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By email :
Number of pages: 9

Nice, 2016

Decennial certification:

For construction or major works, the concerned professionals must have an insurance that covers their decennial liability.

All construction professionals, whose decennial liability could be sought according to articles 1792 and following of the French civil code (“Code civil”) for major works, after their receipt, must have a mandatory specific insurance that covers their civil decennial liability.

A building and construction contractor must justify of a decennial liability insurance that he encloses with his estimates and invoices.

The Macron law of August 6, 2015 provides for examples of insurances certificates.

In the decree published on January 13, 2016, there is a certificate example for a contract subscribed to personally with specific mentions if it concerns a construction site.

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A specific example is set for large construction sites necessitating a collective agreement for decennial liability (“Contrat collectif de responsabilité décennale CCRD”).

In all cases, an insurer will not be able to insert a mention in the certificate that could limit or set aside the meaning of the minimal mentions.

If he wants to refer to contractual clauses, he will have to reproduce them in the certificate.

Aside from this, the certificate can contain mentions referring to other guarantees or extensions of his contract.

This new legislation will be applicable to the certificates drafted after the July 1, 2016 and concerning construction operations, which date of opening of the construction site is after July 1, 2016.

The opening date is understood in light of the meaning given by the French insurance code (“Code des assurances”).

All concerned professionals will be advised in due time of when they need to claim this from their insurer and then, when they will have to provide the proper certificates.

Operators, owners (“maître d’ouvrage”), co-owner’s property manager (“syndic de copropriété”) must ensure they have a certificate in conformity with the necessary works.

Notaries must enlist these certificates to acts of sale.

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