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Digitalisation Regulation - Member State notifications

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France



France

This page contains information about the notifications made by the Member States under Regulation (EU) 2023/2844.

1. National IT portals for communicating with courts or other authorities

The French authorities point out that France does not have a national IT portal for communication with courts or authorities, or for the use of videoconferencing, accessible from abroad.

For communication with courts or authorities, France has chosen to use the eEDES reference implementation system for the implementation of eCODEX technology.

2. National law on videoconferencing in civil and commercial matters

(a) - Information on applicable national laws and procedures, including applicable procedural rights and safeguards for conducting hearings by videoconferencing or other distance communication technology.

The French authorities point out that France does not have a specific legal framework for cross-border judicial videoconferencing.

In general, before the courts, Article L.111-12 of the Judicial Organisation Code [*Code de l'organisation judiciaire*] allows hearings to be held by means of audiovisual telecommunication under the following conditions:

- each party must have given their consent to the use of videoconferencing;
- the hearing takes place in several courtrooms directly connected by audiovisual telecommunications;
- the videoconferencing software must guarantee the confidentiality of transmissions.

Parties, witnesses, experts or any other person summoned, at their express request, may be authorised by the presiding judge to be heard by audiovisual telecommunication, outside a courtroom (L111-12-1 of the Judicial Organisation Code)

The presiding judge will grant that request only if they consider that the remote hearing is compatible with the nature of the proceedings and complies with the adversarial principle. This decision is a judicial administration measure (R111-7-1 of the Judicial Organisation Code).

This possibility is subject to the use of audiovisual telecommunication means with technical characteristics determined by order of the Keeper of the Seals which must ensure, on the one hand, the quality of the transmission and, where the hearing or the interview is not public, the confidentiality of the interactions and, on the other hand, the possibility of identifying the participants.

The presiding judge will direct the proceedings from the courtroom where the other members of the court, the court clerk and, where appropriate, the public prosecutor, are also present.

At the hearing, the presiding judge must ensure that the conditions under which the person is connecting are compatible with respect for the dignity and solemnity of the proceedings.

Order JUST2214196A of 13 May 2022 specifies the technical arrangements for the audiovisual telecommunications systems for holding hearings or interviews by videoconferencing in non-criminal matters. The main conditions are as follows:

- the audiovisual communication must be implemented through a videoconferencing solution provided by the Ministry of Justice. In commercial courts, it may also be implemented through a solution made available by the National Council of Commercial Court Registrars [*Conseil national des greffiers des tribunaux de commerce*];

(c) - Information on whether national law allows the court or competent authority to schedule a hearing of its own motion

Two situations should be distinguished as regards the use of videoconferencing at the judge's initiative:

- before all court jurisdictions, hearings may be held in several courtrooms directly linked by audiovisual telecommunication systems at the judge's initiative, provided, however, that all parties have given their consent to the use of videoconferencing (Article L.111-12 of the Judicial Organisation Code);
- before court jurisdictions ruling in non-criminal matters, interviewing a party, witness, expert or any other person summoned, by means of audiovisual telecommunication systems outside a courtroom may only be authorised by the presiding judge at the express request of that person (Article L.111-12-1 of the Judicial Organisation Code).

(d) - Information on the videoconferencing technology available in the Member State or on the most commonly used videoconferencing platform/solution

- The French authorities provide the following information: Justice officials use Cisco Jabber to communicate with each other;
- Real-time processing services use Cisco Webex Desk;
- Courtrooms and administrative services are equipped with Cisco Webex Room Kit;
- The decentralised prison services use Cisco Webex Room Kit;
- As regards the Commercial Court, the [National Council of Commercial Court Registrars](#) uses the Tixéo Private Cloud software, a French solution certified by ANSSI.

(e) - Information on procedural requirements for the party to submit an opinion on the use of videoconferencing or other distance communication technology for the hearing

Article L.111-12 of the Judicial Organisation Code provides for hearings to be held by audiovisual telecommunication means, either *ex officio* or at the request of the parties, on the condition that each party agrees to the use of videoconferencing. The law does not regulate the form that the party's opinion on the use of videoconferencing should take, and therefore it may be expressed by any means.

Furthermore, in compliance with Article L.111-12-1 of the Judicial Organisation Code, parties, witnesses, experts or any other person summoned may only be heard by audiovisual telecommunication outside a courtroom at their express request and with the authorisation of the presiding judge. The law does not stipulate any formal requirements for this request, which is intended as a simple judicial administrative measure and is therefore not a legal request in a procedural sense. Consequently, it may be made by any means.

(g) - Information on how legal professional privilege is ensured before and during videoconferencing

In civil and commercial matters, there are no specific rules of procedure for organising interactions between lawyers and their clients where videoconferencing is used at the hearing or interview, as such interactions are not of a procedural nature.

However, it is possible for the court to suspend the hearing or interview temporarily to allow the lawyers to speak to their clients confidentially, without the presence of the other parties or the court, by the telecommunications means made available to them.

Furthermore, in relation to third parties present at hearings or interviews, Order JUST2214196A of 13 May 2022 requires that, if the hearing is not public, the confidentiality of the interactions be guaranteed by telecommunications procedures.

In addition, video and sound footage may not be recorded or stored, except in the cases provided for in [Articles L.221-1 et seq. of the Heritage Code \[Code du Patrimoine\]](#), in application of Article L.111-12 of the Judicial Organisation Code.

(h) - Information on the practical arrangements for organising and conducting the hearing, including information on the possible use of voice synthesis technologies

As set out in points (c) and (e), in civil and commercial matters, the organisation of a videoconference hearing requires the consent of all parties, while interviewing a person by videoconference may only be authorised at the express request of that person (but without requiring the consent of the other parties).

(j) - Arrangements for the identification and authentication of the parties

Under Article R.111-7-1 of the Judicial Organisation Code, the technical characteristics of the means of audiovisual telecommunications used must enable the participants to be identified, if necessary by means of the presentation and verification of an identity document.

(k) - Method by which the parties can ask questions and participate effectively

Hearings by videoconferencing will follow the same procedures as any other hearing. The parties will be given the opportunity to set out their claims and pleas in law, to answer the questions put by the court and to submit any observations they consider appropriate in accordance with the adversarial principle. However, where the court considers that it has sufficient information, the presiding judge may discontinue the oral argument or the observations submitted by the parties for their defence (Article 440 of the Civil Procedure Code [*Code de Procédure Civile*]).

Furthermore, the parties are required to notify the court and the other parties of the exhibits they intend to submit in support of their claims (Article 15 of the Civil Procedure Code). The judge's decision may only consider the exhibits that the parties have submitted to the adversarial procedure (Article 16 of the Civil Procedure Code).

The judge may call upon the parties to submit, orally or in writing, in accordance with the rules of procedure and the adversarial principle, any explanations on points of fact or law that may be considered necessary for settling the dispute (Articles 8 and 13 of the Civil Procedure Code).

On a more fundamental level, no party may be judged without having been heard or summoned (Article 14 of the Civil Procedure Code). Furthermore, if a remote hearing is considered incompatible with the nature of the proceedings and respect for the adversarial principle, this method of attendance will not be used (Article R.111-7-1 of the Judicial Organisation Code).

As regards witnesses, it should be noted that under French law: 'witnesses are heard when the parties are present or when the parties have been summoned' (Article 208 of the Civil Procedure Code). However, 'the parties may not interrupt or interfere with or attempt to influence the witnesses giving evidence, or address them directly, on pain of exclusion' (Article 214(1) of the Civil Procedure Code). It is therefore the judge who asks, 'if they consider it necessary, the questions submitted to the judge by the parties after the witness has been examined' (Article 214(2) of the Civil Procedure Code). The parties, even those appearing by videoconference, may submit questions intended for witnesses to the judge. In practice, the interviewing of witnesses in civil and commercial matters is not frequent.

(l) - How the parties benefit from the right to an interpreter

Under Article L.111-12-1 of the Judicial Organisation Code, parties, witnesses, experts or any other person summoned may only be heard by audiovisual telecommunication outside a courtroom at their express request and with the authorisation of the presiding judge.

Interpreters may avail themselves of this provision and, at their express request, be authorised to participate in the hearing by audiovisual telecommunication outside the courtroom. In this case, the interpreter may attend

the hearing either in the courtroom while the party appears by remote hearing, or by remote hearing while the party appears in person before the court. Subject to the above conditions, the interpreter and the party may also both appear by means of audiovisual telecommunications, whether or not they are in the same place.

(m) - How the possibility of examining or presenting material evidence during videoconferencing is ensured

The same procedural rules apply to persons attending the hearing by videoconference as if they were physically present in the courtroom.

The examination of material objects submitted directly to the judge as evidence is subject to a personal examination by the judge, as provided for in the Civil Procedure Code. As a general rule, the judge may, for the purpose of personally verifying the facts, take cognisance of all aspects of the disputed facts and make the findings, assessments, evaluations or reconstructions that they consider necessary, visiting the locations if required (Article 179 of the Civil Procedure Code). However, the judge may only proceed to do so if the parties are present or have been summoned. In this case, the judge must also draw up a report of the findings, assessments, evaluations, reconstructions or declarations (Article 182 of the Civil Procedure Code).

In practice this is exceptional, as the exhibits submitted as evidence by the parties are usually written documents.

Under Article 15 of the Civil Procedure Code, the *'parties must make known to each other in good time the grounds of fact on which they base their claims, the evidence they produce and the pleas in law they rely on, so that each is in a position to organise their defence'*. Under Article 16(2) of the Civil Procedure Code, the court may only take into account in its decision exhibits which have been subject to adversarial debate between the parties.

It should be noted that in written proceedings, exhibits must be exchanged in writing between the parties and are not submitted directly at the hearing. These exchanges between lawyers and between lawyers and the court may be carried out by electronic communication provided that the rules applicable to this type of communication are followed, which relate in particular to the consent of the recipient, the issuance of reliable acknowledgement of receipt or service notices and the use of a technical procedure governed by a technical order of the Minister for Justice providing for the guarantees to be respected by the process implemented (Articles 748(1) et seq. of the Civil Procedure Code).

In oral proceedings, while the parties may produce new exhibits at the hearing, they must nevertheless communicate them to the opposing parties and submit them to the court. This therefore means that, if the party is appearing remotely, correspondence must be exchanged by post, as electronic means are not always possible due to the lack of technical processes that comply with the aforementioned Articles 748(1) et seq. of the Civil Procedure Code governing the use of this method of communication.

3. National law on videoconferencing in criminal matters

(a) - Information on applicable national laws and procedures, including applicable procedural rights and safeguards for conducting hearings by videoconferencing or other distance communication technology.

The French authorities reiterate the points already set out:

As a preliminary point, it should be borne in mind that the first provisions on the use of videoconferencing in criminal matters were introduced by the Everyday Security Act of 15 November 2001 [*loi relative à la sécurité quotidienne*]. Several acts subsequently extended the scope of the use of videoconferencing, in particular Order No 2019-222 of 23 March 2019, on the 2018-2022 programming and reform of the justice system.

Initially reserved for certain investigation and examination procedures, videoconferencing is now possible under certain conditions at all stages of criminal proceedings, from the investigation to the enforcement of sentences.

If the person appearing by videoconference is assisted by a lawyer, the lawyer may be present either with the judge of the competent court or commission or with the person concerned (Article 706-71(6) of the Criminal Procedure Code [*Code de Procédure Pénale*]).

In the first case, they must be able to talk to the lawyer confidentially using the audiovisual telecommunications

means.

In the second case, a copy of the entire file must be made available to that person at the place of detention unless a copy of the file has already been given to the lawyer.

(b) - Information on procedural requirements to give consent to the use of videoconferencing or other distance communication technologies during interviews

With regard to international cooperation, videoconferencing may be requested by the French judicial authorities from foreign judicial authorities and vice versa with a view to organising the questioning, interviews or confrontation of witnesses, experts or defendants during the various stages of criminal proceedings.

Videoconferencing requests require the issuance of a request for international mutual legal assistance in criminal matters, or, within the European Union (EU), a European Investigation Order (EIO).

This kind of request for mutual assistance can be made under various cooperation instruments.

The principle of videoconferencing must be provided for by the Criminal Procedure Code and comply with the requirements set out in the applicable conventional instruments.

In the absence of such an instrument, Article 694(5) of the Criminal Procedure Code should be applied, particularly with regard to obtaining the consent of the person being prosecuted. That article provides that questioning, interviews or confrontation carried out abroad at the request of the French judicial authorities are to be carried out in accordance with the Criminal Procedure Code, unless an international agreement prevents this.

The questioning or confrontation of a person being prosecuted may only be carried out with their consent.

Furthermore, if special videoconferencing procedures are necessary under French law, they must be specified in the request for mutual legal assistance, whether it concerns the procedure to be followed before or after the videoconference.

(d) - Information on how lawyer-client privilege is ensured before and during the hearing by videoconference

If the person appearing by videoconference is assisted by a lawyer, the lawyer may be present either with the judge of the competent court or commission or with the person concerned (Article 706-71(6) of the Criminal Procedure Code).

In the first case, they must be able to talk to the lawyer confidentially using the audiovisual telecommunications means.

In the second case, a copy of the entire file must be made available to that person at the place of detention unless a copy of the file has already been given to the lawyer.

(e) - Information on how holders of parental authority or other appropriate adults are informed of a child being interviewed via videoconference or other distance communication technology - how are the child's best interests taken into account?

Articles L.311-1 et seq. of the Juvenile Criminal Justice Code [*Code de la justice pénale des mineurs*] provide that a minor suspected or accused of an offence is entitled to be accompanied by the holders of parental authority during interviews or questioning if the authority conducting the proceedings considers it to be in the child's best interests to be accompanied and that the presence of these persons is not detrimental to the proceedings. These provisions apply to questioning during the judicial investigation stage.

The circular of 27 May 2019 presenting the provisions of Law No 2019-222 of 23 March 2019 on the 2018-2022 programming and reform of the justice system and the provisions of Decree No 2019-507 of 24 May 2019 on the criminal procedure applicable to minors notes that, unlike what is provided for court hearings, this right to accompany the minor is left to the sole discretion of the authority conducting the interview or questioning, namely the investigator or the judge.

Article L.311-1 of the Juvenile Criminal Justice Code thus provides that '*legal representatives must be informed*

by the Public Prosecutor's Office or, as the case may be, the investigating or trial court, of the decisions made concerning the minor.

This information must be provided by any means, unless other provisions exist to the contrary. The minor will have the right to be accompanied by their legal representatives:

1 - during each hearing in the proceedings;

2 - during interviews or questioning, if the authority conducting the act considers that it is in the child's best interests to be accompanied and that the presence of such persons will not be detrimental to the proceedings; during the investigation, the interview or questioning of the minor may commence in the absence of these persons two hours after they have been summoned to appear.

The minor's legal representatives must be summoned to all court hearings for minors and, if necessary, during the minor's interviews and questioning.

When it is not possible to inform the minor's legal representatives or it is not desirable for them to accompany the minor, the information mentioned in the above paragraphs must be communicated to an appropriate adult, and the minor must be accompanied by this adult, in the cases and according to the procedures provided for in this code.'

Furthermore, Article L.334-6 of the Juvenile Criminal Justice Code states that audiovisual telecommunications may not be used to rule on the pre-trial detention or extension of pre-trial detention of a minor, unless it seems that transporting them must be avoided due to serious risks of public disorder or escape.

(f) - Information on the possibility of recording interviews in accordance with national law, and on the storage and dissemination of recordings; Information on the possible use of voice recognition and automated transcription technologies

1. 1. Recording of interviews during the investigation:

1.1. Recording interviews with minors

Where a minor is heard as a witness or as a defendant but without being placed in custody, there is no provision requiring audiovisual recording of their interview.

- Interviews with offending minors

However, if the minor is in legal custody, Article L.413-12 of the Juvenile Criminal Justice Code stipulates that audiovisual recordings must be made of the interviews of the minor in custody or detention.

The minor's legal representatives are to be informed of the minor's placement in custody under Article L.413-7 of the Juvenile Criminal Justice Code, but the representatives' consent to the audiovisual recording of the interview of the minor is not sought. Similarly, the minor may not refuse to be filmed during the interview.

Furthermore, Article L.413-7(2) of the Juvenile Criminal Justice Code stipulates that the obligation to inform the legal representatives or the appropriate adult of the placement of a minor in custody may only be waived to allow evidence to be collected or preserved or to prevent serious threat to the life, the liberty or physical integrity of a person, by decision of the public prosecutor or the investigating judge taken in view of the circumstances of the case, and for the duration determined by the judge, which may not exceed twenty-four hours or, when custody cannot be extended, twelve hours.

The only exception to the audiovisual recording of the minor's interview is when it is technically impossible to make the recording, in which case the investigating services must immediately notify the public prosecutor or the investigating judge and mention this in the interview report, as well as the nature of the impossibility.

In the absence of a recording, whether or not this failure to record has been mentioned in the official report and notified to the competent judge, no conviction may be handed down based solely on the minor's statements, if these are challenged.

The recording may only be consulted during the court proceedings in the event of a challenge to the content of

the interview report, by decision of the investigating judge, the juvenile judge or the competent court, at the request of the public prosecutor or one of the parties.

The distribution of an original or a copy of a recording by any person is punishable by one year of imprisonment and a EUR 15 000 fine (Article L.413-14 of the Juvenile Criminal Justice Code).

Five years after the end of the public prosecution, the original recording and its copy must be destroyed within one month (Article L.413-15 of the Juvenile Criminal Justice Code).

- Interviews with minor victims

Article 706-52 of the Criminal Procedure Code requires that an audiovisual recording be made of the interview of a minor who has been the victim of one of the offences referred to in Article 706-47 of that code, which primarily includes sexual offenses (rape, sexual assault, sexual abuse, and pimping). Audiovisual recordings may also be made of the interview of a minor victim for offences relating to Articles 222-33-2-2 (psychological harassment) and 222-33-2-3 (school bullying) of the Criminal Code.

Article 706-52 of the Criminal Procedure Code was amended by Law No 2007-291 of 5 March 2007, in order to provide for systematic recording of such interviews, without requiring the consent of the minor or their representatives.

Additionally, there is no longer any provision for such a recording to be audio only at the request of the minor or legal representative. From now on, only the public prosecutor or the investigating judge can decide that a recording will be audio only if this is justified by the minor's interests (Article 706-52(2)).

Therefore, only a technical malfunction of the equipment can justify not recording the interview of a minor victim. This malfunction is strictly regulated by law and Article 706-52 of the Criminal Procedure Code requires the investigation services to immediately notify the public prosecutor or the investigating judge and to draw up a report on the nature of the malfunction.

A copy of the recording must also be made for the purpose of facilitating subsequent consultation during the proceedings. This copy will be included in the case file. The original recording will be sealed.

At the decision of the investigating judge, the recording may be viewed or listened to during the proceedings. A copy of the recording may, however, be viewed or listened to by the parties, lawyers or experts, in the presence of the investigating judge or a court clerk.

The distribution of an original or a copy of such a recording by any person is punishable by one year of imprisonment and a EUR 15 000 fine.

Five years after the end of the public prosecution, the original recording and its copy must be destroyed within one month.

1.2. Mandatory audiovisual recordings of interviews of persons held in legal custody for criminal offences

Under Article 64-1 of the Criminal Procedure Code, audiovisual recordings must be made of interviews with persons held in custody for a criminal offence at police or gendarmerie stations or units performing judicial policing duties. This recording may only be used in the event of a dispute over the content of the interview report. If the number of persons who are held in custody by the same department and have to be questioned at the same time makes it impossible to record their respective interviews, the public prosecutor must be informed of the situation without delay and, by means of a written decision to be included in the file, must designate by name the person or persons whose interviews will not be recorded, in accordance with the requirements of the investigation. If it is technically impossible to record the interview, the judicial police officer will immediately inform the public prosecutor and indicate in the report the nature of the technical failure preventing the recording.

1. 2. During the investigation

Under Articles 706-71 and R.53-33 et seq. of the Criminal Procedure Code, where justified by the requirements of the investigation, the interview, questioning or confrontation may be carried out at several locations in France,

connected by telecommunications means that guarantee the confidentiality of the transmission.

Reports of the operations will then be drawn up at each location. In this case, the procedure will be as follows: - requesting the opinion of the Public Prosecutor's Office; where appropriate, summoning a qualified person, who will be bound by professional secrecy; sealing the original recording after a copy has been made; adding the copy to the case file. A report on the operations must be drawn up. These provisions will also apply when the person is detained.

Article 706-71 of the Criminal Procedure Code provides that in such cases, the lawyer may be present either in the courtroom or with their client. In the first case, the lawyer must be able to talk to their client on a confidential basis, using the means of telecommunication provided. In the second case, a full copy of the case file must be made available at the detention premises. Although the wording of Article 706-71 of the Criminal Procedure Code restricts these provisions to the interview or questioning of a detained person, it should be considered that the lawyer of a free person heard remotely may also be present either in the investigating judge's chambers or with their client.

- Audiovisual recordings of investigative questioning:

Audiovisual recordings must be made of all questioning of persons under investigation, including first appearances and confrontations (Article 116-1 of the Criminal Procedure Code):

- on condition that the questioning is carried out in the chambers of the investigating judge;

- and that it concerns suspected criminal offences. The exception for recordings relating to the offences referred to in Article 706-73 of the Criminal Procedure Code or provided for in Titles I and II of Book IV of the Criminal Code (Threats to the Fundamental Interests of the Nation – Terrorism) was declared unconstitutional by a decision of the Constitutional Council of 6 April 2012, following a priority question.

This unconstitutionality applies only to interviews conducted after 6 April 2012 (Criminal Chamber Judgment of 10 May 2012).

The law introduced two exceptions to the obligation to make recordings:

- when the number of persons under investigation to be questioned simultaneously, either in the same proceedings or in separate proceedings, makes it impossible to make a complete set of recordings. In this case, the investigating judge must designate the person or persons whose questioning will not be recorded, by written decision included in the file and taking into account the requirements of the investigation;

- where recording is technically impossible, the judge must mention this in the interview report, specifying the nature of the problem.

- Consulting the recording:

Consulting the recording is subject to strict conditions:

- it may take place either during the investigation or before the court hearing the case; - but only in the event that the person under investigation or the defendant challenges the content of an interview report;

- it takes place either at the request of the public prosecutor or at the request of one of the parties and by decision of the investigating judge or the trial court;

If a request is made by one of the parties, it must be made in accordance with Article 82-1 of the Criminal Procedure Code, and the court must respond by reasoned order within one month of receipt of the request.

- What happens to the recording:

The law stipulates that the recording must be destroyed no later than five years and one month after the end of the public prosecution.

These recordings are to be destroyed on the instructions of the public prosecutor (Article D.32-2 of the Criminal Procedure Code).

The unlawful dissemination of such a recording is an offence and is punishable by one year of imprisonment and a EUR 15 000 fine. An original recording must be made and sealed. A copy of this recording is to be included in the case file. This copy may be common to all recordings made during the investigation (Article D.32-2 of the Criminal Procedure Code).

(h) - Information on videoconferencing technologies available in your Member State or on the most commonly used videoconferencing platforms/solutions

- Real-time processing services use Cisco Webex Desk;
- Courtrooms and administrative services are equipped with Cisco Webex Room Kit;
- The decentralised prison services use Cisco Webex Room Kit.

(i) - Information on the practical arrangements for organising and conducting the interview. In particular, which authority should be contacted? Are there any specific requirements (e.g. necessary information to be provided) to contact this authority?

These points are addressed in the answer to question (f).

(l) - Opportunity for suspects, accused, convicted parties or other persons concerned to ask questions and participate actively

Under French law, the right to defence allows persons accused of an offence to participate actively in the proceedings.

- While in legal custody, accused adults and minors enjoy the rights afforded by Article 63 et seq. of the Criminal Procedure Code, further elaborated by the Law of 27 May 2014 and that of 18 November 2016, namely:

- The right to be informed about the nature of the investigation and, by extension, in accordance with Article 63-1 of the Criminal Procedure Code, about the alleged nature, date and location of the offence, as well as the ground(s) stated in Article 62-2 of the Criminal Procedure Code.
- The right to remain silent;
- The right to be assisted by a lawyer, which is compulsory for minors (Article L.413-9 of the Juvenile Criminal Justice Code);
- The right of access to certain procedural documents (Report of notification of detention in legal custody; medical certificates drawn up by the physician who examined the minor, reports of the minor's interviews);
- The right to be informed, upon release from legal custody, of the rights set out in Article 77-2 of the Criminal Procedure Code.

The lawyer may attend the interviews and confrontations of the person held in custody. Interviews and confrontations will still be conducted by criminal investigation officers and judicial police agents who have sole control over the proceedings. The lawyer may, however, question the person in custody at the end of each interview or confrontation. The judicial police officer may object to questions being asked in this way if they appear likely to interfere with the proper conduct of the investigation. This refusal must be mentioned in the report. The lawyer may read the report of the interview and submit written observations at the end of each interview or confrontation, which will then be attached to the proceedings.

Anyone brought before the public prosecutor or, where applicable, the custodial judge, for the purpose of extending their legal custody, must be informed of their right to make submissions to these officials with a view to terminating this measure. When they are not brought before the public prosecutor, the person in custody can still provide an oral statement, which will be recorded by the investigators in an interview report that will be communicated to the judge before they decide on extending the detention.

Under Article 63-1 of the Criminal Procedure Code, this right must be notified to all persons immediately after

being placed in legal custody, at the same time as the other pieces of information and rights. The wording of the right to remain silent is provided in point 3 of that article – ‘the right, during interviews, after having stated their identity, to make statements, to answer the questions put to them or to remain silent’.

- Person under investigation during the inquiry stage

After receiving any comments from the lawyer, the investigating judge notifies the person: - either that they are not under investigation, in which case they benefit from the rights of an assisted witness (Article 116(6) of the Criminal Procedure Code);

- or that they are under investigation, and in that case, the investigating judge specifies the facts and legal classifications used if they differ from those originally envisaged (Article 116(7) of the Criminal Procedure Code);

- in the latter case, the investigating judge must notify the person: - of their right to request actions based on Articles 81, 82-1, 82-2, and 156 of the Criminal Procedure Code throughout the duration of the investigation and at the latest, if they have made a request, within one to three months following the sending of the notice of the end of the investigation provided for in Article 175-1 of the Criminal Procedure Code (Article 116(7) of the Criminal Procedure Code);

- of their right, within the same period, to file motions for annulment based on Article 173 of the Criminal Procedure Code, subject to Article 173-1 of the Criminal Procedure Code, which provides that pleas based on the nullity of interrogations (of first and other appearances) and actions taken previously must, on pain of nullity, be raised within 6 months of notification of the examination or questioning proceedings (Article 116(7) of the Criminal Procedure Code);

- of the expected time for completion of the proceedings if it is less than one year for correctional offences and 18 months for serious crimes;

- of the right to request the closure of the investigation at the end of the period indicated by the judge, or at the expiry of the maximum time limits indicated above, in accordance with Article 175-1 of the Criminal Procedure Code.

The person under investigation may also make observations when an expert’s report is ordered and ask the investigating judge for additional questions to be asked. At the time of notification of the expert report, the person under investigation will have at least fifteen days at their disposal to request additional expert evidence, a second opinion or a new expert evaluation (Article 167(3) of the Criminal Procedure Code).

4. Fees for the procedures in civil and commercial matters

In French law, [Law No 77-1468 of 30 December 1977](#) enacted the principle that legal proceedings before civil courts should be free of charge.

There are, however, many exceptions to that principle in that it does not extend to the costs of court officers, expert opinions and, more generally, to numerous expenses incurred by the parties in the course of the proceedings.

The expenses incurred by a party in civil or commercial proceedings, governed by [Title XVIII of Book I of the Civil Procedure Code](#), are divided into two groups:

- the costs, listed exhaustively in [Article 695 of the Civil Procedure Code](#), which correspond to the expenses necessarily incurred in connection with the proceedings and its consequences, the amount of which is subject to a fee, established either by regulation or by a court order. These costs may be recovered by the party who has won their case against the party who lost it or who has been ordered by the court to bear the financial burden of those costs,
- irrecoverable costs, which correspond to the other costs incurred in the proceedings and which are the subject of an application for comprehensive compensation which the court is free to assess in terms of principle and amount, taking into account the fairness and economic situation of the sentenced party ([Article 700 of the Civil Procedure Code](#)). These expenses include, in particular, lawyers’ fees.

The main expenses that may be payable by the parties in civil and commercial proceedings can be identified

according to the list in Article 695 of the Civil Procedure Code:

1. Duties, taxes, fees or levies collected by court clerks' offices or tax authorities, with the exception of duties, taxes and penalties that may be payable on documents and deeds submitted in support of the parties' claims.

In practice, these are mainly the fees collected by the solicitors' professional compensation fund before the courts of appeal in appeal proceedings with compulsory representation ([Article 1635 bis P of the General Tax Code \[Code général des impôts\]](#)), the fees levied by the clerks of the commercial courts under [Decree No 80-307 of 29 April 1980](#) or the registration fees relating to the schedule of terms of sale in the event of seizure of property.

2. Costs of translation of documents where this is required by law or by an international agreement

Certain European instruments listed in Annex I require translations of certain documents to be attached, such as Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, whose Article 9 provides that any translation costs prior to transmission of the document are to be borne by the applicant.

3. Witness compensation

These are the costs incurred in connection with the investigative measures ordered by the court under Articles 204 to 231 of the Civil Procedure Code. They include an attendance allowance, travel expenses and a daily subsistence allowance, in accordance with the terms laid down in Articles 9 to 13 of the [Decree of 27 December 1920 revising the rate of travel expenses of the parties, court experts, exhibit depositories and witnesses](#).

4. Remuneration of technicians

These are the costs incurred in connection with investigation measures ordered by the judge under Articles 232 to 284-1 of the Civil Procedure Code, and in particular expert opinions. A provision must be made for the remuneration of technicians at the time of their appointment; the final amount is established by the judge after the performance of their tasks.

5. Fee-based disbursements

These are the costs paid directly to third parties by lawyers and public and ministerial officials on behalf of their clients in connection with a legally required service, such as the cost of copying judgments, notarial deeds, mortgage statements or locksmiths' fees or the cost of stamping letters which constitute mandatory procedural formalities imposed by court enforcement officers.

6. Fees of public or ministerial officers

These are the fees payable to court enforcement officers under [Decree No 96-1080 of 12 December 1996 establishing the tariff for bailiffs in civil and commercial matters](#), for their activities as bailiffs in civil and commercial matters, or under [Decree No 85-382 of 29 March 1985 establishing the fees for auctioneers](#), for their activities as court ordered auctioneers, or the costs of notaries under [Decree No 78-262 of 8 March 1978 establishing notaries' fees](#).

7. The remuneration of lawyers in so far as it is regulated, including the right of defence

Unlike fees, which are freely set by the lawyer in agreement with the client and not included in the costs, lawyers' remuneration is regulated in matters of property seizure, partition, auction, judicial securities, and judicial mortgages ([Article R.444-71 of the Commercial Code](#)). In addition, it includes the hearing fees levied under [Articles R.652-26 et seq. of the Social Security Code \[Code de la sécurité sociale\]](#).

8. Costs incurred in the service of a document abroad

These are costs incurred in the service of a document abroad, in accordance with [Articles 683 to 688-8 of the Civil Procedure Code](#), where one of the instruments in Annex I provides for the service of a document (such as a writ of summons, a decision, etc.).

9. Interpreting and translation costs made necessary by measures of investigation carried out abroad at the request of the courts under Regulation (EU) 2020/1783 of the European Parliament and of the Council of 25 November 2020 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence) (recast)

10. Social investigations ordered under Articles 1072, 1171 and 1221 of the Civil Procedure Code

These are costs related to social investigations ordered by the court in family matters ([Article 1072 of the Civil Procedure Code](#)), adoption matters ([Article 1171 of the Civil Procedure Code](#)) or proceedings before the judge supervising guardianship ([Article 1221 of the Civil Procedure Code](#)).

11. Remuneration of the person appointed by the judge to hear the minor, under Article 388-1 of the Civil Code

These are cases in which the judge, under [Article 388-1 of the Civil Code](#), has appointed a person to hear a minor with decision-making capacity.

12. Remuneration and costs relating to the measures, investigations and examinations required under Article 1210-8

These are cases in which the public prosecutor has requested measures, investigations or inquiries pursuant to [Article 1210-8 of the Civil Procedure Code](#) to establish the arrangements for enforcing the decision to return a child who has been the subject of international wrongful child removal.

With regard to registrations of decisions in connection with insolvency proceedings in the Trade and Companies Register [*Registre du commerce et des sociétés*], apart from the case of registrations provided for *ex officio* in [Article R.123-22 of the Commercial Code](#), the fees are determined by the [Order of 9 November 2017 setting the amount of fees payable in consideration for services rendered by the Legal and Administrative Information Directorate](#) and concern the optional registrations provided for in Articles 28 and 29 of Regulation (EU) 2015/848 of 20 May 2015.

5. Electronic payment methods

Identifying these systems requires finalising the analysis of the impact that implementing Article 9 of the Regulation would have.

6. Notification on the early use of the decentralised IT-system

France participates in all the comitology organised by the European Commission in this respect. Internal governance is being put in place to ensure the proper deployment of the eEDES tool and its implementation by all the justice officials concerned. The first two use cases, *Service of documents* and *Taking of evidence*, are currently being put in place by the professional and technical teams concerned.

7. Notification on the early use of videoconferencing in civil and commercial matters

The Ministry has set up a pilot working group on compliance with the digitalisation regulation on the subject of videoconferencing in cross-border proceedings. In this context, it is examining the technical, legal and procedural implications of Article 5 and defining the measures to be taken so as to apply its provisions before the stipulated date, i.e. 1 May 2025.

8. Notification on the early use of videoconferencing in criminal matters

The Ministry has set up a pilot working group on compliance with the digitalisation regulation on the subject of videoconferencing in cross-border proceedings. In this context, it is examining the technical, legal and procedural implications of Article 6 and defining the measures to be taken so as to apply its provisions before the stipulated date, i.e. 1 May 2025.

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