

Početna stranica>Zakonodavstvo i sudska praksa>Nacionalna sudska praksa

National case law

Francuska

In this section you will find an overview of case-law sources and what they contain, as well as links to the relevant databases.

Websites available

1. Global official portal: [Legifrance](#)

Judicial Case Law

Administrative Case Law

Constitutional Case Law

2. Websites for the courts:

[Court of Cassation](#)

[State Council](#)

[Constitutional Council](#)

[Audit Office](#)

3. Website for the [Ministry of Justice](#)

Presentation of Decisions / Summaries

In general, decisions begin with a list of keywords or an 'abstract' followed by a summary (résumé) of the most important points of law and references to statutes or to previous decisions.

Example

For the Court of Cassation, in addition to identification references, documents contain elements of analysis. The **summary**, drafted by a magistrate of the court that gave the decision, is a résumé of the legal question addressed. The title, created from the decision's summary, is a succession of **keywords** presented in order of importance. The keywords used are taken from the Court of Cassation's nomenclature, as provided in the annual published tables of the Court's Bulletin, available under the heading 'Titrage'. They can be accessed by clicking [titrage](#) in the judicial case-law advanced search form.

For example: Court of Cassation, Civil chamber 2, Public session of Thursday 18 December 2008, Appeal no. 07-20238, Appeal from the decision of: Appeal Court of Basse-Terre of 23 April 2007

Titles and résumés: CIVIL PROCEDURE – Conclusions – Appeal Conclusions – Final pleadings – Field of application

The court of appeal has breached Article 954, paragraph 2, of the Civil Procedure Code by ruling that claims and grounds not repeated in the final pleadings were abandoned, whereas they did not determine the subject matter of the proceedings and did not raise a point of law capable of bringing the proceeding to an end.

CIVIL PROCEDURE – Conclusions – Appeal conclusions – Final pleadings – Compliance with the provisions of Article 954, paragraph 2, of the new Civil Procedure Code – Fault – Scope

CIVIL PROCEDURE – Conclusions – Appeal conclusions – Final pleadings – Definition – Exclusion – Case – Conclusions requiring inquiry procedure

JUDGMENTS AND DECISIONS – Conclusions – Appeal Conclusions – Final pleadings – Field of application

Case-law precedents: On the notion of final pleadings in the context of Article 954, paragraph 2, of the Civil Procedure Code, see Civil 2, 3 May 2001, no. 99-16.293, Bull. 2001, II, no. 87 (rejected), and the opinion quoted; Civil 2, 20 January 2005, no. 03-12.834, Bull. 2005, II, no. 20 (quashed), and the decisions quoted

Law applied: Article 954, paragraph 2, of the Civil Procedure Code

Formats

Case-law is available in the following formats: (e.g. PDF, html and XML)? XML for decisions of the supreme courts, otherwise html.

Courts whose case-law is covered

Supreme court

The Court of Cassation, State Council and Constitutional Council

Ordinary courts

Judicial and administrative appeal courts

Specialised courts

Audit Office

Tracking of proceedings in progress

	Supreme court	Other courts
Is information provided on: The existence of an appeal?	Yes for the Constitutional Council Being implemented for the Court of Cassation Reserved to the parties for the State Council	No
The fact that the case is still pending	No	No
The result of an appeal	Yes	No
Whether a decision is irrevocable and definitive	Yes	Yes
The fact that the proceedings may be pursued in Another court (Constitutional Court)?	No Yes	Yes Yes
The European Court of Justice?	Yes	Yes

The European Court of Human Rights?		
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Publication rules

	At a national level?	For decisions of certain courts?
Are there any binding rules on the publication of court decisions?	Yes	No

Court of Cassation

According to [Article R433-3](#) of the French Code of Judicial Organisation, the documentation and analysis service has a **database** containing, under the same nomenclature:

firstly, the **decisions and opinions of the Court of Cassation** and of the courts or court commissions attached to it, published or not in the monthly bulletins referenced in [Article R433-4](#); and

secondly, the decisions of particular interest given by **other judicial courts**.

For that purpose, judicial decisions of particular interest are sent to the service, under the conditions fixed by an order of the French minister of justice, by the chief justices of the appeal courts or directly by the presiding justices or the judges presiding over the first level courts.

The database is **accessible to the public** under the conditions applicable to the public service for legal publishing on the Internet.

The documentation and analysis service has a **separate database** containing all the **decisions pronounced by the appeal courts** and the judicial decisions made by the chief justices of these courts or their delegates. The conditions under which these orders and decisions are sent to the service and used by the service are fixed by a minister of justice order.

According to [Article R433-4](#), the documentation and analysis service produces **two monthly bulletins**, one for the **civil chambers**, the other for the **criminal chamber**, which refer to the **decisions and opinions** that are to be published by decision of the presiding judge of the court that pronounced them. The service produces schedules.

State Council

According to Article L10 of the [Code of Administrative Justice](#), judgments are **public**. They include the name of the judges that pronounce them.

	Supreme court	Other courts
Is the entire text published, or a selected part?	Entire text of all decisions in the online databases. Selection of entire decisions on paper (Court of Cassation and State Council) and résumés for another selection of decisions.	Publication of grounds for a selection of decisions of the appeal courts
If a selection is published, what are the criteria?	Court's choice	Court's choice

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