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How to bring a case to court

France

1 Do I have to go to court or is there another alternative?

It might be preferable to use alternative dispute resolution methods. See more on this [subject](#).

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case. This question of time limits on bringing court actions can be clarified by a legal adviser or a citizen's advice bureau.

3 Should I go to a court in this Member State?

See '[Jurisdiction of the courts - France](#)'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See '[Jurisdiction of the courts - France](#)'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See '[Jurisdiction of the courts - France](#)'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

In some cases, the services of a bailiff must be used if the proceedings have to be brought by means of a summons that is issued to the opposing party by the party bringing the action. This summons may only be issued by a bailiff. This is the case in proceedings before regional courts (*tribunaux de grande instance*), except in proceedings in which the use of a lawyer is not compulsory. It should be noted that for applications for interim measures (*référé*) it is mandatory to bring the action by means of a summons. In divorce matters, in which the use of a lawyer with rights of audience is compulsory, the action is brought by petition.

A case is referred to a juvenile court judge (*judge des enfants*) by one of the parents, the guardian or the minor themselves by means of an ordinary petition. In order to bring a case before an enforcement judge (*judge de l'exécution*), a summons is compulsory except in cases concerning enforcement proceedings regarding decisions relating to deportation.

Before a district court (*tribunal d'instance*), a summons is not compulsory in order to bring actions concerning a value of no more than €4000 or for injunction to pay proceedings concerning contractual or statutory debts of a specific amount.

Before a commercial court (*tribunal de commerce*), the injunction to pay proceedings that can be brought by means of a petition alone concern debts arising from a banker's draft (*une traite*), a bill of exchange (*une lettre de change*), a promissory note (*un billet à ordre*) or an assignment of debts note (*un bordereau de cession*). In other matters, the action must be brought by means of a summons.

Before an employment tribunal, (*conseil des prud'hommes*), a claim may be made by registered letter or directly to the clerk of the tribunal's office in writing or orally.

Cases may be referred to agricultural land tribunals (*tribunal paritaire des baux ruraux*) by registered letter with a request for acknowledgement of receipt addressed to the tribunal's office, except in cases in which publication of the claim in the land register is required or in which a bailiff's deed is compulsory.

A case may only be referred to a social affairs tribunal (*tribunal des affaires sociales*) following a prior referral to the amicable settlement board (*commission de recours amiable*). An action is brought by letter or by declaration submitted to the secretary's office.

The parties may also apply to a court by means of a joint petition, a joint action in which they submit their claims to the judge. This petition is submitted to the clerk of the court's office.

As a rule, before a regional court representation by a lawyer is compulsory except in matters of commercial leases, applications for interim measures, loss or withdrawal of parental authority and declarations of abandonment. Before a family affairs judge (*judge aux affaires familiales*), representation by a lawyer is not compulsory in matters of delegation of parental authority, post-divorce proceedings, parental authority, setting contributions to the costs of a marriage and maintenance obligations.

Before a commercial court, district court, enforcement judge, juvenile court judge, social affairs tribunal, employment tribunal or agricultural land tribunal, representation by a lawyer with audience rights is not compulsory.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

All requests for information should be made to the reception desk of each court. In addition, free legal consultations are available in most courts, community justice centres (*maisons de justice et du droit*) and town halls (*mairies*).

In order to bring a legal claim you need to apply to the court office.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

French is the only language accepted. An interpreter may assist a party during the hearings but a judge is not obliged to use one if they know the language the party is speaking.

As a rule, claims are made in writing. However, before employment tribunals and in declarations to the court office before district courts, they may be made orally or registered by the clerk of the court.

Cases may be brought before employment tribunals as a result of the parties appearing voluntarily before the conciliation office.

As the regulations currently stand, it is not possible to bring a case before a civil court by fax or e-mail.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The only procedure in which there is a special form for bringing an action is a declaration to the court office before a district court. In other procedures, the file must include information about the claimant and the opponent and all the documents relating to the subject of the case, which must be submitted, depending on the case, to the court office when the action is brought or to the judge at the time of the hearing.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

As a rule, there are no charges payable to the State when bringing an action, with the exception of those relating to commercial courts where there are fixed court charges.

However, since Decree 2011-1202 of 28 September 2011 on fees allocated to the compensation fund for solicitors (*avoués*) at the courts of appeal and the contribution for legal aid, a contribution of €35 must be paid when the action is brought. This may be paid at the court office by bank card.

In appeal cases €150 must be added, which must be paid by both parties and allocated to the compensation fund for appeal court solicitors (*avoués*), whose profession was merged with that of lawyers with audience rights (*avocats*) from 1 January 2012. Since then it has no longer been compulsory to use them as intermediaries.

The costs represent the expenses generated by conducting the proceedings. These include compensating witnesses, paying experts and bailiff and lawyers expenses in addition to their fees. Some costs must be paid at the start of or during the proceedings. At the end of the proceedings, costs are, as a rule, charged to the losing party by the judge, unless that party is receiving legal aid.

Lawyers' fees are subject to a fee agreement established with their client. Lawyers may require a retainer, which is an amount paid in advance or during the task as a payment on account by the client.

11 Can I claim legal aid?

Yes, if the means of a claimant of legal aid do not exceed an eligibility ceiling that is reevaluated each year (€929 in 2012 for full legal aid and €1393 for partial legal aid). The thresholds may be amended according to the plaintiff's family situation (See 'Legal aid – France')

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The action is brought:

for proceedings in which a summons is compulsory, by submitting a copy of the summons to the court office;

for other proceedings, by lodging or registering the claim with the court office;

Claimants do not receive any confirmation of the validity of their action.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The court office may provide information on the progress of proceedings and the hearing date that has been set.

Related links

[Ministry of Justice website](#)

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