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National ordinary courts

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France

France



In this section you will find an overview of the ordinary courts in France.

The ordinary courts — introduction

Courts of first instance

Civil courts

1. Regional courts

A regional court (*tribunal de grande instance*) hears disputes between private parties (civil and commercial cases) where the value in dispute is over €10,000.

It also has jurisdiction in the following areas in particular, irrespective of the amount of the claim:

- family law: marriage, filiation, adoption, declarations that a person is missing (*déclarations d'absence*);
- rectification of records of civil status (état civil: births, marriages, deaths, etc.);
- succession;
- penalties (*amendes civiles*) incurred by public records officers (*officiers d'état civil*);
- property actions to determine ownership (*pétitoires*) and possession (*possessoires*);
- industrial awards (*récompenses industrielles*);
- the dissolution of associations;
- protection from creditors (*sauvegarde*), court-supervised recovery (*redressement judiciaire*) and liquidation by the court (*liquidation judiciaire*), where the debtor is neither a trader nor a person registered in the register of trades and crafts (*répertoire des métiers*);
- accident and occupational illness insurance for non-wage-earning persons working in agriculture;
- registration fees (*droits d'enregistrement*), charges for the publication of land registry notices (*taxes de publicité foncière*), stamp duties (*droits de timbre*) and indirect taxes, and other taxes equivalent to those fees, charges or duties;
- commercial property leases (*baux commerciaux*), with the exception of disputes regarding the setting of rent for revised or renewed leases, professional and craft activity property leases (*baux professionnels*), and provisional contracts for commercial purposes (*conventions d'occupation précaire en matière commerciale*);
- claims of falsification (*inscription de faux*) made in objection to authentic documents (*actes authentiques*);
- civil actions for defamation (*diffamation*) or for insult (*injure*), whether or not public, and whether verbal or in writing.
- Disputes relating to the payment, guaranteeing or reimbursement of debts of all kinds recovered by the customs administration and other customs matters in the cases and under the conditions laid down in the Customs Code.

A regional court is made up of professional judges (*magistrats*): the president, the vice presidents, the ordinary judges, the public prosecutor (*procureur de la République*), deputy public prosecutors (*vice procureurs*) and assistant public prosecutors (*substitués*).

Some of these are specialised judges, acting primarily in criminal cases, including the following:

- The judge in juvenile matters, or children's judge (*juge des enfants*), has power to take measures to protect minors who are in danger, and to try minors accused of minor and intermediate criminal offences (*contraventions de cinquième classe, délits*). When, in criminal matters, the judge decides without the public present, he or she can order only measures with a view to the better upbringing of the minor (*mesures éducatives*); when the judge presides over the juvenile court (*tribunal pour enfants*), he or she sits with two assessors (*assesseurs*) who are not professional judges, and the court has the power to order measures for the better upbringing of the minor or a criminal sentence as the case may be.
- The judge for the enforcement of sentences (*juge de l'application des peines*) determines the way in which a sentence involving deprivation or restriction of liberty is to be enforced; if the convicted person is imprisoned, the judge can order measures that alleviate the penalty, such as outside placement, semi-liberty, conditional release, or release under electronic surveillance; if the convicted person is not imprisoned, the judge supervises the serving of the sentence, in the case for example of a suspended sentence on probation (*emprisonnement avec sursis et mise à l'épreuve*), community service (*travail d'intérêt général*), or social and judicial supervision (*suivi socio-judiciaire*), etc.;
- The investigating judge (*juge d'instruction*) reports to the investigation division of the court of appeal (*chambre de l'instruction de la cour d'appel*). In a criminal investigation the investigating judge is required to take all steps likely to lead to the truth. The investigating judge assembles all the evidence, whether it is against a suspect or in the suspect's favour. When the judge is of the opinion that the investigation is complete, he or she can make an order discharging the suspect (*ordonnance de non-lieu*), or commit the person under investigation for trial by the court. Investigating judges cannot take up cases on their own initiative. Cases must be referred to them for investigation by the public prosecutor, or by an injured party who lodges a complaint alleging a criminal offence and asks to be treated as a civil party to the criminal proceedings (*constitution de partie civile*).

The regional court generally sits in the chief town of a *département*, but there are also regional courts that sit in other places. On 1 January 2017 there were 164 regional courts.

2. District courts

The **district court** (*tribunal d'instance*) hears disputes between private parties (civil cases) where the value in dispute does not exceed €10,000 (it has certain exclusive areas of jurisdiction irrespective of the amount of the claim, such as actions to fix the boundaries of a property or rental evictions.)

It also has areas of judicial jurisdiction (for example: attachment orders seizing wages or salaries (*saisies des rémunérations du travail*), life annuity contracts (*rentes viagères*), disputes relating to elections, and residential property leases (*baux d'habitation*), and administrative jurisdiction; for example, the director of the registry (*directeur des services de greffe judiciaire*) of the district court issues certificates of nationality.

A judge of the district court also deals with guardianship matters, though not in the case of minors, who under an Act passed on 12 May 2009 now come under the jurisdiction of a family judge at the regional court: the district court judge protects vulnerable adults, in particular by supervising the management of their resources.

A district court is made up of one or more judges, but cases are always heard by a single judge.

The district court generally sits in the chief town of an *arrondissement*. On 1 January 2017 there were 307 district courts.

3. Local courts

The local court (*juridiction de proximité*) hears civil disputes between private parties where the amount in dispute is less than €4,000.

Since 1 July 2017, local courts have been abolished (Law No 2011-1862 of 13 December 2011), and their powers have been transferred to the district courts.

4. Commercial courts

The **commercial court** (*tribunal de commerce*) hears disputes regarding contracts between traders, between

credit institutions or between traders and credit institutions, and disputes regarding commercial companies or commercial transactions between parties of any kind. The commercial court also deals with proceedings relating to firms in difficulty.

The judges of the commercial courts are not professional judges but volunteers, traders or company managers. They are elected for a term of 2 years in the first election, and then for a term of 4 years at the end of the initial term, by an electoral college made up of current and former judges of the commercial courts and traders' delegates. These latter are traders or company managers elected every 5 years in the area within the jurisdiction of the court. Their task is to participate each year in elections of commercial court judges.

There were 134 commercial courts in Metropolitan France, 7 commercial divisions in the départements of Alsace and Moselle and 9 mixed commercial courts in overseas territories on 1 January 2017.

The commercial court is composed of at least three judges, except as otherwise provided.

The public prosecutor's office represents the interests of society in these courts. It must be involved in all cases involving companies in difficulty.

The functions of the clerk of the commercial court are performed by a clerk, a law officer attached to the public prosecutor's office.

5. Employment tribunals

The **employment tribunal** (*conseil de prud'hommes*) rules on disputes between employers and employees in connection with a contract of employment (salary, working hours, harassment, penalties, etc.). It is a collective body made up of non-professional judges representing employers and employees.

The employment tribunal is divided into five specialised divisions, for management, manufacturing, distributive trades and commercial services, agriculture, and miscellaneous activities. If the four members hearing a case are tied, the tribunal will be chaired by a judge appointed by the president of the regional court, who will be responsible for the casting vote.

There are one or more employment tribunals in each département, and at least one in the area of jurisdiction of each regional court.

There are 210 employment tribunals.

As a result of the review of employment tribunals in 2017, members will now no longer be elected but, rather, appointed following nominations by the most representative trade and professional organisations. They will be appointed for a term of 4 years.

6. Social security tribunals (TASS)

The **social security tribunal** (*tribunal des affaires de la sécurité sociale*) rules on disputes between social security funds (*caisses de sécurité sociale*) and users, for example regarding membership of a fund or the award and payment of benefits.

A social security tribunal is made up of a president, who is a judge of the regional court or an honorary magistrate, an assessor representing employees and an assessor representing employers or the self-employed; both assessors are appointed for 3 years by the first president of the court of appeal from a list drawn up for the area within the jurisdiction of the particular tribunal by the regional director for young people, sport and social cohesion, following nominations by the most representative trade and professional organisations.

There are 114 social security tribunals.

7. Disability tribunals (TCI)

The disability tribunal (*tribunal du contentieux de l'incapacité*) adjudicates on disputes regarding the invalidity or incapacity for work of a person covered by social insurance, that is to say the state or the degree of incapacity or invalidity caused by an occupational or other illness or accident.

A disability tribunal is made up of a president who is an honorary judge or qualified person appointed by decree of the Justice Minister, an assessor representing employees, and an assessor representing employers or the self-employed; both assessors are appointed for 3 years by the first president of the court of appeal for the area within the jurisdiction of the particular tribunal from a list drawn up by the regional director for young people, sport and social cohesion, following nominations from the most representative professional organisations.

There are 26 disability tribunals.

From 1 January 2019, disputes referred to the TASS and the TCI and some of those referred to départemental social assistance commissions (CDAS) will be transferred to the social sections of the regional courts. These specialised courts will then be abolished.

8. Agricultural land tribunals

The **agricultural land tribunal** (*tribunal paritaire des baux ruraux*) hears disputes between landlords and tenants of agricultural land regarding various forms of lease or contract for tenancy and the working of land (*fermage, métayage, baux à cheptel, baux à domaine congéable, baux à complants, baux emphytéotiques, or contrats d'exploitation de terres à vocation pastorale*).

The tribunal is presided over by a judge of the district court. That judge sits with four non-professional assessors: 2 of them are landlords and 2 are tenants, and all 4 are elected by their peers for 6 years from lists of candidates drawn up by the prefect following nominations by a committee for the preparation of electoral lists.

As a result of the review of agricultural land tribunals in 2018, assessors will now no longer be elected but, rather, appointed on the basis of a proposal by the most representative professional organisations on the basis of their respective audiences. They will be appointed for a term of 6 years.

Criminal courts

1. Assize courts

The assize court (*cour d'assises*) tries serious crimes (*crimes*): these are offences in the most serious category, carrying a sentence from 10 years' imprisonment to life imprisonment.

There is an assize court in each département, but it is not a permanently constituted court. The dates of its opening sittings are set whenever necessary. In the biggest départements, however, the assize court sits almost permanently.

The court is made up of 3 professional judges — a president who is the president of a division or an ordinary judge at the court of appeal, and 2 assessors who are ordinary judges at the court of appeal or judges at the regional court for the département — and a jury of 6 citizens chosen by lot. When it deals with serious crimes committed by minors it is called the juvenile assize court (*cour d'assises des mineurs*). In that case the 2 assessors are judges of the juvenile courts.

Some crimes under terrorism legislation or military law, or related to drug trafficking, are tried by an assize court composed of judges only.

The public prosecutor's office is represented by an advocate-general (*avocat général*).

2. Criminal courts

The criminal court (*tribunal correctionnel*) has jurisdiction for intermediate offences (*délits*): these are offences that carry a sentence of no more than 10 years' imprisonment or a fine of no less than €3,750. The criminal court is a division of the regional court. The general rule is that it is composed of 3 professional judges, but there is also provision for specific offences to be dealt with by a judge sitting alone.

The public prosecutor's office is represented by the public prosecutor or one of the public prosecutor's assistants.

3. Police courts

Until 1 July 2017, the police court tried minor offences of the fifth class (*contraventions de cinquième classe*), sat at the district court and was a single-judge court, the judge being a judge of the district court. Since 1 July 2017, it tries all offences, sits at the regional court and is composed of a judge from that court.

The public prosecutor's office is represented by the public prosecutor or one of the public prosecutor's assistants.

4. Local courts

Until 1 July 2017, the local court (*juridiction de proximité*) tried minor offences of the first to the fourth classes (*contraventions de la première à la quatrième classe*). It sat at the district court. The judge was a local court judge, who sat alone.

The functions of the public prosecutor's office were generally exercised by a commissioner of police. Since 1 July 2017, this court has been abolished, and its powers have been transferred to the police court, which itself has been attached to the regional court since that date.

5. Specialised criminal courts

There are also specialised courts dealing with specific criminal matters, such as the maritime commercial courts (*tribunaux maritimes commerciaux*), of which there are currently 6 and which try certain maritime offences.

Courts of second instance

The courts of appeal (*cours d'appel*) hear appeals on points of fact and law (*appels*) against judgments already given by the courts of first instance.

A court of appeal is composed of professional judges only: a first president (*premier président*), presidents of divisions (*présidents de chambre*) and ordinary appeal court judges (*conseillers*) (this does not apply to the assize court of appeal; see below).

Each court is organised into a variable number of divisions, including some specialised divisions (for civil, social, commercial and criminal matters).

Appeals against judgments of an assize court are heard by an assize court of appeal (*cours d'assise d'appel*), the members of which are designated by the criminal division of the Court of Cassation. The assize court of appeal has a jury of 9.

Appeals against judgments in disability cases are heard by the National Court for Disability and Rates of Occupational Accident Insurance. It also hears cases at both first and last instance relating to disputes about rates of occupational accident insurance. The public prosecutor's office is represented by the principal public prosecutor (*procureur général*) or an assistant principal public prosecutor (*substitut général*).

This court will also be abolished from 1 January 2019.

The Court of Cassation

The Court of Cassation (*Cour de cassation*) is the supreme court in the ordinary court structure. It sits in Paris. Its function is to verify that the decisions of the lower courts do not conflict with some point of law: it does not make any fresh assessment of the facts. It is not regarded as a court of third instance: it maintains uniformity of case-law and acts as a regulator of law and compliance with legality.

Cases can be referred to this court 'for opinion' by the courts to obtain an opinion on a new point of law that presents a serious difficulty and is raised in a number of disputes.

A judgment of the Court of Cassation is delivered above all in response to an appeal on points of law (*pourvoi en cassation*) brought by a party who is the subject of a court judgment, or by the public prosecutor's office.

If the Court takes the view that the judgment challenged was not arrived at in accordance with the legal rules, it quashes the judgment (*casse la décision*). It then sends the case back to another court for retrial.

Otherwise it dismisses the appeal, and the judgment challenged is definitive.

In exceptional cases it may quash a judgment without remitting it for retrial where the quashing of the judgment does not require that the substance of the case be reconsidered. It may also reconsider the substance of a case in civil matters where the interests of the correct administration of justice justify this and, in criminal matters, quash a judgment without remitting it for retrial and decide the case itself, if it is able to apply the correct rule of law in the light of the facts as found by the court that considered the substance of the case.

The Court of Cassation is divided into divisions (*chambres*): three civil divisions, one commercial division, one social division and one criminal division, each composed of a president and other professional judges. Depending on the nature of the case, the Court may also sit as a joint bench (*chambre mixte*, at least three divisions together) or as a full court (*assemblée plénière*, consisting of the first president, the president and most senior member of each division and an ordinary judge from each division).

The public prosecutor's office is represented by the principal public prosecutor and advocates-general.

Legal databases

Legal databases in France are accessible via the Internet as a public service. The [Légifrance](#) site also covers the judgments of the Court of Cassation and the courts of appeal:

- on the 'CASS' database, for published judgments of the Court of Cassation,
- on the 'INCA' database, for unpublished judgments, and
- on the 'CAPP' database, for judgments of the courts of appeal.

Is access to the database free of charge?

Yes, access to the database is free.

Brief description of content

Judgments are available in French. Some judgments are also available in English, Arabic or Chinese translation.

- The CASS database has a stock of 120,000 judgments, with 2,100 added annually.
- The INCA database has a stock of 246,000 judgments, with 10,000 added annually.
- La CAPP database has a stock of 19,000 judgments, with 20,000 added annually.

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