Small claims

Francija

1 Existence of a specific small claims procedure

Procedures for small claims can be brought by application before local courts (*chambres de proximité des tribunaux judiciaires*) and before judges for protection disputes (*juges des contentieux de la protection*), in accordance with Articles 756 et seq. of the Code of Civil Procedure.

The procedure is oral but the parties may submit written conclusions if they so wish.

The application may mention the applicant's agreement for the procedure to take place without a hearing (Article 757 of the Code of Civil Procedure). Article 828 of the Code of Civil Procedure also allows the parties to expressly give their agreement at any stage for the procedure to take place without a hearing. This procedure without a hearing has been in force since 1 January 2020 and was inspired by the European Small Claims Procedure.

The registry summons the parties to the hearing by registered letter with acknowledgement of receipt. If the defendant did not receive this letter, the judge may ask the claimant to have it delivered by a bailiff (*huissier de justice*).

The legal proceedings must be preceded by an attempt at conciliation by a legal conciliator, an attempt at mediation or an attempt at a participatory procedure, at the choice of the parties, failing which the judge may rule of his/her own motion that the application is inadmissible.

Legal representation is not compulsory. The parties may be represented by their spouse, cohabiting partner, the person with whom they have entered into a civil solidarity pact, their relatives by blood or by marriage, in the direct or a collateral line, or the persons they employ.

1.1 Scope of procedure, threshold

The claim must not exceed EUR 5,000 and must fall within the jurisdiction of the local court or the judge for protection disputes.

1.2 Application of procedure

1.3 Forms

There is a form for referral to the court.

The CERFA No 11764*08 form is available on the website of the French government, at all litigant reception services (*Services d'Accueil Unique du Justiciable*) and on www.justice.fr.

1.4 Assistance

Since this is a simple procedure involving amounts not exceeding EUR 5,000 and the parties are heard by the judge unless they agree on a procedure without a hearing, no aid is provided for by the law. However, the parties may be assisted or represented by a lawyer, including after having applied for legal aid.

1.5 Rules concerning the taking of evidence

The rules of evidence are similar to those under the ordinary procedure.

1.6 Written procedure

Except in cases where the parties agree on a procedure without a hearing, there is no purely written procedure in the context of such proceedings by application.

1.7 Content of judgment

The rules applicable to the judgment are the same as those under the ordinary procedure.

1.8 Reimbursement of costs

The applicable rules are the same as for other procedures. However, as this procedure in principle does not require the appointment of a lawyer or legal representation, the related costs are lower.

1.9 Possibility to appeal

In view of the amounts concerned by such claims, there is no possibility of appeal. The judgment can only be opposed (if the defendant did not receive the summons to the hearing) or referred for cassation (if the defendant received the summons to the hearing).

Related links

Website of the Ministry of Justice (Ministère de la Justice)

Legifrance website

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