

1st EUROPEAN LAW FORUM ON WINTER SPORTS

Michel BAILLY lawyer



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FROM SNOW LAWS TO THE SNOW LAW

**Report by Michel BAILLY,
LAMY-LEXEL, Associated Lawyers
The System Under French Law**

In the absence of specific legislation for the mountains in French Law, we will try to assess in this report's various chapters:

- the positioning of the law in the winter sports sector;
- the application of the different administrative regulations;
- the influence and the interest of certain specific measures (the "mountain" law of 9th January 1985, criminal liability of legal entities, and the law of 10th July 2000 regarding liability).

To reply to the comparative examination and subject of this Forum I have agreed to chiefly cover the principles and legal framework which are applicable to the definition of liability more than the actual solutions themselves.

MANAGING EQUIPPED SKIABLE AREAS

As public safety is implicated, the French system considers that skiable areas fall within administrative liability.

DEFINITION

For the experts, skiable areas are the accessible areas starting with the uphill transport systems, their immediate areas and areas that lead to the resort.

They may be equipped with pistes which are appointed by a municipal ordinance.

These are differentiated from the mountain areas.

With regard to a ministerial circular of 4th January 1978, administrative law defines these areas as:

«All the territory of the municipality where it is possible to practise skiing»

and makes the following distinction:

- the areas served by uphill transport facilities (ordinance of the mayor, classification of the pistes and liability);

- the areas reserved for mountain skiing or for excursions (weather survey information with specific organisation for rescue attempts and for liability).

I-PRINCIPLES

TEXTS: THE MAYOR'S LIABILITY FALLS WITHIN THE ADMINISTRATIVE FRAMEWORK

To this regard the General Code of the Local Communities use:

- Art. L. 2212.1 – The municipal police come under the jurisdiction of the mayor.
- Art. L 2212.2 - The municipal police must ensure public safety, this comprises using adequate precautions to avert accidents, landslides involving earth or rocks, avalanches...
- Art. L.2212.4 – The mayor prescribes the safety measures and notifies the State's representative.

According to a French administrative tradition, the ordinance standards are therefore put forward to the mayors (in the ministerial circular of 06.11.87), for the definition of the pistes and the signage in particular.

THE PREFECT'S CONTROL AND LIABILITY

The Law of 2nd March 1982 charges the control of legality to the Prefect.

As a general rule, this does not concern opportunity but the Prefect must verify that the provisions provided for in the ordinances which have been undertaken are in fact suitable for the circumstances.

All the more so because, according to Art. 2215.1 of the General Code of the Local Communities, the Prefect is authorised to substitute the mayor, and to take measures in the public's interest.

The power and the liability resulting from this are not delegable to third parties, such as for example the managers of uphill transport facilities; the internal authority to sign is reserved only for the Secretary General of the municipality or the director of technical services.

II – IMPLICATING LIABILITY

The notion of presumption of liability is solely used in a very restrictive fashion; one must establish negligence and causation with a request submitted to the administrative court.

A/ The Mayor's negligence whilst exercising his powers of policing:

This may be the outcome of a mistake, for example in the installation of barriers, fencing, or signage. The mayor may have the opportunity to contest his liability by invoking:

- the impossibility to position signage or to stake;
- an obstacle that normally occurs in the mountains and that does not require a warning (e.g. sheets of rock or ice, falling stones.....);
- the victim's negligence, who must prove that they have been prudent in line with their capabilities and with the difficulty of the run.

The more difficult the piste, the greater is the obligation.

Example: a black run does not have to be fenced in with protective nets as its access is reserved only to expert skiers.

B/ The causation relationship between the damages and the mayor's negligence:

The victim must establish that the absence of signage or protection constituted a greater danger than the danger against which a skier must normally take protective measures and that consequently there exists a causality relationship between the mayor's negligence and the accident's sequence of events.

C/ Exception of the Presumption of Liability:

The slope is not a public work which would justify, in an administrative court, the faculty to invoke the presumption of liability of the common public (CE 12.12.1986).

In order to uphold the presumption, one needs to be in the presence of an installation (e.g. stairs or handrail, snow cannon, tunnel...) which presents a planning or maintenance fault.

D/ Administrative procedure:

There now follows in each point the applicable rule for each contentious proceeding, like those set out by 1.01.2001 in the Code of Administrative Justice.

After a preliminary request submitted to the mayor and in the absence of a reply within a term of two months, the request is forwarded to an administrative court.

Exempted from presentation by a lawyer, it is subjected to stamp duty.

A valuation or request for interim compensation may be solicited summarily (urgent measures).

The social bodies which are liable to have affected the services must be peremptorily implicated.

Once reminders have been exchanged, the case hearing is set for the examination of the State Commissioner's closing speech, specifying that the proceedings are essentially under hand.

The ruling occurs within a term which varies from 2 to 5 years depending on the case and the jurisdiction.

Said ruling may be appealed in the Regional Administrative Court and subsequently to the Council of State (and even at the relevant Supreme Administrative Court).

MANAGING THE UPHILL TRANSPORT FACILITIES

The uphill transport facilities constitute the central nervous system of winter resorts. They link up the various valleys to form vast complexes.

These facilities bear great importance and significance when one is planning and organising the mountain and the number of users who require transport (700 million per year in France). Luckily the number of accidents is limited.

Private law essentially covers their system of liability.

I/ Legal and regulatory outline

In pursuance of the « mountain » law of 9th January 1985 Art. 47, the uphill transport facilities' service may be ensured:

- or by direct management;
- or by the direction of a public person under the form of a industrial and commercial public service;
- or by a company which has stipulated a convention to this end with a duration determined by the competent authority.

Administrative regulation issues are complex due to the problems of public safety imposed by the uphill transport facilities, by their technical nature and by their diversity.

At present, these regulations derive from an ordinance of 1st October 1999 and from numerous specific texts such as for example:

- the ordinance of 8th December 2004 which states that children who are less than 1.25 m tall must be accompanied by an adult when travelling in a chair lift.

- the circulars of 15th September 2004 and of 19th October 2004 regarding the system of authorisation of conveyor belts for snow which escaped any type of regulation. Their dangerous nature was proven by two fatal accidents which occurred on 12th January 2003 in Austria and 1st February 2004 in France.

It should be pointed out however that transportation via cable is particularly safe, in that in France for example an average of 700 million journeys are made every year with only 15 serious accidents.

II/ System of Liability:

According to the law which derives from the ordinances of the Supreme Administrative Court, even when the manager is a public individual, one finds oneself in a contractual situation of private law in that he manages an industrial and commercial public service.

Therefore the system of liability belongs to private law and in this context the first question to ask is whether or not he is under a contractual system of liability (Art. 1147 of the Civil Code) or extra-contractual liability (Art. 1382 of the Civil Code) unless the victim has chosen between the two.

A/ Contractual Liability:

In pursuance of Art. 1147 of the Civil Code, compensation is due in the event of the non-compliance with contractual obligations with a distinction according to the nature of the uphill transport facilities:

- the obligation of means;
- the obligation of outcome.

Furthermore, for several years now (Cass. 17th January 1995), the law allows a contractual liability for injury/harm caused by inanimate objects which is exclusive of all negligence of the management to be upheld and without distinguishing the obligation of method from the obligation of outcome.

The legal application of these principles (which, amongst other things, excludes the notion of acceptance of risk and the limited liability clauses) is carried out on the basis of the user's more or less active role, or rather schematically:

- obligation of means by the ski lift management;
- Obligation of means upon the departure and arrival of the chair lifts;
- obligation of outcome during the chair lifts journey;
- determined obligation for the safety of the cable cars.

B/ Extra-contractual Liability:

In the absence of contractual liability (e.g. a skier before he has had his ticket checked, somebody walking around the facilities...), the victim may base himself on:

- Art. 1382, management liability, which should always be established.
- Art. 1384 paragraph 1, liability for harm or injury caused by inanimate objects, which involves an objective liability by the management, due to his duty to provide surveillance.

In this case the management's liability is easily implicated. However it is worthwhile remembering that this does not apply to those who do not have a contractual bond with said management and that the victim does not have the choice on which to base his action.

C/ Action and Jurisprudential Solutions:

Bearing in mind the diversity regarding the types of facilities and situations, the verdicts pronounced are very different and depend on the supreme judgement of the judge in question.

However it is possible to outline a certain number of obligations for the management which are liable to be sanctioned in the event of misconduct, or rather:

- the facilities should conform with the regulations in force and to the authority granted.
- standard facility maintenance.
- surveillance and an attentive staff presence, especially during loading and unloading.
- information and advice for the users.

Partial or total exoneration of liability for which the victim is to blame is estimated in relation to how active, or not as the case may be, his role was in creating the damage.

CIRCULATION ON THE SNOW

The number of people frequenting the pistes and their activities has increased. This has led those in a position of responsibility (in France, the mayors and the services dedicated to slope security) to reorganise the skiable areas (restriction of the principle of freedom in the mountains) in order to prevent the risk of collision.

Therefore the users' liability for the collisions which have occurred remains involved, as in every activity, on the basis of the general principles of civil and criminal liability.

I/ PRINCIPLES OF LIABILITY

1/ The notion of blame:

The basis is an obligation for caution which derives from Arts. 1382 and 1383 of the Civil Code, which stipulate that:

- Art. 1382: « any blame of a man who causes damage to others, obligates the person who is found to be to blame for said damage to repair said damage ».
- Art. 1383: « each person is responsible for the damage that they have caused, not only for the fault itself but also for their negligence or lack of caution».

In this case the victim must provide proof:

- of the blame of the author of the damage;
- of his own damage;
- or the causation relationship.

Providing proof of blame is relatively difficult due to the fragility of the evidence and the testimonies, and due to the absence of a Code regarding skiing.

However the FIS Rules of Conduct, adopted on 20th May 1967 and subsequently reformulated, constitute references on which one may base oneself.

These do not possess a legal bearing in France, but some of these rules may be integrated in a municipal ordinance.

This is the case for rules:

1. Respect for others.
2. Control of speed.
3. Skiers further down the piste.
4. Crossing the pistes.

This is not the case for rule 9 regarding assistance for people in danger in that this rule does not differ from the obligations derived from the Penal Code, or for rule 10 regarding identification.

It should be noted that rule 3 does not contain exactly the same terminology, in that the French adaptation does away with the term « skier » and favours the term « user », in an attempt to cover other sports such as snowboarding.

But they are extensively cited in rulings from the courts:

- at a criminal level, in the event of the violation of a municipal ordinance in which they are integrated.

- at a civil level, in order to qualify the elements constituting the failure to comply with the obligation for caution and diligence.

- 2/ Jurisprudential application

This covers particularly varied hypotheses:

- speed which is uncontrolled and unsuitable for the circumstances;
- right of way for the skier further down the piste;
- incorrect appraisal of the weather and snow conditions;
- lack of respect for the right of way on easier pistes and where they intersect;
- failure to consider the density of the traffic.

Regarding the application of Art. 3 of the FIS regulations, which are widely upheld in the courts, we can however note the lack of an impugnable character. See an interesting order by the Court of Appeal of Chambéry of 25 October 2005 which holds a skier further down the slope responsible who had unexpectedly cut across the piste whilst effectuating a « carving » turn.

3/ No-fault Liability:

The inherent difficulty in searching for the responsibility and the necessity to compensate the user who has committed no misconduct has led the law to apply to skiing the notion of « custodian of the matter » defined in Art. 1384 paragraph 1 of the Civil Code which stipulates:

« One is liable not only for the damages caused by one's own misconduct, but also for the damage caused by the misconduct of the persons for which one is responsible, and for the things which one has within one's charge. »

This article applies:

- when the skis or the skier's body itself are the instruments which cause the damage;
- even if there has been no contact between the skis and the victim, in that the skis as a means of locomotion constituted the dynamic aspect of the accident.

In the absence of fault on the part of the victim and the author of the incident, the latter can therefore be declared liable for the damages. This involves objective liability which can also be mutual.

The developments of this law are important and by now confirmed (e.g. J.P. February 2005-judgement of 23rd January 2005).

II/ SPECIFIC SITUATIONS REGARDING OTHER USERS

1/- SNOWBOARDING

The French have chosen to include this discipline in the Fédération Française de Ski, confirmed by a ruling by the Council of State (CE 8 February 1999).

The preoccupation was to provide all means of snowborne transport with a single text to which to refer. This is why the term « user » is used instead of « skier » in Art. 3 of the French version of the FIS regulations.

Notwithstanding the particular obligations regarding surfing, the principles of liability are the same.

2/- CROSS-COUNTRY SKIING

The regulations set out by the FIS do not have a direct application in this sector either but they do motivate the judgements which are pronounced.

The principles of liability are the same as those applied to Alpine skiing but their application is essentially more restricted due to the limited number of accidents.

3/- THE CIRCULATION OF MOTORISED MEANS OF TRANSPORT

Motorised means of transport were previously reserved for slope maintenance and rescue work but they have since diversified and snow mobiles and quads are commonly in use.

Their use is strictly outlined by the provisions of the Law of 31st January 1991 (Journal Officiel of 5.01.1991 pg. 234) and finalised by decree No. 258 of 20.03.1992. Their use is also prohibited on rural tracks and on the roads used for traffic or in the absence of a special authorisation for sporting activities on marked courses.

Commercial links for reaching high altitude restaurants for example are therefore compromised and numerous sentences have been pronounced (Court of Appeal of CHAMBERY, 16 March 1995, J.P. 96-1-186)

However the question still remains open and up until now the judicial actions are not exercised when dealing solely with procurement.

With regard to liability, this is covered by the regulations regarding land vehicles and consequently also by the Law of 15th July 1985 which institutes a real presumption of liability with the obligation for the insurer of the vehicle to formulate a compensation proposal.

4/ CLAIMS IN THE EVENT OF NON-IDENTIFICATION OF THE AUTHOR OF THE DAMAGES

Apart from the hypotheses of an offence for failure to offer assistance, the speed at which skiers move often makes their identification even more difficult.

Furthermore, the author, even if identified, may be insolvent.

The question to ask is whether the victim could have turned to the Victims' compensation commission.

In reality, the Law of 3rd January 1977 codified in Art. L 421.1 of the Insurance Code provides for the intervention of the Indemnity Fund for accidents which have happened « in locations open to public traffic ».

In a 1996 order, the Court of Appeal in PARIS held that ski slopes responded to these criteria.

It is therefore the Indemnity Fund which intervenes but only on the pistes and not for off-piste collisions.

Furthermore, because the Fund is supported by the French insurance companies it can not intervene abroad (e.g. if a skier starts off from Monginevro and is then injured on a slope in Claviere in ITALY).

SKI SCHOOLS AND SKI INSTRUCTORS

Guides and ski instructors are true pioneers when it comes discovering mountains and developing the tourism industry. They have progressively passed from a purely associational structure (CHAMONIX guides' company was established in 1821, and up until 1948 the ski masters' diplomas were issued by the Fédération Française de Ski) to administrative protection, both in terms of organising their profession and defining their responsibilities.

I- GENERAL OUTLINE OR THE APPLICABLE REGULATIONS :

The regulations presently derive from the Law No. 627 of 6th July 2000, which amends the Law of 16th July 1984 which ultimately strengthens the reference to the specificity of the environment and upholds the notion of an admittance diploma.

A- To access the profession one must first train in common law (from 3 to 5 years) which provides access to the 1st level state licence and title of national instructor; this includes working in the glacier areas and mountaineering which both require guides.

The 2nd level licence allows the instructor to train and accompany people.

A guide's training is governed by the National Ski and Mountaineering School in CHAMONIX which issues the guide's diploma, in pursuance of the ordinance of 10 May 1993. This diploma distinguishes:

- the aspirant guide, limited to difficult routes up to an altitude of 3,500 metres and 2,000 metres for winter routes.
- the upper mountain guide who is fully qualified.

Training for cross-country skiing instructors is provided by the ENSN in PREMANON and issues two-level state licences as per Alpine skiing.

B- THE PRESENCE OF FOREIGN INSTRUCTORS HAS PROVOKED NUMEROUS DISCUSSIONS.

In pursuance of the principle of free circulation of workers within the European Union, the decree of 25th November 1996 specifies the conditions for acknowledging qualifications from the country of origin with a declaration to the regional prefect and an aptitude test if necessary.

The decree of 4th April 1997 specifies the conditions for practising the profession in France.

The Minister for Sport provides authorisation once it has been verified that the original diploma is the equivalent of a French one and ascertained that the applicant has a minimum of two years experience in a European Union member state.

Even if there are no problems with other Alpine countries, the law still holds that the administration can refuse to accept the equivalence in the event of substantial differences (e.g. Court of Appeal of CHAMBERY 12th October 2000 for an English diploma which did not include a technical test).

In this case the instructors and the employers are punishable under law for unlawfully exercising the profession of instructor on the grounds of the lack of a diploma.

C- SKI SCHOOL CHARTERS

Even though the French ski schools (ESF) organise their ski instructors' activities they are still simple associations and not legal entities.

Nevertheless considering that they constitute real companies with a managerial structure and that they act as mandataries for the ski instructors, numerous rulings have held actions against them regarding admissibility of appearance and mandate to be founded.

Furthermore, a judge does not register the question of admissibility unless it is first posed, which very rarely occurs, in that the insurance companies generally present themselves without contesting the ski school's cover.

The same goes for independent ski schools which are more often than not companies with a legal entity.

II- THE SYSTEM OF LIABILITY FOR INSTRUCTORS AND GUIDES:

This concerns contractual liability derived from Article 1147, which may be brought into play in the event of the non-fulfilment of obligations relating to safety, caution or diligence towards the novices/pupils.

- The preliminary conditions regarding liability are:
 - firstly, finding oneself in the presence of a professional, (which infers the repetition of an act, remuneration and a diploma);
 - secondly, being within a contractual situation (as opposed to being within friends).

- The lack of diligence is registered in every moment by the services performed, for example:
 - the choice of route;
 - the choice of terrain, off-piste included;
 - the choice of activity, bearing in mind snow conditions and attendance figures.

- The lack of surveillance is assessed in accordance with the novice/pupil's age and ability.

- In the event of lack of caution or of criminal negligence, the instructor or the guide also uses his criminal liability, as we shall see in the following chapter.

OFF-PISTE SKIING

Off-piste skiing gives the skier much more freedom and this decidedly raises the problem of liability due to the serious risks which are incurred.

I- THE SYSTEM OF LIABILITY

A- In the area of contractual liability, the instructor can use his civil liability if he has failed in his duty to provide safety.

- Choosing an unsuitable route for his pupil's ability.
- If he has not informed himself of risks relating to the weather conditions.
- Failing to equip himself with safety equipment.
- Not taking into consideration the more likely risk of triggering avalanches for skiers travelling in groups.

The idea that a client may have accepted, in any way, the risk pertaining to a particularly exposed route has been discarded by law; this possibility is only upheld in totally exceptional cases.

Furthermore, bearing in mind the seriousness of the accidents which happen off-piste, civil settlements are relatively few, in that the victims' families generally prefer to go to court.

B- The mayor's liability may also be investigated:

- Especially regarding lack of information and if the off-piste route consents a return to the ski station.

The battle against avalanche risks is effectively classed as a preventative and informative measure:

- regarding the weather conditions;
- regarding the state of the snow cover with a risk classification that follows the European scale for avalanche risks (yellow, red and black, and black flags).

- For failing to organise rescue attempts which are suited to the situation

The mayor's jurisdiction on this subject derives from the General Code of the local communities.

The Mountain Law of 9th January 1985 and the Law of 2004 specified the mayor's obligations; the question which is mainly discussed is that of the exception of the principle of gratuitousness.

At present the quality of the rescue services is based on important helicopter transportation; these services are operational thanks to the fact that a part of the expenses can be reimbursed to the municipalities in that 70 % of the users are insured.

C- The skier himself can use his liability for blame in the event of triggering an avalanche in pursuance of Article 1382, in the event of having injured a skier further down the mountain.

The judge will take into consideration the skier's level of experience and the risk factor involved in terms of snow conditions and the weather forecast.

II- CRIMINAL LIABILITY:

In the absence of specific legislation, the judge deliberates on the basis of the contents of the Criminal Code and rules for a crime involving lack of caution or negligence.

Apart from direct blame which implicates a conviction in the event of serious offences, two original legal regulations are worthy of attention.

A- THE CRIMINAL LIABILITY OF LEGAL ENTITIES

From the reform of the Criminal Code of 1994, Article 121,2 provides that:

... « legal entities, with the exclusion of the State, are criminally liable, in cases provided for by the law and by regulations, of offences committed on their behalf, by themselves or by their representatives ».

The application of this text has been used in particular to sanction the overall organisation of a winter resort; starting from the principle that commercial pressure and the communication based

on off-piste skiing constitute significant pressure on the person in charge of safety, inducing them to take risks when opening an area or an access road.

The threat of criminal sanctions to the community (mayor, managing company...) is considered to raise awareness to the risks and comes under the policy of preventing avalanches.

B- The Law of 10th July 2000 which reforms Article L.121-3 of the Criminal Code sets out the new system for indirect blame, namely the blame ... « of those who have created or contributed in creating the situation which has permitted the damage to occur or of those who have not taken the necessary precautions to avoid it ».

In the absence of direct blame, two cases are provided for by Article L.121-3 paragraph 4 of the Criminal Code which has been amended to implicate the criminal liability of individuals whether they:

- « have violated, in an evidently deliberate fashion, a particular duty regarding caution or safety provided for by the law or by regulations. »

The first case can be applied to mountain accidents (even though they are less widespread than accidents in the workplace) and in the presence of a violation of a specific measure, the power of the judge's appraisal is limited.

Or whether they have incurred... « distinctive blame which exposes others to a risk of a particular severity which they could not ignore ».

We encounter the second case more frequently, especially in the case of avalanches, both for the escort (guide, instructor ...) and for the authority in charge of preventative measures.

First of all the judge must ascertain if there exists direct or indirect blame and in the case of the latter, the sole ascertainment of fault is insufficient to justify the application of Article L.121-3 paragraph 4; the fault must expose others to a particularly severe risk which the author of the fault could not ignore and this must involve a distinct fault.

Jurisprudential application

The restrictive conditions of the law may lead one to believe that the courts would be inclined towards less significant severity.

But in reality the rulings translate the preoccupation with characterising even further the exposure to risk, by applying relative severity in the face of culpable behaviour.

Two rulings can be considered significant on the subject of avalanches.

The Court of Albertville in the case of the avalanche in Quermoz (where two excursionists in snowshoes died) convicted the guide due to the distinctive blame held against him: he was carrying no ARVA equipment and had chosen a route under the exposed slope when the risk of avalanche had already reached level 4/5.

The Court of Bonneville upheld the criminal liability of the Mayor of Chamonix in the case of the avalanche in Montroc, considering that ... « *the advisory committee for safety and avalanches had not demonstrated the expected diligence in their examination of the situation which presented itself, and the mayor had not taken appropriate measures considering the seriousness of this situation* ».

The Court held, in support of his conviction, various faults in his appraisal that together constituted the distinctive blame which exposed others to a particularly serious risk.

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If the new law has not fundamentally upset the criminal system it has led jurisdictions to characterise the blame in question more accurately.

However, when blame is not sufficiently identified, the Director of Public Prosecution is forced to prosecute legal entities for whom even slight blame would be enough to justify a conviction, in that the Law of 10th July 2000 can not be applied to them.

CONCLUSION

The objective of our Forum aims towards a unified snow law, and in comparison it appears that, by means of a necessarily incomplete report, the French experience with specific legislative base reflects a tendency for harmonisation with the systems of neighbouring countries based on a threefold influence:

- European directives;
- working with the FIS Legal committee;
- proposals for standard regulatory procedures from European representations by the different experts involved (ski instructors, planning and uphill transportation companies...) and from elected mountain representatives.

It is definitely worthwhile persevering in the closer examination of the points of convergence, with the aim of guaranteeing the users' safety yet without infringing their freedom and to open mountain areas without compromising their natural balance.

The fundamental notion is definitely one of « liability » which is the direct result of the freedom associated with mountain sports. This was stressed by the lawyer Dominique DELAFOND, a pioneer of ski law who has recently passed away, in his work « Skiing, law and liability ».

We should uphold this message for the development of our work.

M. BAILLY, Lawyer
LAMY-LEXEL Law Firm

BIBLIOGRAPHY

- Dictionnaire permanent Droit du Sport
- Dalloz-Sirey – Droit de sport
- D. DELAFON: Ski, droit et responsabilité, éd. EPM,1977
- Gérald SIMON, Sport et ordre juridique étatique LGDJ
- W. RABINOVITCH: Les sports de montagne et le droit, éd. Litec, 1980
- Prof. Philippe BRUN et Maurice BODECHER: Neige et sécurité, éd. EXTRA BLEU CIEL oct.2000
- F. VALLA, droit pénal spécial, éd.Armand Colin, 9éd. 1999
- C. JEBEILI: le contentieux des accidents de ski dans la responsabilité des communes, Les Petites Affiches, 28 janv. 1998, N° 12
- G.D. MARILLIA: la responsabilité des communes et des autres collectivités publiques en matière de ski: les 10 ans de l'arrêt Lafond; JCP 1987, I 3285; GP 1987, 1^{er} sem. Doctr.p302.
- N. MARREC: responsabilité municipale et sécurité sur les pistes de ski, Cahiers CSSM N° 9/1998.

- Rapport des journées juridiques du CERNA, Editions législatives : (nov. 97 - 06 nov. 1999 - 16 nov.2002 - 08 nov.2003)
- Gazette du Palais, 18.19.02.2004: Loi Juillet 2000, Art. Prof. Fabrice GAUVIN