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Succession

France



France

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

Article 78 (a) - the names and contact details of the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 45(1) and with appeals against decisions on such applications in accordance with Article 50(2)

The applications referred to in Article 45 are submitted to the director of the registry (*directeur de greffe*) of the combined court (*tribunal judiciaire*) (Articles 509-1 and 509-2 of the code of civil procedure (*code de procédure civile*)) where they relate to a court decision or court settlement, and to the president of the association of notaries (*chambre des notaires*), or his or her replacement in case of absence or incapacity, if they relate to an authentic instrument (Article 509-3 of the Code of Civil Procedure).

The authority before which the appeals referred to in Article 50(2) are lodged is the president of the combined court (Article 509-9 of the code of civil procedure).

Article 78 (b) - the procedures to contest the decision given on appeal referred to in Article 51

A decision given by the president of the combined court on an appeal can be contested only by bringing an appeal on a point of law (*pourvoi en cassation*) before the Court of Cassation (*Cour de cassation*).

The grounds for an appeal on a point of law may differ (ruling contravening the law, misuse of power, lack of jurisdiction, lack of legal basis, lack of legal grounds, conflicting judgments, etc.), but in each case the court limits itself to a review of the application of the law. This means that the Court of Cassation checks that the ruling did not contravene the law or disregard the rule of law, but does not examine the facts of the case.

La Cour de cassation

5 quai de l'horloge

75055 Paris

Article 78 (c) - the relevant information regarding the authorities competent to issue the Certificate pursuant to Article 64

The European Certificate of Succession (ECS) is issued by a notary.

The High Council of Notaries (*Conseil supérieur du notariat*) is the body overseeing professional notaries in France.

Conseil supérieur du notariat

60 boulevard de la Tour-Maubourg

75007 Paris

Contact: <https://www.notaires.fr/en>

Article 78 (d) - the redress procedures referred to in Article 72

A challenge of the kind referred to in Article 72 may be brought before the president of the combined court with jurisdiction in the area in which the office of the notary is located (Article 1381-4 of the Code of Civil Procedure).

An application can be made within fifteen days of the certified copy of the ECS being issued or notified, or the ruling on the ECS being received.

The president of the combined court delivers a final ruling on the application. The applicant, the notary who issued the certificate and, where applicable, the party requesting the European Certificate of Succession, if different from the applicant, are heard or summoned. The notary is informed of the ruling.

Where the president of the court orders the certificate to be issued, rectified or modified, he or she may take the necessary steps or require the notary to do so.

If the president of the court orders the withdrawal of the European Certificate of Succession or the suspension of its effects, the notary informs without delay all those who were issued with certified copies. No copies of the certificate can be issued during the period during which its effects are suspended.

Article 79 - Establishment and subsequent amendment of the list containing the information referred to in Article 3(2)

Not applicable

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