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Jean Rogge

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Cet ouvrage aborde quatre thèmes centrés autour des développements récents et actualités jurisprudentielles en droit des assurances et en droit de l'indemnisation.

- La contribution de Jean Rogge est consacrée aux derniers développements en assurances en général. La loi du 25 juin 1992 sur le contrat d'assurance terrestre fait l'objet d'une application jurisprudentielle abondante, notamment quant à son champ d'application, à la déclaration, aux exclusions, à la prescription, etc. Les dispositions communes à tous les contrats, ainsi que celles propres aux assurances à caractère indemnitaire et celles propres aux assurances à caractère forfaitaire font l'objet d'un examen de jurisprudence.

- Vincent Callewaert traite d'actualités jurisprudentielles en assurances de la responsabilité civile. Depuis l'entrée en vigueur de la loi du 25 juin 1992, la Cour de cassation s'est vu offrir bon nombre d'occasions de préciser la portée et le contenu des treize dispositions que cette loi consacre spécifiquement aux assurances de la responsabilité. L'auteur dresse l'inventaire de ces arrêts et identifie les questions qui continuent à poser problème dans la pratique.

- La contribution de Claude Devoet porte sur l'assurance vie et le droit patrimonial de la famille. Les relations difficiles entre le droit propre à l'assurance vie et le droit des régimes matrimoniaux, des libéralités et des successions ont été mises en lumière par quatre arrêts remarqués de la Cour constitutionnelle et une modification législative. Les conséquences pratiques de ces évolutions, y compris fiscales, devaient être soulignées et la pertinence des raisonnements qui les soutiennent gagnerait à être appréciée de façon méthodique.

- La contribution de Jean-Luc Fagnart est dédiée au droit de l'indemnisation. La jurisprudence relative au droit de la réparation connaît des évolutions multiples. On songe à la compensation du dommage économique, à la capitalisation du dommage moral, au régime des intérêts compensatoires, aux effets de l'état antérieur de la victime, etc. Les diverses questions sont examinées, de même que le nouveau tableau indicatif 2012.

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