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PARTIE OFFICIELLE

LOI

Loi n° 66-61 du 19 juillet 1965 portant Code des Obligations de l'Administration nationale a délibéré et adopté; de la République promulgue la loi dont la teneur est la suivante:

DISPOSITIONS PRÉLIMINAIRES

Code entrera en vigueur en même temps que le décret n° 60-637 du 10 juillet 1965, relatif à la partie générale des Obligations civiles et commerciales.

LIVRE PREMIER

CONTRATS DE L'ADMINISTRATION

TITRE PRÉLIMINAIRE

LA DUALITÉ DU RÉGIME JURIDIQUE DES CONTRATS DE L'ADMINISTRATION

Article premier
Les contrats de l'Administration

gations civiles et commerciales sauf s'il s'agit de contrats administratifs.

SECTION I

DES CONTRATS DE DROIT PRIVÉ CONCLUS PAR L'ADMINISTRATION

Article 2

Dispositions spéciales à la formation du contrat

Les autorités administratives, suivant les règles fixant leur compétence, engagent les personnes morales qu'elles représentent et contractent des obligations en leur nom.

SECTION II

DES CONTRATS ADMINISTRATIFS

Article 3

Principe

En raison des nécessités du service public et du but d'intérêt général poursuivi par les personnes morales de droit public, celles-ci peuvent conclure des conventions spéciales qualifiées de contrats administratifs.

TITRE PREMIER

DOMAINE D'APPLICATION

Article 4

Règles applicables

Les contrats administratifs sont régis par le présent texte. Les règles posées par le Code des Obligations civiles et commerciales ne sont applicables aux contrats administratifs qu'en l'absence de dispositions spéciales.

Article 5

Critère des contrats administratifs

Les conventions conclues par une personne morale de droit public avec une personne privée ou une autre personne morale de droit public sont des contrats administratifs, soit lorsqu'une disposition législative ou réglementaire leur donne cette qualification, soit lorsqu'elles remplissent les conditions définies aux articles suivants.

CHAPITRE PREMIER. — DES CONTRATS ADMINISTRATIFS PAR DÉTERMINATION DE LA LOI

Article 6

Principe

La loi ou le règlement peut, à tout moment, attribuer une qualification de contrat administratif à une catégorie de con-

Code De Ladministration

Sabine Zange



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Code De Ladministration Introduction

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