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Small claims

France

Article 25 1 (a) Competent courts

Claims made under Regulation (EC) No 861/2007 establishing a European Small Claims Procedure are submitted either to the district courts (*tribunaux d'instance*), which have jurisdiction if the claim is of a civil nature (Article L. 221-4-1 of the Code of Court Organisation) or to the commercial courts (*tribunaux de commerce*), which have jurisdiction if the claim concerns traders, commercial companies or finance companies (Article L. 721-3-1 of the Commercial Code, *code de commerce*).

Where Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters designates the courts of a Member State without further specification, the court with territorial jurisdiction is that of the place of residence of the defendant or of any of the defendants.

Article 25 1 (b) Means of communication

A request for institution of legal proceedings can be submitted to the court by post.

Parties to a proceeding commenced under Regulation (EC) No 861/2007 establishing a European Small Claims Procedure can communicate with the courts by post.

Article 25 1 (c) Authorities or organisations providing practical assistance

The litigants may request information for filling in the forms annexed to the Regulation in accordance with Article 11 from:

clerks (*personnel de greffe*) at the courts with competence to handle claims lodged under Regulation (EC) No 861/2007 establishing a European Small Claims Procedure, i.e. the district courts or commercial courts; in the specific case of district courts, it will usually be the clerks in the court's litigant reception service (*service d'accueil du justiciable* - SAJJ) who provide the necessary information on the procedures. The SAJJ will be deployed at district courts by 31 December 2017;

staff working in law centres (*maisons de la justice et du droit*) throughout the country;

lawyers, whom the parties can consult in the standby consulting services provided free of charge by the legal counselling services at département level (*centres départementaux d'accès au droit*).

Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

Service of the documents in question by electronic means is not authorised. There are therefore no technical means available.

Communication with the French courts with competence to handle claims lodged under the Small Claims Regulation is by post only.

Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

No person or professional is obliged to accept a document served by electronic means under Article 13.

Article 25 1 (f) Court fees and the methods of payment

If proceedings are brought before the district court, there are no court fees. However, the court may order the losing party to pay expenses, including the cost of enforcing the decision. The cost of notification by registered letter is borne by the court. Any costs of service incurred under Article 1387 of the Code of Civil Procedure are subject to an enforcement order issued by the court, recovery of which is the responsibility of the State Treasury. The district court may also order the losing party to pay non-recoverable expenses, i.e. any expenses for representation and assistance incurred by the winning party.

If the proceedings are brought before the commercial court, the amount of the court fees depends on whether or not a hearing is held. If there is no hearing, the court fee is €17.80 (the cost of an application for an order); if a hearing is held, the fee is around €67. These amounts do not include any other additional expenses incurred.

Article 25 1 (g) Appeal procedure and courts competent for an appeal

The following appeals can be brought under French law in accordance with Article 17 of the Regulation:

An appeal (*appel*), when the judgment is given at first instance, i.e. when the claim exceeds €4 000. An appeal may be lodged by any party within a month from the day on which the judgment is notified (Articles 528 and 538 of the Code of Civil Procedure).

An objection (*opposition*) can be lodged by a defendant on whom the judgment has not been served personally in accordance with Article 5(2), and who has not responded in the forms laid down in Article 5(3) ('judgment rendered by default'). Such an objection is lodged before the court that delivered the judgment being challenged (Articles 571 to 578 of the Code of Civil Procedure).

Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review

If the decision is final, the parties may lodge an appeal on points of law (*pourvoi en cassation*) before the Court of Cassation (Articles 605 to 618-1 of the Code of Civil Procedure).

In the event of wilful circumvention of jurisdiction (*fraude au jugement*), the parties may bring an application for revision of the judgment (*recours en révision*) before the court that delivered the judgment being challenged (Articles 593 to 603 of the Code of Civil Procedure).

Article 25 1 (i) Accepted languages

The languages accepted pursuant to Article 21a(1) are: French, English, German, Italian and Spanish.

Article 25 1 (j) Authorities competent for enforcement

The competent authorities with respect to enforcement are bailiffs (*huissiers de justice*) and, in the case of attachment of remuneration (*saisie des rémunérations*) authorised by a district court judge, the chief clerk (*greffier en chef*) of the court.

For the purposes of the application of Article 23,

- in the case of a judgment by default, the court with which an objection is lodged can, before examining the substance of the case again, withdraw any provisional enforcement order it has granted, which has the effect of staying enforcement (Article 524 of the Code of Civil Procedure);
- in all cases, the enforcing judge, after service of a notice of distraint (*commandement*) or distraining order (*acte de saisie*), may defer enforcement by granting a period of grace to the debtor (Article 510 of the Code of Civil Procedure).

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