Water and Civil Liability: The Importance of Procedural Aspects
Agua y responsabilidad civil: la importancia de los aspectos procesales

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Abstract
Water and civil liability have a conflicting relationship. French civil liability does not distinguish between the nature of the damage suffered. However, water occupies a special place in French law. This study shows that civil liability law should create a legal regime for water.

Keywords
Water, Civil Liability, French Law, Belgian Law.

Resumen
El agua y la responsabilidad civil mantienen una relación conflictiva. El principio de la responsabilidad civil francesa es no diferenciar entre la naturaleza del daño sufrido. Sin embargo, el agua ocupa un lugar especial en la legislación francesa. Este estudio demuestra que el Derecho de la responsabilidad civil debe crear un régimen jurídico para el agua.

Palabras clave
Agua, Responsabilidad civil, Legislación francesa, Régimen jurídico.

1. Introduction

Dealing with the relationship between water and civil liability poses a significant challenge. For a long time, private law doctrine avoided the study of water. Christian Atias wrote that "water is hardly soluble in law" (Atias, 1985, p. 23). Yet civil law has gradually turned its attention to water. In personal law, in particular, the legal status of water has given rise to numerous claims. Since the recognition of ecological damage by the law of August 8, 2016, environmental goods such as water have, according to some authors, shifted from the sphere of appropriable things to that of persons. In support of this assertion, it is pointed out that only a person can suffer harm (Hautereau-Boutonnet, 2016). The analogy is flawed, however, since only a legal person can bring an action. In our opinion, this difficulty also reveals how the legal system struggles to transcend the Roman distinction between property and persons (Tardif, 2020).

In this respect, Roman law preferred to understand water through the distinction between *res communis*, such as the sea or running water, and *res publica*, such as rivers (Gazzaniga, et al., 2021). In keeping with this Roman tradition, the codifiers did not hesitate to regulate water, notably through water drainage servitudes and roof sewerage servitudes. During the drafting of the Civil Code, Berlier and Malleville spoke of "a very particular kind of property" (Gazzaniga, et al., 2021, p. 176). The various local *contra legem* customary sources that have been identified against the application of water drainage servitudes are, in this respect, revealing of the conceptual difficulty for civil law to apprehend water in a unitary manner (Bailly, 2018).

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In reality, this lack of territorial unity can be explained by the fact that water also has a public law status, in that its legal system distinguishes between ownership and use (Bailly, 2018). Similarly, there are a number of easements of general interest that encumber water ownership, such as the easement instituted for the benefit of the agglomeration (Gazzaniga, et al., 2021). This comparison with public law is not insignificant, since compensation for damage caused by water borrows cumulatively from civil liability and administrative liability.

2. Water and civil liability

This paper focuses on the liability of public bodies. Under these conditions, civil liability must be understood in the broadest sense, in the sense of liability for compensation. By referring indiscriminately to *any person* and not *any man*, the new article 1246 of the Civil Code, resulting from the law of August 8, 2016, on the reparation of *pure* ecological damage, in fact envisages the calling into question of the liability of a public person for ecological damage that would be attributable to it (Deguergue, 2018).

This comparison between private and public liability law is all the more necessary at a time when several authors are advocating the construction of a unified law of personal injury (Antippas, 2023). When the civil liability judge addresses water-related damage, it is sometimes less about the protection the protection of water than because of the privileged treatment of personal injury compensation. Nevertheless, this does not imply that water receives no special treatment in tort law: among the types of bodily injury resulting from environmental harm, water-related damage is indeed treated with particular attention. While some authors have pointed out that a significant proportion of environmental civil liability is governed by the ordinary law of reparation (Hautereau-Boutonnet , 2019), some water-related solutions put this into perspective.

3. National context

The recent focus of civil liability on water-related issues is explained by recent disasters at sea. Famous cases include the sinking of the Amoco Cadiz on March 16, 1978, off the coast of Brittany, and the much more recent sinking of the Erika on December 12, 1999. The first case revealed massive damage: over 300 kilometers of coastline polluted by more than 5,000 tons of oil. In the Erika case, the Maltese tanker, chartered by Total, spilled 20,000 tonnes of heavy fuel oil, polluting almost 400 kilometers of Atlantic coastline from Finistère to Charente Maritime.

Against this backdrop, we need to consider the degree of originality of the rules governing compensation for water-related damage. The central question will then be to determine how to make compensation for ecological damage more effective (for example, by determining who is entitled to bring legal action for compensation for water-related ecological damage). In conclusion, we will see that the specific nature of the procedure has an impact on the assessment of compensation for ecological damage.

On this point, the answer must be nuanced: while damage caused to water enjoys marked autonomy (I), damage caused by water enjoys relative originality (II).

4. Damage caused to water (I)

Damage caused to water is unique compared to other types of environmental damage. This assertion is borne out when we examine the procedural (A) and substantive (B) conditions surrounding an action for compensation for water damage.

A/ Specific procedural requirements

4.1. A more flexible assessment of interest in suing for compensation

The procedural specificity of water quality litigation is expressed first and foremost in the conditions for admissibility of environmental liability claims. Although the principle remains that of a personal interest in bringing an action, article 31 of the Code of Civil Procedure states that the law may grant a right of action to persons with no personal interest in bringing an action, to defend strictly enumerated interests. Article L. 437-18 of the French Environment Code, for example, grants special legal standing to fishing and aquatic environment protection federations. Article L142-2 of the French Environment Code is the second manifestation of this legislative will to facilitate access to the courts for water protection associations.

Whereas the first paragraph of the article states in principle that only approved associations that have been in existence for at least three years after their declaration may take legal action to repair direct or indirect damage to the environment, the second paragraph specifies that such a right of action is open to associations that do not meet these conditions, provided that the action is aimed at sanctioning a breach of provisions concerning water. How can we explain this procedural advantage for water protection associations? More than any other environmental dispute, water litigation can give rise to conflicts of international jurisdiction. As for Article 7.2 of the European Regulation of December 12, 2012, establishes the place of the harmful event as a jurisdictional criterion in tort cases, evidentiary difficulties can sometimes arise about determining this place: oil, alas, knows no borders. It is therefore important to facilitate access to the courts for water protection associations, to offset such evidentiary risks. Can we go further in the procedural specificity of water damage?

4.2. Debate on the ownership of environmental liability claims

Influenced by American doctrine, some French authors have argued for the attribution of legal personality and the right to sue to elements of nature (Hermitte, 1990). Some countries have already made significant progress in this area. Article 72 of the Ecuadorian Constitution, adopted on November 28, 2008, affirms that Mother Earth, known as Pacha Mama, "where life is realized, has the right to full respect for its existence and the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes" (Constitution of Ecuador, 2008, Art. 72).

Other countries have more modestly chosen to give legal personality to certain elements of nature. New Zealand granted legal personality to the Whanganui River in a law passed on March 14, 2017, with the aim of pacifying relations with the representatives of the Maori tribes bordering the river (David, 2017). The solution seems to be more substantive than procedural. As Professor Neyret points out, it would be sufficient to objectify the notion of damage by abandoning the requirement of the personal nature of the loss (Neyret, 2006). While it is true that the requirement of personal prejudice is losing its substance in view of the correlative rise in collective prejudice (Brun, 2023), it seems possible to us to limit, initially, the abandonment of such a requirement to the hypothesis of damage caused to water.

This proposal now invites us to turn our attention to the substantive conditions surrounding actions for reparation of damage caused to water.

B/ Specific substantive conditions

4.3. Specificities of admission and assessment of damage resulting from water damage

This substantial particularity of the system of compensation for damage to water is apparent both in terms of the damage and the event giving rise to it. Ordinary liability law is traditionally reluctant to admit immaterial damage. When it comes to the recognition of damage, the particularity of water compared to other elements of nature is expressed in the recognition of damage to affection and

loss of image. In fact, it is clear that damage to affection is often characterized in cases of damage to water. In the Erika case, the Paris Court of Appeal accepted that pollution could have gravely disturbed the livelihood of a merchant running a business linked to the sea and the living environment of fishers on foot (Cour d'Appel de Paris, 2010). Similarly, a ruling by the Montpellier Court of Appeal on May 18, 2015, was able to recognize this damage in a case involving the spilling of harmful products off the coast of Corsica, noting in particular that the victim held a deep attachment to her property, notable for its ecological worth (Cour d'Appel de Montpellier, 2015).

Alongside this loss of affection, the specific nature of compensation for damage to water is also evident in the recognition of damage to reputation. In the Erika case, the damage resulted from the oil spill, which in turn affected the image of local authorities and certain private individuals involved in nature enhancement activities. The Paris Court of Appeal called this image prejudice or "prejudice resulting from damage to image" (Cour d'Appel de Paris, 2010). Such recognition will then be subject to proof of an image reflecting environmental values. It is clear, then, that while damage to image is formally distinct from damage to water, proof of the latter remains the prerequisite for establishing the former.

How can such a liberal approach to admitting immaterial damage be justified? One of the main elements of the answer is undoubtedly the difficulty of assessing water-related environmental damage. The remedies offered by civil liability include the use of scales. For example, a scale based on the number of kilometers affected by an oil spill. In fact, this is the method used by Article L. 313-1 of the French Forestry Code, which imposes a fine on the perpetrator of unauthorized land clearance "calculated at the rate of 150 euros per square meter of wood cleared" (French Forestry Code, 2023, Ar. L. 313-1). An examination of the case law reveals, however, that the judge has not locked himself into a precise doctrinal system.

On the contrary, we can observe a willingness on the part of the judge to combine these different doctrinal proposals in his valuation decision. In the Erika case, the Paris Court of Appeal decided to take the following elements into account when assessing the damage suffered by a commune: the extent of the foreshore impacted (Cour d'Appel de Paris, 2010), the importance of the oil spill in the area, the *maritime vocation* of the town affected, and the population concerned. For associations, the judges decided to take into account the number of members, the reputation of the association and the specificity of its corporate purpose. This method of calculation may come as a surprise, in that it takes more account of the victim's personal qualities than the damage to the marine environment. In this respect, it would be advisable for the courts to draw inspiration from the nomenclature proposed by Professors Neyret and Martin, which makes a distinction between damage caused to the environment and damage caused to human beings (Neyret, 2012).

5. Comparison with Belgian law

In this respect, Belgian law is a step ahead of French law. Despite its initial hostility to compensation for environmental damage (Cour de Cassation de Belgique, 1983), the Belgian Court of Cassation reversed its position in a ruling dated June 11, 2013, admitting the admissibility of a civil action brought by an environmental protection association seeking compensation for damage resulting from a town-planning infringement (Cour de Cassation de Belgique, 2013). Despite this reversal, the Belgian courts continued to limit the award of damages to a symbolic one euro for the moral damage caused to the collective interest of the plaintiff association. As a result, the Ghent Correctional Court referred a preliminary question to the Belgian Constitutional Court. In its ruling of June 21, 2016, the Constitutional Court decided to make a clear distinction between the interest to act of an association whose object is the protection of the environment and an action brought by a natural person. It thus refers to ecological damage "to nature, which harms society as a whole. We

are talking here about goods such as wild animals, water and air, which belong to the category of res nullius or res communes" (Cour Constitutionnelle de Belgique, 2016).

In the Court's view, trial judges should adopt a method of assessing the damage that is as faithful as possible to the reality of the environmental repercussions suffered. To do this, the Belgian judge will have to take into account, according to the Court, the legally mandated purposes of the association, the significance of its work and the steps it has taken to fulfill its goals, and even the severity of the environmental (Cour Constitutionnelle de Belgique, 2016). It follows that Belgian law clearly identifies pure environmental damage, while at the same time benefiting from a constitutional anointing (De Sadeleer , 2021).

6. Specificity of the cause of liability

The system of compensation for damage to water quality is also unique in terms of the event giving rise to liability. The special civil liability regime applicable to oil spills at sea gives rise to an original hypothetical cause of liability. Whereas the ordinary law of vicarious liability maintains recourse against the person who caused the damage, the Brussels Convention of November 29, 1969, organizes strict liability directly around the shipowner, the person in whose name the ship is registered or, failing that, the person who owns the ship. This regime applies to hydrocarbons transported in bulk, and not to bunker oil. This channeling of liability around the shipowner explains, first and foremost, their obligation to take out insurance.

Since the London Protocol of November 27, 1992, the maximum amount of compensation has been re-evaluated at 59.7 million SDR (the Special Drawing Right is a currency specific to IMF member countries). However, this limitation of liability disappears in the event of intentional or inexcusable fault on the part of the owner. This limitation of liability is also offset by the fact that additional compensation may be paid by the IOPC Fund (*Fonds d'indemnisation pour les dommages dus à la pollution par les hydrocarbures* - Oil Pollution Compensation Fund).

The channeling of liability also explains why it is impossible to make a claim against the owner's servants or agents, the ship's pilot, charterer or shipowner, or against the persons in charge of salvage operations. This immunity from liability will only be lifted if one of the ship's members has committed an intentional or inexcusable fault. An examination of the case law reveals that judges have a fairly broad conception of the notion of inexcusable fault.

In the Erika case, the Cour de cassation, contradicting the Paris Court of Appeal, decided to qualify as inexcusable the negligence of a ship inspection service that had been called in by Total. The second attenuation of the requirement of inexcusable fault lies in the fact that this immunity from liability applies only at the stage of the obligation to pay the debt (and not at the stage of contribution to the debt between co-responsible parties). Even if the Erika disaster highlighted the inadequacy of liability ceilings for compensation (Bloch, 2023), this special liability regime has a number of distinctive features in favor of victims of oil spills. Mention should also be made of the provisions concerning the liability of parent companies for the polluting activities of their subsidiaries. Article L. 512-17 of the Environmental Code provides for the parent company's liability in the event of gross negligence having contributed to the subsidiary's failure to pay its debts, if "bankruptcy proceedings have been opened against the subsidiary" (Environmental Code, 2023, Art. L. 512-17). Although no insolvency proceedings have been opened, the plaintiff associations are not helpless, since the law of March 27, 2017, has created a duty of vigilance requiring parent companies to map environmental risks for water (Danis-Fatôme, 2023).

With regard to public law, several authors have, on the other hand, emphasized the difficulty of establishing administrative environmental liability, notably because of the difficulty of proving the causal link between the State's faulty failure to act and the diffuse nature of the ecological

damage (Deguergue , 2018). This assertion needs to be taken with a grain of salt. Administrative case law offers several examples of the liability of public authorities. In a ruling handed down on April 20, 2006, the Lyon administrative court of appeal decided that the nuisance caused by the untreated discharge of village wastewater into a stream via the municipal combined sewer system could give rise to liability on the part of the municipality for the presence of the public work constituted by the combined sewer system (Cour Administrative d'Appel de Lyon, 2006). Lastly, some authors have advocated the use of legal presumptions to facilitate the causal link between the event causing pollution and environmental damage (Stevignon, 2021). In the case of Tatar v. Romania, the European Court has adopted a probabilistic reasoning between a cause of action and environmental damage (Cour Européenne des Droits de l'Homme, 2009). Of course, it is important to note that this broader acceptance of claims for compensation for damage to water quality is offset by a more restrictive assessment of claims for compensation for damage caused by water.

7. Damages caused by water (II)

Damage caused by water is treated differently depending on its intensity. We will study the conflicts generated by water use between neighbors (A), followed by flood-related litigation (B).

A/ The impact of water use on neighborly relations

7.1. Compensation for the misuse of water and aggravation of servitudes

The untimely use of water by the owner of a spring can be a source of prejudice for their neighbors. The legislator has taken this type of conflict into account by providing for compensation for the artificial aggravation of a water-related servitude. For example, article L. 152-14 of the French Rural Code provides for an aqueduct servitude, which echoes the irrigation water drainage servitude in article L. 152-15 of the same Code. Although the second of these servitudes is linked to the first by virtue of their interdependence, the courts require that the flow of irrigated water be made with a serious interest (Cour d'Appel de Pau, 1982). Similarly, unlike the first text instituting the aqueduct servitude, article L. 152-15 states very clearly that "compensation may be due", leaving the judge free to make his or her own judgement. In practice, the judge will consider whether there was a harmful intent or no real interest in establishing the servitude. Still, a text is not always necessary to justify compensation to the owner of the servient land.

7.2. Mobilization of the theory of abnormal neighborhood disturbances

The theory of abnormal neighborhood disturbances provides a basis for water-related liability litigation. Intended to put an end to a disturbance that goes beyond the normal framework of neighborly relations, this objective liability of prétorienne origin appears, since Law N°. 2024-346 of April 15, 2024, in article 1253 of the Civil Code. For example, the interruption of an agricultural drain, due to subdivision work designed to channel water, has had the effect of aggravating the natural servitude of flow from the upper land to the lower land (Cour d'Appel d'Aix-en-Provence, 1997). The advantage of this theory is that it does not require fault. Indeed, legal writers agree that abnormal damage is the essential condition for liability.

B/ Compensation for damage caused by a disaster

7.3. Recourse to the insurance technique

Even if it is more a question of risk pooling than of civil liability, it is worth mentioning the importance of the insurance technique when it comes to floods. Article L. 125-1 of the French Insurance Code provides cover for damage suffered as a result of flooding after a ministerial order declaring a state of natural catastrophe has been issued.

From a preventive point of view, we should also mention the existence of a fund for the prevention of major natural risks, organized under article L. 561-3 of the Environment Code.

7.4. Restrictive assessment of the operative event and the damage

In terms of prevention, the prefectural authority is responsible for the conservation and policing of non-national watercourses (Gazzaniga, 2021). Should the State be found to have failed to exercise its conservation powers, it could be held liable for gross negligence. This would be the case if the necessary measures had not been taken "even though a major flood had occurred a year earlier, and the bed was notoriously congested at the time of the events in question" (Conseil d'État, 1984). The requirement of gross negligence is justified here by the desire to protect the regalian nature of the administration's control activities. Nevertheless, in addition to this more stringent requirement for assessing the cause of the damage, we have also noted a certain severity in assessing the amount of compensation. In a case involving the liability of the French State following the absence of drainage work for several years, the Nancy Administrative Court of Appeal awarded compensation corresponding to 10% of the loss suffered, the judge noting that drainage would not have prevented the flooding, but only reduced its intensity (Cour Administrative d'Appel de Nancy, 1992). We can see from this last example that reparation judges regularly borrow concepts from common law to give them an original meaning in the case of water damage. Alongside this state intervention, we should also mention the fact that authorities other than the state may also be held liable (Thuillier , 2021). This is the case for mayors, who, as part of their general administrative police powers, must "prevent, by taking appropriate precautions, and (...) put a stop to, by distributing the necessary aid (...), calamitous disasters (...) such as (...) floods, breaches of dykes, landslides or rockslides, avalanches or other natural accidents" (Code général des collectivités territoriales, 2023, Art. L. 2212-2).

8. Conclusions

By way of conclusion, therefore, it is not possible to identify any real autonomy in the rules of liability involving water. However, some original solutions demonstrate that water does not always receive the same treatment as other elements of nature. Furthermore, we mustn't lose sight of the fact that today's strong environmental aspirations make this observation necessarily and fortunately provisional. The best method to facilitate compensation would be to determine, in advance, who is entitled to claim compensation for water-related damage. The problem with this method is that such a change is a matter for the legislature, not the civil courts.

Bibliographical references

Books

Antippas, J. (2023). *Le dommage corporel et la dualité de juridiction* [Bodily injury and the duality of jurisdiction]. D. 2023.

Atias, C. (1985). *Ce droit que l'eau submerge et révèle* [This law that water submerges and reveals]. Corps écrit.

Bailly, G. (2018), *Les usages traditionnels de l'eau à l'épreuve du droit de l'environnement* [Traditional uses of water tested by environmental law]. Doctoral thesis. Lyon 3.

Bloch, C. (2023). *Prévention et indemnisation des pollutions marines résultant des fuites ou des rejets d'hydrocarbures. Droit de la responsabilité et des contrats 2023/2024* [Prevention and compensation of marine pollution resulting from oil spills or discharges. Law of liability and contracts 2023/2024]. Dalloz Action.

Brun, P. (2023). *Responsabilité civile extracontractuelle* [Civil liability in tort]. LexisNexis.

Danis-Fatôme, A. (2023). *La responsabilité civile du pollueur. L'eau, un bien commun?* [*The civil liability of the polluter. Water, a common good?*]. Mare et Martin.

David, V. (2017). *La nouvelle vague des droits de la nature, La personnalité juridique reconnue aux fleuves Whanganui, Gange et Yamuna* [*he new wave of the rights of nature: Legal personality granted to the Whanganui, Ganges and Yamuna rivers*]. RJ envir. 2017/3, 42.

De Sadeleer, N. (2021). *De la réparation du dommage environnemental individuel à celle du dommage collectif – Quelques réflexions sur des arrêts récents. Responsabilité, risques et progrès – Quelques enjeux récents du droit de la réparation des dommages* [*From the reparation of individual environmental damage to that of collective damage – Some reflections on recent rulings. Liability, risks and progress – Some recent challenges in the law of damage reparation*]. Larcier.

Deguergue, M. (2018). *Les imperfections de la responsabilité administrative environnementale* [*The imperfections of administrative environmental liability*]. Ajda : Dalloz.

Gazzaniga, J.-L., Larrouy-Castera, X. et Ourliac, J.-P. (2021). *Le droit de l'eau* [Water law]. LexisNexis.

Hautereau-Boutonnet, M. (2016). *Les biens environnementaux. Les propriétés* [Environmental goods. Properties]. Presses Universitaires d'Aix-Marseille.

Hautereau-Boutonnet, M. (2019). *Responsabilité civile environnementale* [*Environmental civil liability*]. Civil Law Digest. Dalloz.

Hermitte M.-A. (1990). *Pour un statut juridique de la diversité biologique* [For a legal status of biological diversity]. RFAP 1990.

Martin-Bidou, P. (2021). *Droit de l'environnement* [*Environmental law*]. Lexifac Droit.

Neyret, L. (2006). *Atteintes aux vivants et responsabilité civile* [Harm to living beings and civil liability]. Thesis, t. 468. LGDJ.

Neyret, L., Martin G.-J. (dir.) (2012). *Nomenclature des préjudices environnementaux* [Nomenclature of environmental damages]. LGDJ.

Stevignon, A. (2021). *La responsabilité civile au secours des victimes du changement climatique ? Réflexions à partir de l'affaire RWE. « Les dynamiques du contentieux climatique – Usages et mobilisations du droit »* [Civil liability to help victims of climate change? Reflections based on the RWE case. "The dynamics of climate litigation – Uses and mobilizations of the law"]. Mare et Martin.

Tardif, A. (2020). *L'abandon d'un bien* [Abandonment of property]. Review of legal research – Prospective law 2019/4. Presses Universitaires d'Aix-Marseille, 22.

Thuillier, T. (2021), Les *dynamiques historiques des contentieux climatiques liés aux catastrophes naturelles : naissance d'une responsabilité en pleine expansion. Les dynamiques du contentieux climatique – Usages et mobilisations du droit* [The historical dynamics of climate litigation related to natural disasters: the birth of a rapidly expanding liability. The dynamics of climate litigation – Uses and mobilizations of the law]. Mare et Martin.

Rulings

Cour Administrative d'Appel de Lyon (2006). *Sr. Alain Marie X vs. Etat et de la commune de Domecy-sur-le-Vault* [Sr. Alain Marie X vs. State and the municipality of Domecy-sur-le-Vault]. No. 00LY00088. Judgment of April 20, 2006.

Cour Constitutionnelle de Belgique (2016). Decision n° 07/2016, B.6.2. Decision of January 21, 2016.

Cour d'Appel de Montpellier (2015). *Sr. Jackie X vs. Sra. Jocelyne Y* [Mr. Jackie X vs. Mrs. Jocelyne Y]. No. 14/00831. Judgment of May 30, 2015.
Cour d'Appel de Paris (2010). *Clemente et a. c/ Conseil Général de la Vendée et a* [Clemente et al. vs. General Council of Vendée et al.]. No. 08/02278. Judgment of March 30, 2010.
Cour de Cassation de Belgique (1983). *Pasicrisie (Pas) 1983, I, 338*. Judgment of November 19, 1982.
Cour de Cassation de Belgique (2013). General Register No. P.12.13.89. Judgment of June 11, 2013.
Cour Européenne des Droits de l'Homme (2009). *Tatar vs. Rumania.* No. Aff. 67021/01. Judgment of January 27, 2009.
Cour d'Appel de Pau (1892). DP 1893, 2, p. 149. Judgment of November 21, 1892.
Cour d'Appel d'Aix-en-Provence (1997). *Herblot et compagnie vs. Administration des Impôts* [Herblot et Company vs. Tax Administration]. JurisData No. 1997-048006. Judgment of December 16, 1997.
Conseil d'État (1984). *Syndicat intercommunal de l'Huveaune et a* [Syndicat intercommunal de l'Huveaune et al.]. JurisData N°1984-041043. Judgment of March 2, 1984.
Cour Administrative d'Appel de Nancy (1992). *Sté Spie-Batignolles* [Spie-Batignolles Company]. JurisData N°1992-046415. Judgment of July 9, 1992.

Regulations

Ecuador. (2008). Constitución de la República del Ecuador [Constitution of the Republic of Ecuador]. Oficial Register No. 449. https://www.oas.org/juridico/pdfs/mesicic4_ecu_const.pdf
France. (2023). Code de l'environnement [Environmental Code]. Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006074220?init=true&page=1&query=Code+de+l%E2%80%99environnement&searchField=ALL&tab_selection=all
France. (2023). Code des assurances [French Insurance Code], art. L. 125-1. Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006073984?init=true&page=1&query=Code+des+assurances&searchField=ALL&tab_selection=all
France. (2023). Code forestier [French Forestry Code]. Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000025244092?init=true&page=1&query=Code+forestier&searchField=ALL&tab_selection=all
France. (2023). Code général des collectivités territoriales [General Code of Territorial Collectivities]. Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070633?init=true&page=1&query=Code+g%C3%A9n%C3%A9ral+des+collectivit%C3%A9s+territoriales&searchField=ALL&tab_selection=all
France. (2023). Code rural [French Rural Code]. Légifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006071366?init=true&page=1&query=rural+code&searchField=ALL&tab_selection=all