

# How the French Judicial System Operates

In democratic societies, "Justice", the guardian of individual liberties and the rule of law, ensures the application of the law and guarantees the respect of the rights of all. It is to Justice which falls the duty of settling conflicts by establishing the law, when the parties before it fail to settle their differences on their own.

Its mission is twofold:

- it takes action against behaviour which threatens "public order" (ordre public) and settles the disputes which arise between individuals; this mission concerns justice of the citizens through the ordinary courts of law;
- it settles the disputes which arise between an individual and a public authority: this corresponds to action before the Administrative Courts.

The history of the judicial system is marked by an ongoing adaptation of its structures, resources and legal rules, organisation and procedure to the changes in our society.

These twelve sections are designed to provide an overview of how the court system in France operates.

## The different levels of jurisdiction

The fact that France has a double level of jurisdiction indicates that it is possible to request the re-examination of a dispute already judged by another court qualified as a court of first instance before a higher jurisdiction, the court of second instance, so that its may be judged again in fact and in law. However, it is not possible to appeal a decision of the Tribunal d'Instance for matters involving amounts less than FRF 13,000. This also applies to decisions in more serious criminal cases rendered by assize courts (cours d'assises).

In France there is a judge who rules on the legality of court decisions: the Cour de Cassation at the head of the ordinary court structure (comparable to judicial review by the divisional court in the UK or the Supreme Court in the U.S.) and the Conseil d'Etat for appeals of decisions rendered by the Administrative Courts.

# Which court has jurisdiction?

## The ordinary courts

Cases judged	Court	Is it possible to appeal the decision rendered?
For decisions made in civil cases by the Tribunal de grande instance - TGI and which are not judged by specialised courts :( <a href="#">divorce</a> ), adoption	<a href="#">Tribunal de grande instance</a> (TGI)	Yes,  <ul style="list-style-type: none"> <li>• before the court of appeal (cour d'appel) for cases involving amounts greater than FRF 13,000 (FRF 16,000 for the Industrial Tribunal - Conseil de prud'hommes)</li> <li>• For cases involving amounts smaller than FRF 13,000 (FRF 16,000 for the Industrial Tribunal), the only possible appeal is to the Cour de Cassation which rules on matters of law and not on the facts of the case (just like the House of Lords)</li> </ul>
For matters involving wards of the court, rent, etc. and civil cases up to FRF 30,000	Tribunal d'instance (TI)	
For cases between merchants (commerçants) or concerning transactions governed by commercial law	Tribunal de commerce (the commercial court)	
For cases originating from employment or apprenticeship contracts	Conseil de prud'hommes (the Industrial Tribunal)	
For cases concerning agricultural tenancy	Tribunal paritaire, baux ruraux (Joint tribunal for agricultural matters)	
For disputes with social security organisations (health and retirement coverage, etc.)	Tribunal des affaires de Sécurité sociale (the Social security tribunal)	Yes, such cases described above may be appealed before the Court of Appeal
For petty or minor offences (contraventions), subject to fines, restriction or deprivation of rights and additional penalties)	Tribunal de police (the Police Court)	Yes, appeals may be filed with the Court of Appeal except for sentences limited to modest fines
For more serious offences (delits), which the law punishes by fines, imprisonment (up to a	<a href="#">Tribunaux correctionnels</a> , which are a	Yes, these decisions may be appealed before the Court of Appeal

maximum of 10 years), and other penalties	division of the Tribunaux de grande instance	
For the most serious category of offenses (crimes) for which the law stipulates one or more penalties (example: life imprisonment)	<a href="#">Cour d'assises</a>	Yes, appeals may be filed with the Cour de Cassation
Re-examination of a case previously judged by a Tribunal d'instance, Tribunal de Grande Instance, a Commercial Court, Industrial Tribunal, Land Tribunal, Social Security Tribunal, Police Court or Tribunal correctionnel	<a href="#">Cour d'appel</a> (Court of Appeal)	The Court of Appeal decision may be appealed to the Cour de Cassation
The Cour de Cassation does not retry the case itself, but rather verifies that the law was correctly applied by the courts and the courts of appeal	<a href="#">Cour de Cassation Decisions</a>	No, appeals are not possible - see (1)

### Administratives jurisdictions

Cases heard	Court	Appeal possible?
Disputes involving public authorities (administrative bodies, territorial authorities, etc).	Administrative court	Yes, before the administrative appeal court or the Council of State. See the powers of these two courts.
Civil and military pension courts, social assistance courts, etc.	Criminal Court	
Review of a case already judged by an administrative court.	Administrative appeal court	Yes, through Council of State using supreme appeal procedure ("recours en cassation").
Review of a case already judged by other administrative courts and ruling directly on the legality of the administrative actions.	Council of state	No appeal possible. See 1.

(1) When the Supreme Court or the Council of State has given a final ruling on a case, a person who considers that his fundamental rights as defined in the European convention on Human rights have been violated, may institute proceedings within six months before the European Commission of Human Rights.(rue René Cassin, 67000 Strasbourg, France).