

La responsabilité de l'ASBL et de ses dirigeants

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La Responsabilité De L'association De Ses Dirigeants De Ses Membres

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La Responsabilité De L'association De Ses Dirigeants De Ses Membres:

La responsabilité de l'association, de ses dirigeants, de ses membres Paul Le Gall, 2016-05-12 L'association est responsable des dommages résultant de son activité tant vis-à-vis des membres qu'il garde des tiers. Cette responsabilité peut être recherchée en cas d'accident mais également pour tout préjudice que peut causer son activité. Il est donc très important de connaître les droits, devoirs et responsabilités d'une association : responsabilité civile personnelle, patrimoniale, financière. **La responsabilité pénale, civile et financière des associations et de leurs dirigeants** Adeline Beaumunier, Cécile Chassefeire, 2018-06-29 Les dirigeants d'association veulent pouvoir mettre en œuvre leur projet sans engager leur responsabilité personnelle. Connaître le cadre juridique applicable à leurs activités leur permet d'appréhender et de limiter les risques. Cet ouvrage refondu en 2018 donne les règles juridiques fondamentales de la responsabilité sur les plans civil, personnel, financier et social. À partir de l'identification des différentes sources de risques auxquels peuvent être exposés une association et ses dirigeants, il décrit les lois applicables et y compris dans le cas où vous devez saisir la justice. Par ses recommandations pratiques, il vise à vous permettre d'identifier en fonction de la nature des activités de votre association et des conditions dans lesquelles elles sont exercées les risques que votre association peut rencontrer et de mettre en œuvre au quotidien les moyens de prévention adéquats. La rédaction de cet ouvrage s'est appuyée sur la pratique des auteurs du conseil aux associations depuis une vingtaine d'années et sur leur souci de rendre le droit accessible à tous. **La Responsabilité civile des dirigeants d'association** Renéta Marsin Rose, 2009 L'évolution du rôle des associations dans la sphère économique a conduit relativement à une complexification des fonctions de gestion exposant ainsi les dirigeants à une possible mise en cause de leur responsabilité civile. La question se pose de savoir comment cette responsabilité est appréhendée par le droit en l'absence de dispositions spécifiques prévues par la loi du 1er juillet 1901. En sa qualité de mandataire, le dirigeant peut engager sa responsabilité civile contractuelle en cas de faute de gestion. C. civ. art. 1992 l'association et des sociétaires. Toutefois, si l'action peut être exercée par les représentants de l'association, savoir les dirigeants, se pose la question de l'admission en cas de carence de ces derniers de l'action sociale ut singuli exercée par un sociétaire. À l'égard des tiers, la mise en jeu de la responsabilité civile personnelle du dirigeant est l'exception puisqu'elle suppose la preuve d'une faute détachable des fonctions de celui-ci. C'est donc en principe la responsabilité de l'association qui doit être engagée. Pour répondre plus efficacement au comportement fautif du dirigeant et garantir une indemnisation aux tiers victimes tout en assurant une protection suffisante au dirigeant qui est très souvent un bénévole, ne conviendrait-il pas de revoir le fondement de la responsabilité de celui-ci ? En cas de liquidation judiciaire de l'association, le dirigeant peut faire l'objet d'une action en responsabilité pour insuffisance d'actif. C. com. art. L. 651-2 et depuis la loi du 26 juillet 2005 d'une mesure de faillite personnelle. C. com. art. L. 653-2 *La responsabilité des dirigeants d'associations* Institut international de droit d'expression et d'inspiration françaises, 1992

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