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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

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 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

Notaries (*notaires*) are authorised to draw up authentic instruments referred to in point (2)(b) of Article 2(2).

Notaries and court registrars (*greffiers*) are authorised to register agreements referred to in point (3) of Article 2(2).

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

There is currently no competent administrative authority within the meaning of Article 74(2) in the French legal system.

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

Issuing of certificates in accordance with Article 36 for decisions on matrimonial matters or matters of parental responsibility or decisions ordering the return of a child:

- director of the registry (*directeur de greffe*) at the court that issued the decision or approved the agreement.

Issuing of certificates for decisions in accordance with Article 66:

- the president of the combined court (the judge, by delegation).

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or

limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

Courts competent to rectify certificates referred to in Article 37(1): the director of the registry or the court that issued the certificate.

Courts competent to rectify certificates referred to in Article 48(1): the authority that issued the certificate.

Courts competent to issue a certificate indicating the lack or limitation of a certified decision referred to in Article 49: the authority that issued the certificate.

Courts and authorities competent to rectify a certificate issued under Article 66(1) as referred to in Article 67(1): the president of the combined court (the judge, by delegation).

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

Court competent to recognise a decision in accordance with Article 30(3): the president of the combined court or their delegate.

Court competent for refusals to recognise a decision in accordance with Article 40(2): the president of the combined court or their delegate.

Court competent for refusals of enforcement, challenges or appeals and further challenges or appeals as referred to in Article 58(1), Article 61(2) and Article 62: the president of the combined court or their delegate.

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

The president of the combined court or their delegate.

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

In France, challenges must be brought before the Court of Appeal (*cour d'appel*).

A refusal to issue a certificate for a French decision may be referred to the president of the combined court if the refusal did not come from a judge. The president of the combined court delivers a final ruling on the application, after hearing or summoning the applicant and the authority concerned (Article 509-7 of the Code of Civil Procedure).

If a further challenge is brought (Article 62), it will be heard by the Court of Cassation.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

For the whole Regulation except for cross-border placements

Ministère de la Justice [Ministry of Justice]

Direction des Affaires Civiles et du Sceau [Civil Affairs and Seals Directorate]

Département de l'Entraide, du droit international privé et européen, DEDIPE [Department for Mutual Assistance, Private International Law and European Law]

13 place Vendôme

75042 Paris Cedex 01

Email: entraide-civile-internationale@justice.gouv.fr

Tel. +33 144776105

For cross-border placements

Ministère de la Justice [Ministry of Justice]

Direction de la Protection Judiciaire de la Jeunesse [Directorate for the Judicial Protection of Young People]

Bureau des affaires judiciaires et de la législation [Office for Legal Affairs and Legislation]

Postal address: 13, place Vendôme – 75042 Paris Cedex 01

Office address: Le Millénaire, 35 rue de la gare – 75019 Paris

Tel. +33 170228984

or +33 170227582

Email: saei.dpjj@justice.gouv.fr

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

No other categories of close relatives other than parents.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

French and English

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

French and English

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