

# **FRANCE**

Jonas Knetsch

Professor of Civil and Comparative Law  
Jean Monnet University Saint-Étienne

## What about the French Civil Liability Reform?



- 2016 Preliminary Draft (see 2017 Yearbook)
- 2017 Draft (see 2018 Yearbook)
- Provisional Schedule
  - June 2019: *Draft Bill* → *Council of State (for advisory approval)*
  - September 2019: *Draft Bill* → *Council of Ministers*

## **Case Law Developments**

Cass Civ 1, 14 June 2018, no 17-20046

- Can Sports Betting Give Rise to the Liability of a Football Player or His Club?

## **Case Law Developments**

Cass Civ 1, 14 June 2018, no 17-20046

- Court of Appeal: 'the mere violation of a sports rule, occurring during the match and not against it, is not on its own a civil fault providing a ground for civil liability proceedings brought by a dissatisfied better'
- Appeal to the Court of Cassation

## Case Law Developments

Cass Civ 1, 14 June 2018, no 17-20046

- Art 1240 C civ (ex art 1382): 'Any act of man, which causes damages to another, shall oblige the person by whose fault it occurred to repair it'
- Distinction between civil fault (*faute civile*) and unsporting misconduct (*faute sportive*)?

## Case Law Developments

Cass Civ 1, 14 June 2018, no 17-20046

- According to the Court of cassation, 'only an attitude that intentionally and adversely affects the sports betting's inherent hazard gives rise to the player's and, if applicable, the club's civil liability to the better'
- How to Explain this Restrictive Approach?
  - Pure Economic Loss (*préjudice économique pur*) ?
  - Application of the German *Schutznormtheorie* ?