contr le Copyright Electre

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