

Matters of matrimonial property regimes - France

Article 64(1) (a) - the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) and with appeals against decisions on such applications in accordance with Article 49(2)

Article 64(1) (b) - the procedures to contest the decision given on appeal referred to in Article 50

Article 65 (1) - the list of the other authorities and legal professionals referred to in Article 3(2)

Article 64(1) (a) - the courts or authorities with competence to deal with applications for a declaration of enforceability in accordance with Article 44(1) and with appeals against decisions on such applications in accordance with Article 49(2)

The applications referred to in Article 44 are to be submitted to the chief registrar (*greffier en chef*) of the 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 appeals referred to in Article 49(2) are lodged before the president of the court (Article 509-9 of the Code of Civil Procedure).

Where they relate to a court decision or court settlement:

*Applications for a declaration of enforceability of a decision of a French court in view of its recognition and implementation abroad are submitted to the chief registrar of the court issuing the decision or approving the agreement (Article 509-1 of the Code of Civil Procedure).

*Applications for a declaration of enforceability, on French territory, of foreign enforcement orders, are submitted to the chief registrar of the court (Article 509-2 of the Code of Civil Procedure).

Where the application relates to an authentic act:

*Application for the certification of French authenticated notarial acts in view of their recognition and implementation abroad are submitted to the notary or the legal entity owning the notary's office which keeps the original of the document received (Article 509-3 of the Code of Civil Procedure).

*Application for the certification of foreign authenticated notarial acts on French territory are submitted to the president of the Association of Notaries, or his or her replacement in case of absence or incapacity (Article 509-3 of the Code of Civil Procedure).

Appeals referred to in Article 49(2):

Appeals against declarations of enforceability of foreign enforcement orders and acts, on French territory, are submitted to the president of the court (Article 509-9 of the Code of Civil Procedure).

Article 64(1) (b) - the procedures to contest the decision given on appeal referred to in Article 50

A decision handed down by the president of the 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.

Cour de cassation

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75055 Paris

Article 65 (1) - the list of the other authorities and legal professionals referred to in Article 3(2)

Not applicable

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