

Jurisdiction - France

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1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

The French legal structure involves the coexistence of two types of courts: administrative and judicial.

Each category is composed of a three-level structure.

In the first category, the ordinary courts handing down judgments are the administrative courts (*tribunaux administratifs*), as well as various specialised administrative courts. These decisions can be challenged before administrative courts of appeal (*cours administratives d'appel*). Finally, those rulings are subject to review by the Council of State (*Conseil d'Etat*).

In the second category, the ordinary courts handing down decisions at first instance are the regional courts (*tribunaux de grande instance*), along with a series of other courts the jurisdiction of which was established by legislation. These decisions may be contested before courts of appeal (*cours d'appel*), which are made up of several chambers (civil (*civile*), social (*sociale*), commercial (*commerciale*) and criminal (*criminelle*)). The rulings made by the courts of appeal may give rise to an appeal before the Court of Cassation (*Cour de cassation*) (which itself is made up of several chambers structured around the areas listed for the courts of appeal).

The breakdown of the categories of courts is as follows:

Administrative courts:

- Council of State (1)
- Administrative courts of appeal (8)

- Administrative courts (42)

Judicial courts:

- Court of Cassation (1)
- Courts of appeal (36)
- Supreme Court of Appeal (*Tribunal supérieur d'appel*) (1)
- Regional courts (164) [16 of which have commercial jurisdiction]
- Courts of first instance (*Tribunaux de première instance*) (4) [2 of which have commercial jurisdiction]
- Juvenile courts (*Tribunaux pour enfants*) (155)
- Social security tribunals (*Tribunaux des affaires de sécurité sociale*) (114)
- District courts (*Tribunaux d'instance*) (307)
- Employment tribunals (*Conseils de prud'hommes*) (210)
- Labour courts (*Tribunaux du travail*) (6)
- Commercial courts (*Tribunaux de commerce*) (134)

The specialisations for the judicial courts are:

- The district courts judge the most common disputes. As a rule they judge all claims concerning amounts up to €10 000. They also have jurisdiction to rule on certain specific disputes (unpaid rent, attachment of earnings, workplace-level elections, credit in matters of consumer law).
- The commercial courts have jurisdiction for disputes between traders, between credit establishments or between those two types of business, disputes relating to trading companies, as well as disputes concerning commercial transactions between any persons and concerning the financial difficulties of trading companies (liquidation and receivership, etc.),
- Agricultural land tribunals (*tribunaux paritaires des baux ruraux*) have jurisdiction to hear disputes between tenants and landlords of agricultural land (tenant farming, sharecropping, etc.),
- Employment tribunals deal with all disputes between employees and employers covered by individual private law employment contracts,
- Until a date set by decree and at the latest 1 January 2019, social security tribunals (*tribunaux des affaires de sécurité sociale*) have jurisdiction over disputes to which social security and agricultural mutual insurance legislation and regulations apply; from a date set by decree and at the latest 1 January 2019, these disputes shall fall under the jurisdiction of specially designated regional courts,
- Until a date set by decree and at the latest 1 January 2019 incapacity dispute courts (*tribunaux du contentieux de l'incapacité*) hear disputes relating to disability or degrees of disability, permanent incapacity and inaptitude for work; from a date set by decree and at the latest 1 January 2019, these disputes shall fall under the jurisdiction of specially designated regional courts,
- Military pensions courts hear disputes relating to military pensions.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The distribution of jurisdiction between the regional courts, the district courts and the local courts (*juridictions de proximité*) is specified above. It should be noted that, in the absence of jurisdiction being specifically granted to other courts, the regional courts are the competent ordinary courts.

- The district courts have jurisdiction to rule on disputes of up to and including €10 000 and of unlimited value in disputes over certain matters such as consumer law, guardianship of adults and residential leases.
- The regional courts have jurisdiction for all other civil disputes that do not fall under that of other courts, in particular in relation to family matters.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

As a rule, jurisdiction lies with the court of the defendant's place of residence. The purpose of this rule is to give a degree of protection to defendants, as it will be easier for them to defend themselves at the court nearest their home.

If the defendant is a natural person, therefore, jurisdiction will lie with the court of the place at which they are domiciled or resident. For a legal person (company, association), it is the place where it is established, in general where its registered address is located. In some cases, the main known establishment is different to the registered address. In such cases, it is possible to apply to the court in the location of the main establishment. For large companies with several branches, the court applied to may be in the location of one of its branches.

2.2.2 Exceptions to the basic rule

2.2.2.1 *When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?*

- Contracts: claimants may bring an action either at the place where the defendant is resident or, depending on the nature of the contract, the place where the goods are to be delivered or the services are to be performed.
- In cases of liability for a harmful act (tort/delict) and in civil proceedings joined to a criminal prosecution, the claim may be brought before the court of the place where the defendant lives or the court of the place where the damage was suffered or the harmful act took place.
- In immovable property matters: the claimant may bring the matter before the court of the place where the property is situated.
- In matters of maintenance or contributions to the costs of a marriage: the claimant has the choice between the court of the place where the defendant lives or that of the place where the creditor lives, i.e. the court where the claimant lives.
- In disputes involving consumers: consumers may choose to apply to the court where they were living at the time when the contract was concluded or the harmful act arose.

2.2.2.2 *When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?*

- In disputes regarding maintenance allowances or compensatory payments: jurisdiction lies with the court of the place of residence of the creditor spouse or of the parent who is the main carer for the children, even if they are adults.
- Divorce: the court of the place where the family lives has jurisdiction. If the spouses live apart, the court of the place where the children live has jurisdiction. If the spouses have no children, the court of the place where the defendant lives has jurisdiction.
- Succession: jurisdiction lies with the court of the place where the deceased last lived.
- In immovable property matters: jurisdiction lies with the court of the place where the property is situated.
- Property leases: jurisdiction lies with the court of the place where the property is situated.

2.2.2.3 *Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?*

All the specialist courts have sole jurisdiction and an objection to jurisdiction must be automatically raised by the court. The only possibility of applying to a court that would not normally have jurisdiction lies in the choice between the regional courts and the district courts for matters in which they do not have sole jurisdiction.

As a rule, any clause of a contract that goes against the rules of territorial jurisdiction and allocation is void, except in contracts made between two traders, provided that the clause is specified very clearly.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

- Commercial courts: as a rule, jurisdiction lies with the court of the place where the defendant resides. In cases of liability for a harmful act, jurisdiction lies with the court of the place where the harmful act occurred or in the jurisdiction of which the harm was suffered.
- Agricultural land tribunals: jurisdiction lies with the court of the place where the property is situated.
- Employment tribunals: employees may apply to employment tribunals in the location of the establishment in which they work, the place where the contract was concluded or the location of the registered address of the company that employs them. If the work took place outside any establishment, the case must be brought before the employment tribunal in the place where the employee resides.

- Social affairs courts (until a date set by decree and at the latest 1 January 2019): as a rule, jurisdiction lies with the court of the place of residence of the beneficiary or employer concerned or of the registered address of the defendant organisation in the event of a dispute between organisations with registered addresses in different jurisdictions.

Related links

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