Code of Administrative Justice

Regulatory Part – Council of State decrees

Book I: The Council of State

Title I: Powers

Chapter I: Powers in contentious matters

Chapter II: Powers in administrative and legislative matters

Article R112-1

The Council of State includes a permanent inspectorate of the administrative courts, which is directed by a State Councillor with the assistance of other members of that body, under the authority of the Vice-President of the Council of State.

The inspectorate supervises the organisation and operation of the courts. It may carry out research on subjects of interest to several courts.

Every year the Vice-President of the Council of State determines the programme of inspections and research to be carried out by the inspectorate. If the situation of a court so requires, he or she may decide that non-scheduled inspections should also be carried out.

The aim of the inspectorate is to spread best practice in order to help the courts carry out their functions; it may make any useful recommendations to that end.

Article R112-1-1

Judges of the administrative tribunals and administrative courts of appeal may be invited to take part in the assignments mentioned in article R. 112-1. Only judges with the grade of president may be invited to take part in the assignments mentioned in paragraph 2 of the said article.

Officers who have served as chief registrar of the court in an administrative tribunal or administrative court of appeal may be assigned to the inspectorate of the administrative courts.

Article R112-2

Having received a complaint from any party complaining about the excessive length of proceedings before an administrative tribunal or administrative court of appeal, the head of the permanent inspectorate of the administrative courts may make recommendations intended to remedy the situation.

Article R112-3

The head of the permanent inspectorate of the administrative courts receives administrative or judicial decisions allowing indemnities intended to compensate for losses caused by the excessive length of proceedings before the administrative courts.

He or she informs the president of the administrative tribunal or administrative court of appeal whose operation has been a cause of complaint. He or she may make recommendations intended to remedy the situation and may refer any appropriate proposals to the competent authority.

Chapter III: Opinions on questions of law

Article R113-1

When an administrative tribunal or administrative court of appeal wishes to refer a question in accordance with article L. 113-1, the referral is sent by the registrar of the court to which the matter has been referred to the Secretary of the Litigation Division of the Council of State, with the case file, within one week of the judgment being rendered. The parties and the competent minister are notified of this referral, in accordance with the formalities stipulated in articles R. 751-2 to R. 751-8.

Article R113-2

Subject to the following provisions, the question is examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters. The parties and the competent minister may present observations before the Council of State within one month of being informed of the referral decision. This time limit may be reduced by decision of the President of the Litigation Division.

If the application before the court that decided to make the referral does not have to be made by a lawyer before this court, the same dispensation will apply to the submission of observations before the Council of State; otherwise, and except when they come from a minister, the observations must be presented by a lawyer who is authorised to appear before the Council of State and the Court of Cassation.

Article R113-3

Opinions of the Council of State rendered in accordance with article L. 113-1 must be identified as follows:

"The Council of State";

or

"The Council of State (Litigation Division)";

or

"The Council of State (Litigation Division, subdivisions no. and no. combined)";

or

"The Council of State (Litigation Division, subdivision no.)".

Article R113-4

The opinion of the Council of State is notified to the parties and competent minister. It is sent to the court that decided to make the referral, along with the case file. The opinion may mention that it will be published in the Official Journal of the French Republic.

Title II: Organisation and operation

Chapter I: General provisions

Section I: Organisation

Article R121-1

The members of the Council of State take up their functions in the General Assembly.

Article R121-2

The members of the Council of State sit in the order stated on the table, subject, with respect to the Litigation Division, to the provisions of article. R. 122-3.

Article R121-3

The State Councillors in ordinary service, the Masters of Petitions and Auditors may be appointed to one or two divisions.

However, Masters of Petitions and Auditors who have less than three years' service in an administrative court are appointed only to the Litigation Division.

Deputy Presidents and Presidents of subdivisions, in the Litigation Division, are also appointed only to this division.

Article R121-5

When a member of the Council of State is appointed to an administrative division, he or she is expected to contribute to the work of the division and take part in the administrative activities referred to in title III, chapter 7 of this book.

Article R121-6

The appointments envisaged in articles R. 121-3 and R. 121-4 are made by order of the Vice-President of the Council of State after he or she has taken the opinions of the Division Presidents.

Article R121-7

All internal measures not provided for in this book are determined by order of the Vice-President of the Council of State.

Article R121-8

If the Vice-President is absent or unable to act, he or she is deputised by the Division President present who is first on the table, except in the cases provided for in articles R. 122-21 and R. 123-23.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R121-9

Under the authority of the Vice-President, the General Secretary runs the departments of the Council of State and takes all steps necessary for the preparation of its work, the organisation of that work and the management of the members of the administrative tribunals and courts of appeal.

The General Secretary of the Council of State is appointed by decree of the President of the Republic, on the basis of a proposal by the Keeper of the Seals, the Minister of Justice. The Vice-President of the Council of State is called upon to make recommendations after taking the opinions of the Division Presidents. The General Secretary is chosen from the State Councillors and Masters of Petitions.

Article R121-10

The General Secretary of the Council of State is assisted and, if he or she is absent or unable to act, deputised by members appointed to carry out the functions of Deputy General Secretary by order of the Vice-President.

Article R121-11

The General Secretary and Deputy General Secretaries assist the Vice-President of the Council of State in the exercise of his or her powers with regard to the management of the members of the administrative tribunals and administrative courts of appeal. They may be delegated by the Vice-President to sign all documents and orders relating to the administrative and budgetary management of the Council of State.

Heads of department within the Council of State, the General Secretary's officials who belong to a category A body and members of the contract staff with duties of an equivalent level may also be delegated for the same purpose.

Other Council of State employees may also be delegated to sign all documents relating to expenses and collection orders, under the responsibility of the persons mentioned in the first two paragraphs.

Article R121-12

The Vice-President determines the period of the annual holidays of the Council of State and takes steps to ensure that the work of the various administrative formations of the Council continues during this time. He or she may, if necessary, create vacation divisions and decide the necessary appointments, on a provisional basis.

Article R121-13

On the proposal of the General Secretary, the Vice-President of the Council of State takes decisions relating to the management and administration of the employees of the Council of State, to the exclusion of: orders opening competitive recruitment examinations; orders relating to the opening of professional examinations for category A bodies; appointments to bodies; the award of permanent positions; decisions involving the final termination of service; non-managerial appointments; and the disciplinary sanctions listed in groups 3 and 4 defined in article 66 of Law no. 84-16 of 11 January 1984.

Article R121-14

The Vice-President of the Council of State is the principal authorising officer of the Council of State budget. He or she signs public procurement and other contracts entered into by the Council of State.

Section II: State Councillors in extraordinary service

Article R121-15

The involvement of State Councillors in extraordinary service in the work of the administrative divisions, the permanent committee or committees is decided by order of the Vice-President of the Council of State in consultation with the Division Presidents.

Chapter II: How the Council of State exercises its powers in contentious matters

Section I: Organisation

Article R122-1

The Litigation Division decides all cases that fall within the jurisdiction of the Council of State, subject to article R. 122-17.

It is divided into ten subdivisions which are involved in the preparation and judgment of cases under the conditions laid down in this book.

Article R122-2

The Litigation Division comprises:

1. A Division President assisted by three Deputy Presidents;

2. For each of the subdivisions, a State Councillor in ordinary service holding the position of Division President, and two State Councillors in ordinary service holding positions as non-presiding judges;

3. State Councillors in ordinary service, Masters of Petitions and Auditors holding positions as reporting judge or consultant judge.

Article R122-3

The members of the Litigation Division sit in the following order:

1. The President of the Litigation Division;

2. The Deputy Presidents in order of length of service in their positions as Deputy Presidents;

3. The Presidents of subdivisions in order of length of service in their positions as Subdivision Presidents;

4. The other members in the order given on the table.

Article R122-4

The Deputy Presidents of the Litigation Division are appointed by decree on the proposal of the Keeper of the Seals, the Minister of Justice, after a recommendation by the Vice-President of the Council of State deliberating with the Division Presidents.

Article R122-5

The consultant judges are appointed by order of the Vice-President of the Council of State on the proposal of the President of the Litigation Division.

The consultant judges may not perform these duties for more than 10 years. Should it prove necessary, these appointments may be extended for up to one year, by order of the Vice-President.

Article R122-6

The Presidents of subdivisions are appointed by order of the Prime Minister, on a proposal by the Keeper of the Seals, the Minister of Justice. The Vice-President of the Council of State is called upon to make recommendations after he or she has taken the advice of the President of the Litigation Division and the Deputy Presidents of that division. The appointments of the Subdivision Presidents come to an end on 31 December of the fourth year following the year in which they were appointed. The appointment may be renewed by order of the Vice-President of the Council of State.

Article R122-7

The State Councillors appointed to positions as non-presiding judges are appointed by order of the Vice-President of the Council of State after he or she has taken the advice of the President of the Litigation Division and the Deputy Presidents of that division. These appointments come to an end on 31 December of the fourth year following the year in which they were appointed. These appointments may be extended or the persons concerned may be appointed to a new position for a period of between one and four years, following the same formalities.

If a non-presiding judge is absent or unable to act, the Vice-President of the Council of State may appoint a State Councillor to act as non-presiding judge for the duration of the former's absence or inability to act, by order, after he or she has taken the advice of the President of the Litigation Division and the Deputy Presidents of that division.

Article R122-9

The allocation of the other members of the Council of State mentioned in article R. 122-2 (3) between the subdivisions of the Litigation Division is determined by the President of that division, after he or she has taken the advice of the Deputy Presidents and Presidents of the subdivisions.

Article R122-10

A subdivision may only deliberate if its President and one of its non-presiding judges or, failing that, the two non-presiding judges, are present. If a subdivision does not have enough members to deliberate, due to the fact that its President or non-presiding judges are on holiday, absent or unable to act, the subdivision is completed by a call to State Councillors. It may also be completed, in exceptional circumstances, by calling upon Masters of Petitions in the order given on the table. The said Councillors and Masters of Petitions are appointed by the President of the Litigation Division. If the President is absent or unable to act, the subdivision is headed by the longest-serving non-presiding judge.

When the subdivision sits as a preparatory body, a case may be deliberated by an even number of members. The President, the non-presiding judges and the reporting judges are able to vote on all cases. If there is an equality of votes, the President has a casting vote.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Section II: Court formations

Article R122-11

Subject to article R. 122-12 and article R. 122-17, cases are judged by a subdivision or by two, three or four subdivisions combined.

Subdivisions are combined into court formations by order of the Vice-President of the Council of State, on the proposal of the President of the Litigation Division.

Article R122-12

The President of the Litigation Division and the Presidents of the subdivisions may, by ordinance:

1. Take formal note of withdrawals;

2. Dismiss applications that are clearly not within the jurisdiction of the administrative court;

3. Find that there are no grounds to rule on an application;

4. Dismiss applications that are clearly inadmissible, when the court is not bound to invite the author to correct them or if they have not been corrected on the expiry of the time limit set in a request to this end;

5. Rule on applications that do not require the court to determine questions other than the adverse court order envisaged in article L. 761-1 or the allocation of costs;

6. Rule on applications that form part of a series, which, without requiring a fresh assessment or definition of the facts, present for judgment in law issues identical to issues already decided together in a single decision of the Council of State, ruling in contentious proceedings, or considered together in a single opinion rendered by the Council of State pursuant to article L. 113-1;

7. Dismiss, after the expiry of the appeal period or, when notice has been given of an additional statement, after that statement has been submitted: applications that only present arguments based on lack of jurisdiction or formal and procedural defects that are clearly unfounded; inadmissible arguments; ineffective arguments; arguments that are only accompanied by facts that are clearly unable to support them; arguments that are clearly not accompanied by details by which to assess the merits.

They may also dismiss, by ordinance, submissions seeking to have the enforcement of a court judgment postponed.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R122-13

When the President of the Litigation Division, or his or her substitute, rules in accordance with articles L. 512-2 to L. 512-5 and L. 513-3 of the Code on the Entry and Stay of Aliens and the Right to Asylum, he or she may rule by ordinance in the cases mentioned in the previous article.

Under the same conditions, he or she may dismiss applications which clearly do not justify setting aside the judgment challenged.

These provisions apply to appeals lodged before 1 January 2005.

Article R122-14

The subdivision sitting in court formation may only deliberate if at least three members who are able to vote are present.

Paragraphs 2 and 3 of article R. 122-16 apply to the subdivision in court formation.

The Vice-President of the Council of State, the President and Deputy Presidents of the Litigation Division may chair each of the subdivisions.

Article R122-15

The subdivisions combined are chaired by one of the Deputy Presidents of the Litigation Division. They may also be chaired by the Vice-President of the Council of State or the President of the Litigation Division.

Apart from its President and the reporting judge, the court formation comprises:

1. The Presidents of the subdivisions;

2. The non-presiding judges of the subdivisions or, when four subdivisions have been combined, the non-presiding judge who has served longest in his or her position in each subdivision;

3. When two or four subdivisions are combined, a State Councillor belonging to the Litigation Division appointed by the President of that division, outside the sitting subdivisions, in a sequence determined twice a year.

The President of the subdivisions combined is replaced, if he or she is unable to act, by the President of the subdivision sitting in accordance with 1. above who has served longest in his or her position. When four subdivisions are combined, the President of one subdivision is replaced by the non-presiding judge of the subdivision who has served longest in his or her position, who is him- or herself replaced by the other non-presiding judge of the subdivision.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R122-16

When cases are judged, the subdivisions combined may only rule if at least five members who are able to vote are present. When three or four subdivisions are combined, they may only rule if at least seven members who are able to vote are present.

When subdivisions are combined, only an uneven number of them may rule. When there is an even number of members present at the sitting who are able to vote, the State Councillor, the Master of Petitions or the Auditor present who has served longest in the order shown on the table is called upon to sit with the court formation.

This also applies when, due to the fact that a member or members are on holiday, absent or unable to act, there are not enough members present to deliberate.

Article R122-17

The judgment of all cases that come within the jurisdiction of the Council of State is referred to the Litigation Division or the Litigation Assembly at the request, either of the Vice-President of the Council of State, or of the President of the Litigation Division, or of the President of the court formation, or of the court formation, or of the subdivision on the basis of whose report the case is examined, sitting as a preparatory body, or of the consultant judge.

Cases that have been prepared by the Litigation Division in accordance with article R. 611-20, paragraph 1, are judged by the Litigation Assembly.

A case brought before the subdivision sitting in court formation may be referred to the subdivisions combined, at the request of the President of the court formation, or of the court formation, or of the subdivision on the basis of whose report the case was examined, sitting as a preparatory body, or of the consultant judge.
These persons may also request the referral of a case that has been brought before two subdivisions combined to three or four subdivisions combined.

Article R122-18

The Litigation Division as a court formation comprises:

1. The President of the Litigation Division;

2. The three Deputy Presidents;

3. The Presidents of the subdivisions;

4. The reporting judge.

Article R122-19

If the President of the Litigation Division is absent or unable to act, the division is chaired by one of the Deputy Presidents taken in order of length of service in their positions or, failing that, by the President of the subdivision who has the longest service in his or her position and who is present at the sitting.

If the President of the subdivision on the basis of whose report the case is to be judged is absent or unable to act, he or she is replaced by one of the non-presiding judges of that subdivision, taken in the order of length of service in these positions.

The Litigation Division may only rule if at least nine of its members who are able to vote are present.

Only an uneven number of members of the Litigation Division may rule on a case. When there is an even number of members present at the sitting who are able to vote, the division is completed by one of the non-presiding judges taken in the order shown on the table. This also applies when, due to the fact that a member or members are on holiday, absent or unable to act, there are not enough members present to deliberate.

Article R122-20

The Litigation Assembly comprises:

1. The Vice-President of the Council of State;

2. The Division Presidents;

3. The three Deputy Presidents of the Litigation Division;

4. The President of the subdivision on the basis of whose report the case is to be judged or, if the case was prepared under the conditions laid down in article R. 611-20, paragraph 1, the President of the subdivision to whom the case was allocated initially;

5. The four Presidents of subdivisions who have served longest in their positions excluding the previous one;

6. The reporting judge.

The chair of the Litigation Assembly is held by the Vice-President of the Council of State.

The Assembly may only validly sit if nine of its members or their deputies are present.

The Litigation Assembly may only rule with an uneven number of members. When there is an even number of members present at the sitting who are able to vote, the Assembly is completed by the Subdivision President who has served longest in his or her position, who is not sitting on the basis of points 4. or 5. or, failing that, by the non-presiding judge who has served longest in his or her position.

Article R122-21

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

If the Vice-President of the Council of State is unable to act, the Litigation Assembly is chaired by the President of the Litigation Division. In order to complete the Assembly, the Vice-President of the Council of State is deputised by the Administrative Division President who appears first on the table, who is him- or herself deputised by one of the Deputy Presidents of that division in the order in which they appear on the table.

If the President of the Litigation Division is unable to act, he or she is deputised, in order to complete the Assembly, by the Deputy Presidents of that division in the order of the length of service in their positions. These latter persons, and the Subdivision Presidents mentioned in point 5. of article R. 122-20, are deputised in the order of their length of service in their positions by the Subdivision Presidents other than those sitting on the basis of points 4. and 5. of the same article.

If a President of an administrative division is unable to act, he or she is deputised by one of the Deputy Presidents from this division in the order in which they appear on the table.

If the President of the subdivision mentioned in article R. 122-20, point 4, is unable to act, he or she is deputised by one of the non-presiding judges of the subdivision in the order in which they appear on the table.

When the Litigation Assembly has to hear an appeal against a decision that was taken after the opinion of the Council of State had been sought, the President of the administrative division who took part in the deliberation of this opinion does not sit. He or she is deputised by the most senior of the Deputy Presidents of the other administrative divisions, as they appear on the table, excluding those sitting on the basis of paragraphs 1 and 3.

Article R122-21-1

Without prejudice to the provisions of article R. 721-1, the members of the Council of State may not participate in the judgment of appeals made against decisions taken after the opinion of the Council of State had been sought, if they took part in the deliberation of that opinion.

Article R122-21-2

When the Council of State hears an appeal against a decision taken after one of its consultative formations had given its opinion, a list of the members who took part in the deliberation of that opinion is sent to the person who has brought the appeal.

Article R122-21-3

The members of the Council of State who take part in the judgment of appeals against decisions taken after the opinion of the Council of State had been sought, may not take cognisance of these opinions, unless they were made public, nor the files of the consultative formations relating to these opinions.

Article R122-22

In the formations of the Council of State ruling in contentious proceedings, the reporting judge is able to vote.

Article R122-23

The President of the Litigation Division may delegate, by order, one of the Deputy Presidents to rule on the applications that are presented to it, in accordance with book V of this code, and to settle matters of competence and referrals made on the basis that the cases are connected, in accordance with book III of this code. In anticipation of the fact that these persons may be absent or unable to act, the said president may also appoint a State Councillor, allocated to the Litigation Division, for the term of the first appointee's absence or inability to act.

Article R122-24

If the President of the Litigation Division is absent or unable to act, the Deputy Presidents, in the order of their length of service in their positions, automatically have competence to rule on the applications referred to in the previous article.

In the same circumstances, one of the Deputy Presidents, in the order of their length of service in their positions, automatically exercises the powers granted to the President of the Litigation Division in articles R. 122-5, R. 122-9, R. 122-10, R. 122-15, R. 122-17, in article R. 611-20, paragraph 1, in article R. 635-2, and in article R. 712-1, paragraph 1.

Article R122-25

If the President of the Litigation Division is absent or unable to act, he or she is replaced, with regard to the general management of the division, by one of the Deputy Presidents taken in order of length of service in their positions or, if none of these people is able to act, by the President of the subdivision who has served longest in his or her position.

Section II bis: National list of experts appointed to advise the Council of State

Article R122-25-1

Every year a national list of experts appointed to advise the Council of State may be drawn up for the judges' information, by the President of the Litigation Division, after consultation with the Presidents of the administrative courts of appeal.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Section III: The secretariat of the Litigation Division

Article R122-26

The Secretary of the Litigation Division is responsible for the secretariat of that division.

This latter person is appointed by order of the Prime Minister on the proposal of the Keeper of the Seals, the Minister of Justice, and on the basis of a recommendation by the Vice-President and the President of the Litigation Division. The same formalities must be followed if this person is removed from office.

Article R122-27

The Secretary of the Litigation Division is assisted by a Deputy Secretary, appointed by the Vice-President of the Council of State, on the proposal of the Division President.

Article R122-28

For each subdivision, the Secretary of the Litigation Division is also assisted by a Secretary appointed by the Vice-President of the Council of State on the proposal of the President of the Litigation Division.

Article R122-28-1

Secretarial services at sessions are provided by the Secretary of the Litigation Division, the Deputy Secretary, the Secretaries of subdivisions and by the division employees appointed to that end by the President of the Litigation Division.

Article R122-28-2

The Secretary of the Litigation Division may, with the consent of the President of the Litigation Division, delegate officials allocated to the Litigation Division to sign on his or her behalf, with respect to some of his or her powers.

Article R122-29

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

If the Secretary of the Litigation Division is absent or unable to act, he or she is replaced by the Deputy Secretary of that division and, if this person is also absent or unable to act, by a Secretary from a subdivision appointed by the President of the Litigation Division.

Section IV: Judicial assistants

Article R122-30

Judicial assistants appointed in accordance with article L. 122-2 assist with the preparatory work carried out by members of the Council of State in the performance of their duties.

Article R122-31

The duties of judicial assistant may only be combined with another professional activity with the agreement of the President of the division to which the assistant is allocated.

The duties of judicial assistant may not be performed by persons who provide legal or judicial services, or by their employees.

Article R122-32

The provisions of articles R. 227-2 and R. 227-4 to R. 227-10 apply to judicial assistants appointed to the Council of State. The powers granted by these provisions to heads of courts are exercised by the President of the division to which they are appointed.

Chapter III: How the Council of State exercises its administrative and legislative powers

Article R123-1

The Council of State deliberates either in divisions or in divisions combined, or in committees on which the various divisions concerned are represented, or in its General Assembly.

Section I: Administrative divisions

Article R123-2

The administrative divisions of the Council of State are:

- The Interior Division;

- The Finances Division;

- The Public Works Division;

- The Welfare and Social Security Division;

- The Administration Division;

- The Report and Studies Division.

Article R123-3

Cases are allocated among the first five of these divisions in accordance with an order issued by the Prime Minister and by the Keeper of the Seals, the Minister of Justice, on the proposal of the Vice-President of the Council of State.

Article R123-3-1

Private member’s bills or requests for opinions submitted by the Ombudsman are allocated to one of the first five divisions mentioned in article R. 123-2 for examination, by the Vice-President of the Council of State.

Article R123-4

Government and private member’s bills specific to New Caledonia are allocated for examination by the administrative divisions, in accordance with the list of subjects set out in article 99 of Organic Law no. 99-209 of 19 March 1999 relating to New Caledonia by order of the Prime Minister and of the Minister for Overseas France.

The Council of State's opinions on government and private member’s bills specific to certain overseas collectivities are sent to the authorities mentioned in the final paragraph of article 100 of the abovementioned Organic Law, and to the Prime Minister, the Minister for Overseas France and the other interested ministers.

Article R123-5

The function of the Report and Studies Division is to prepare the proposals that the Council of State sends to public authorities in accordance with article L. 112-3 and to carry out studies at the request of the Prime Minister or on the initiative of the Vice-President.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

In accordance with the conditions laid down in book IX of this code, the Report and Studies Division also has responsibility for the resolution of any difficulties that arise in connection with the enforcement of the decisions of the Council of State ruling in contentious matters and of the administrative courts.

It prepares the Council of State's annual report. This report is submitted to the Vice-President deliberating with the Division Presidents and adopted by the General Assembly. It mentions the statutory, regulatory or administrative reforms to which the Council of State has drawn the government's attention. It may contain new proposals and, where necessary, give notice of any problems encountered in the execution of the decisions of the Council of State ruling in contentious matters and of the administrative courts.

The report is submitted to the President of the Republic.

Article R123-6

Each administrative division consists of a President, at least six State Councillors in ordinary service, State Councillors in extraordinary service, Masters of Petitions and Auditors.

One or more State Councillors in ordinary service who have been allocated to the division are appointed to act as Deputy President of the division by order of the Vice-President after he or she has sought the opinion of the division Presidents. They assist the President of the division in the performance of his or her duties and deputise for this person when required. Division Presidents who continue to work, in accordance with article 1 of Law no. 86-1304 of 23 December 1986 relating to the age limit and procedures for the recruitment of certain State employees, automatically become Deputy Presidents of the administrative division to which they are allocated.

If a case that was allocated to a specific division is the concern of sectors within different divisions, one or more Councillors belonging to each of the interested divisions may be called upon to take part in the deliberations of the competent division.

The members of the division are able to vote on all cases.

Article R123-6-1

Each administrative division meets in plenary formation when the President of the division considers that this is justified by the importance of the cases included on the agenda.

In other cases, it meets in its ordinary formation with the composition determined by its President. The ordinary formation has at least seven members.

Article R123-7

One State Councillor or one Master of Petitions, appointed by the Vice-President after he or she has taken the opinion of the Division Presidents, acts as general consultant judge of the Report and Studies Division. He or she is appointed solely to this division and is able to vote on all cases.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

He or she may be assisted by Masters of Petitions and Auditors. In such case they may be allocated solely to the Report and Studies Division.

Article R123-8

An administrative division can only validly deliberate if three members are present in addition to the President.

Article R123-9

The President of an administrative division may decide that the sitting should be chaired by a Deputy President or, failing that, by the State Councillor in ordinary service who heads the list on the table.

The Vice-President of the Council of State may chair sittings of the administrative divisions.

If there is an equality of votes, the President has a casting vote.

Article R123-10

The Vice-President of the Council of State may combine the competent administrative division with one of the other divisions in order to examine a specific case.

If there are grounds to combine more than two divisions, a committee is set up on which the interested divisions are represented, including the Litigation Division where appropriate. The composition of the committee is determined by the Vice-President.

The provisions of article R. 123-8 and the final paragraph of article R. 123-9 apply to combinations of divisions and to the committees.

The final paragraph of article R. 123-6 applies to combinations of divisions. All committee members are able to vote.

Sittings of combinations of divisions or of committees are chaired by the Vice-President of the Council of State or the Division President present who is highest on the list on the table.

Article R123-11

The Secretary of each division or committee certifies that the opinions produced by that formation have been despatched and notifies them to the public services concerned. Opinions on private members' bills are notified to the President of the Assembly that referred the matter to the Council of State.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Section II: The General Assembly

Article R123-12

The General Assembly of the Council of State meets either in plenary formation or in ordinary formation.

Article R123-13

In plenary formation the General Assembly comprises the Vice- President of the Council of State, the Division Presidents and the State Councillors, all of whom are able to vote. Masters of Petitions and Auditors are able to attend meetings in a consultative capacity. They may vote on the cases for which they are consultant judges.

Article R123-14

The following persons are able to vote at ordinary General Assembly meetings:

1. The Vice-President of the Council of State and the Division Presidents;

2. One of the Deputy Presidents of the Litigation Division deputised, where appropriate, by another Deputy President;

3. The Deputy Presidents of the administrative divisions;

4. Ten State Councillors appointed each year by the Vice-President of the Council of State on the proposal of the President of the Litigation Division, from the Councillors appointed to that division;

5. One State Councillor per administrative division, appointed each year by the Vice-President of the Council of State on the proposal of the President of the administrative division concerned.

Two deputies are appointed, for each of the State Councillors mentioned in points 3, 4 and 5, from the State Councillors and Masters of Petitions. These persons are able to vote.

The other members of the Council of State are able to attend meetings of the ordinary General Assembly in a consultative capacity. They are able to vote on the cases for which they are consultant judges.

Article R123-16

Subject to the provisions of article L. 121-1, meetings of the General Assembly are chaired by the Vice-President of the Council of State or, failing that, by the Division President who is highest on the list on the table.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R123-17

The General Assembly of the Council of State can only deliberate if at least half the members who are able to vote are present. However, this quorum is reduced to one quarter of the members who are able to vote when the General Assembly meets in its plenary formation and, regardless of the formation in which it meets, during the annual holiday period.

The President keeps order at the meeting and leads the debates.

If there is an equality of votes, the President has a casting vote.

Article R123-18

When there is reason for the Council of State to elect one of its members, the election is held at a plenary meeting of the General Assembly by secret ballot on the absolute majority of the members present.

Article R123-19

The General Secretary of the Council of State, or one of the Deputy General Secretaries, provides a secretarial service for the General Assembly. He or she prepares the minutes. He or she signs and certifies official copies of government bills, draft ordinances and decrees and of the opinions of the Council of State which are delivered to persons who are entitled to request them. He or she signs and certifies official copies of the opinions of the Council of State on private members' bills, intended for the Presidents of parliamentary assemblies.

The Secretary of an administrative division may replace the General Secretary of the Council of State in the performance of his or her duties as stipulated in the foregoing paragraph.

Article R123-20

The following matters are added to the agenda of ordinary meetings of the General Assembly of the Council of State, or, on the decision of the Vice-President after the opinion of the Division President or the competent committee has been sought, to the agenda of the General Assembly of the Council of State meeting in plenary session:

1. Government and private members' bills and draft ordinances, subject to the provisions of article R. 123-21;

2. Draft decrees adopted in accordance with article 37 of the Constitution;

3. Cases which, because of their importance, are sent to be examined by the General Assembly either at the request of the ministers concerned, or by the Vice-President of the Council of State, or by the President of the competent division or the chair of the competent committee, or at the request of that division or that committee.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

However, the Vice-President of the Council of State may, on the proposal of the President of the competent division or the chair of the competent committee, decide not to include on the agenda of the General Assembly certain bills or drafts that fall into the following categories:

a) The draft decrees mentioned at point 2 above;

b) Government bills intended mainly to ratify an ordinance;

c) Government bills authorising the ratification or approval of an international convention;

d) Government or private members' bills or draft ordinances extending and, where appropriate, adapting statutory provisions to one or more overseas collectivities or New Caledonia;

e) Government or private members bills or draft ordinances intended mainly to transpose a community directive into domestic law;

f) Government or private members' bills or draft ordinances codifying legislation;

g) Government or private members' bills or draft ordinances that do not give rise to any

difficulties. The General Assembly in ordinary session may decide to refer a case to the General

Assembly in plenary session.

Section III: The permanent committee

Article R123-21

A permanent committee has responsibility for examining government bills and draft ordinances in exceptional cases when notice is given of the urgency by the competent minister and expressly recorded in a special decision of the Prime Minister, which is mentioned in the citations.

When the President of the National Assembly or the Senate refers a request for an opinion on a private member's bill to the Council of State by letter explaining that the matter is urgent, the bill may be examined by the permanent committee further to a decision by the Vice-President of the Council of State.

After a case has been prepared, the permanent committee may always refer it to the General Assembly.

Article R123-22

The permanent committee comprises:

1. The Vice-President of the Council of State;

2. The President of one of the administrative divisions appointed by order of the Prime Minister on the proposal of the Keeper of the Seals, the Minister of Justice, after a recommendation by the Vice-President of the Council of State and, where appropriate, the President or Presidents of the other division or divisions concerned;

3. Two State Councillors per division appointed by order of the Vice- President of the Council of State after the opinion of the President of the division concerned has been sought.

Two deputies are appointed, for each of the State Councillors mentioned in point 3, following the same procedures, from the State Councillors and Masters of Petitions of this division. These persons are able to vote.

The permanent committee may be completed, depending upon the nature of the cases referred to it, by one or possibly two Councillors appointed by the Vice-President on the proposal of the Division President who would normally have been competent to examine the case if it had not been classified as urgent.

Furthermore, any member of the Council of State may be specifically appointed by the Vice-President in order to report upon a specific case.

Article R123-23

The permanent committee is chaired by the Vice-President of the Council of State or, in his or her absence, by the Division President appointed by order of the Prime Minister, as stated in article R. 123-22 (2).

If there is an equality of votes, the President has a casting vote.

The provisions of the final paragraph of article R. 123-6, of the two final paragraphs of article R. 123-8, of article R. 123-17 and of article R. 123-19 apply to the permanent committee.

Section IV: Common provisions

Article R123-24

In each ministry, civil servants who have the rank of director, at least, are appointed by decrees adopted on the proposal of the ministers concerned, to attend sittings of the Council in connection with all matters that fall within the remit of the department of which they form part, in the capacity of government commissioner. Civil servants may also be appointed by ministerial order to take part in the discussion of a specific matter.

Government commissioners attend meetings of the General Assembly, committee meetings or division meetings, in a consultative capacity, with respect to matters that fall within the remit of their departments.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R123-24-1

Apart from the author of the bill, persons appointed by the author to assist him or her may take part, in a consultative capacity, at sittings at which a private member's bill is examined.

Article R123-24-2

The Ombudsman and persons that he or she appoints, may attend sittings at which a request for an opinion that he or she sent to the Council of State is examined, in a consultative capacity.

Article R123-25

Public officials, whose rank is at least head of department, are appointed by orders of the President of the government of New Caledonia, as government commissioners of New Caledonia, in order to attend sittings of the Council of State in a consultative capacity, when government and private members' bills of specific application in New Caledonia are examined. The President of the government may also appoint other officials to take part in discussions of a specific matter.

The government of the Republic is represented in accordance with the conditions stipulated in the foregoing article.

Article R123-26

The Vice-President of the Council of State and the President of the administrative division concerned may call upon persons with specialist knowledge to attend sittings of the administrative divisions and committees, including those of the permanent committee, and the General Assembly, in a consultative capacity, in order to provide information of relevance to the discussions.

Title III: Statutory provisions

Chapter I: General provisions

Article R*131-1

The members of the Council of State may carry out scientific, literary or artistic work and all intellectual activities, particularly teaching, which are not likely to harm their dignity or jeopardise their independence.

Article R*131-2

Outside the holiday periods, the members of the Council of State may not be absent without first obtaining leave of absence from the Vice-President, which will be granted after he or she has sought the opinions of the Presidents of the divisions to which the members in question have been assigned.

Any member of the Council who is absent without leave, or whose absence exceeds the term allowed, will lose the whole of the portion of his or her remuneration that relates to the period of the unauthorised absence, in addition to any disciplinary penalties that may be imposed.

Chapter II: The consultative committee

Article R132-1

The consultative committee comprises, apart from the Vice-President of the Council of State, who chairs the said committee, and the Division Presidents, seven elected members of the Council of State in active service or seconded elsewhere, including three State Councillors in ordinary service or extraordinary service, three Masters of Petitions and an Auditor.

The elected members serve for a period of two years. The electoral procedures are determined by order of the Vice President. Seven deputies are elected in the same manner.

The General Secretary of the Council of State attends the meetings of the committee in a consultative capacity and keeps the minutes.

Article R132-2

If the Vice-President is unable to attend, he or she is replaced by the Division President who has served longest on the table. The Division Presidents and elected members of the committee sit and, when necessary, are deputised in the order stated on the table.

Article R132-3

When individual measures are examined, the committee comprises, on the one hand, the Vice-President and the two Division Presidents who have served longest on the table or, with respect

to cases involving the Auditors, the Division President who has served longest on the table and, on the other hand, if the case concerns a State Councillor: three State Councillors; if the case concerns a Master of Petitions: three Masters of Petitions; if it concerns an Auditor: the Auditor and his or her deputy.

Chapter III: Appointments

Section I: General provisions

Article R*133-1

Junior Auditors are appointed directly to the 3rd salary step of this grade and given a permanent position as from the day following the final day of their period as a student at the National School of Public Administration.

However, if their level in the body from which they came originally was higher than the level that corresponds to salary step 3 of the grade of Junior Auditor, Auditors recruited through the internal competitive examination of the National School of Public Administration are placed in the salary step of the Junior Auditor grade that offers equal remuneration, or failing that, in the salary step immediately above the one that they had attained in the body to which they belonged originally or in their job, in the case of officials who do not have permanent positions.

Auditors who have been recruited through the third competitive examination of the National School of Public Administration are placed in salary step 6 of the grade of Junior Auditor.

Article R*133-2

The Auditors mentioned in the foregoing article are classified as follows when promoted to the grades of Senior Auditor or Master of Petitions, depending upon the salary step in the Junior Auditor grade to which they are assigned.

AUDITOR junior	AUDITOR senior	MASTER of petitions
salary step 4	salary step 1	salary step 1
salary step 5	salary step 2	salary step 1, with six months' service
salary step 6	salary step 3	salary step 2
salary step 7	salary step 4	salary step 2, with six months' service

Article R*133-2-1

If they were public servants or employees without permanent positions, the State Councillors and Masters of Petitions appointed in accordance with articles L. 133-7, L. 133-8 and L. 133-

12 are classified in their grade at a salary step that offers equal remuneration or, failing that, at the salary step immediately above the one they had attained in their original position.

Within the limit of the length of service required for promotion to the next salary step in the grade, they retain the salary step seniority they had acquired in their previous grade or class, when the salary increase that accompanies their appointment is less than the increase that would have resulted from a promotion to a higher salary step in their previous position or, if they had attained the highest step in their previous grade or class, than the increase that resulted from the promotion to that step.

Section II: Appointment of members of the Council of State from the judges of the administrative tribunals and administrative courts of appeal

Article R*133-3

The State Councillors appointed in accordance with article L. 133-8, paragraph 1, are chosen from the judges of the administrative tribunals and administrative courts of appeal who have attained the grade of president and who perform the duties defined in articles L. 234-4 or L. 234-5.

Article R*133-4

The Masters of Petitions appointed in accordance with article L. 133-8, paragraph 2, are chosen from the judges of the administrative tribunals and administrative courts of appeal who have attained the grade of president or senior judge.

Article R*133-7

Members of the administrative tribunals and administrative courts of appeal who fulfil the conditions laid down in articles L. 133-3 and R.* 133-3 may be appointed as State Councillors, in order to perform the duties of president of an administrative court of appeal.

Article R*133-8

No account is taken of the appointments made in accordance with article R.* 133-7 for the application of the provisions of article L. 133-8, paragraph 1.

Article R*133-9

The members of the administrative tribunals and administrative courts of appeal who are called upon to act as court president are appointed to the grade of State Councillor, other than in turn.

Section III: Provisions relating to Masters of Petitions in extraordinary service

Article R*133-10

Masters of Petitions in extraordinary service are appointed for a term of four years by order of the Vice-President of the Council of State.

Masters of Petitions in extraordinary service are seconded to the Council of State or made available for this body.

Employees of the bodies that recruit their staff from the National School of Public Administration and the senior managers of the post and telecommunications services have a mandatory obligation to move to a different position from time to time. The duties performed by such persons as Masters of Petitions in extraordinary service are taken into account, where appropriate, when their fulfilment of this obligation is assessed.

Article R*133-11

Except for article R. 121-3, paragraph 2, the provisions of this code that relate to Masters of Petitions apply to Masters of Petitions in extraordinary service.

Article R*133-12

After 30 months at least of performing these duties, Masters of Petitions in extraordinary service may apply for appointment to the grade of Master of Petitions, in accordance with article 133-12.

Chapter IV: Promotion

Article R*134-1

The grade of State Councillor comprises two salary steps, the grade of Master of Petitions comprises eight. The grades of Senior and Junior Auditor comprise four and seven respectively.

Members are required to spend the following amounts of time in each of the salary steps before they may move up to the next salary step:

1. One year for the first three salary steps of the grade of Junior Auditor;

2. Two years for the 4th, 5th and 6th salary steps of the grade of Junior Auditor; this period may be reduced, by decision of the Vice-President of the Council of State, but may not be less than 18 months, for Auditors whose professional value proves to be exceptional;

3. Two years for each salary step of the grade of Senior Auditor and for the first five salary steps of the grade of Master of Petitions; this period may be reduced, by decision of the Vice-President of the Council of State, but may not be less than one year, for Auditors and Masters of Petitions whose professional value proves to be exceptional;

4. Masters of Petitions reach the 7th salary step after 12 years in this grade or, provided they have spent at least one year in the 6th salary step, after 16 years from the moment they were appointed to the position of Auditor; they reach the 8th salary step after 15 years in this grade or, provided they have spent at least one year in the two previous salary steps, after 19 years since they were appointed to the position of Auditor.

State councillors reach the 2nd salary step after they have spent at least five years in the 1st salary step. Time spent as a director in the central civil service, or a position at least equivalent, is taken into account as time served in the first salary step.

Article R*134-2

No promotion chart is prepared for the promotion of the members of the Council of State.

Article R*134-3

Masters of Petitions may only be promoted to the grade of State Councillor if they have completed either at least 12 years' service in the grade of Master of Petitions, or at least 17 years' service as a member of the Council of State.

When this rule is applied, Masters of Petitions appointed directly to their grade are deemed to have served as Auditors for the same amount of time as the Master of Petitions, formerly a Junior Auditor, who precedes them immediately on the table.

Article R*134-4

Masters of Petitions are promoted from a list of three names prepared by the Vice-President of the Council of State after deliberations with the Division Presidents.

Article R*134-5

All Masters of Petitions who have completed 18 years' service in their grade, either with the

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Council of State or having been delegated or seconded to serve with another body, but who have not been promoted, in spite of fulfilling the conditions mentioned above, may, within the limit of the budgetary credits available, be appointed as State Councillor.

The surplus personnel that result from these appointments are absorbed first of all by filling vacant State Councillor positions, other than positions that are reserved for external candidates or intended for persons who are reinstated automatically in accordance with articles R.* 135-6 and R.* 135-8.

The position that was previously occupied by a Master of Petitions appointed as State Councillor further to this article is only considered to be vacant on the date on which the supernumerary person is absorbed in accordance with the conditions laid down in the foregoing paragraph.

No other person may be appointed as a State Councillor, through the internal recruitment route, as long as there are supernumerary State Councillors under this article.

Masters of Petitions who have not completed at least seven years' service as Auditors can only benefit from the provisions of paragraph 1 of this article on the day on which they have completed in the grade of Master of Petitions, in addition to the 18 years stipulated in these provisions, the term of service that they need to have in order for their length of service to be the same as it would have been if they had completed seven years' service as Auditors. For the purposes of this rule, Masters of Petitions appointed directly to their grade are deemed to have the same length of service as Auditors as the Master of Petitions who was formerly a Junior Auditor who precedes them immediately on the table.

Article R*134-6

The Vice-President of the Council of State deliberating with the Division Presidents is called upon to make recommendations for the appointment of Masters of Petitions from the Senior Auditors.

Article R*134-7

Any Auditor with eight years' service, either with the Council of State or having been delegated or seconded to another body, may, within the limit of the budgetary credits, be appointed as Master of Petitions.

The surplus personnel that result from these appointments are absorbed first of all by filling vacant Master of Petitions positions, other than positions reserved for external candidates or intended for persons who are reinstated automatically in accordance with articles R.* 135-6 and R.* 135-8.

Any position that was previously occupied by an Auditor who has been made a Master of Petitions further to this article is only considered to be vacant on the date on which the supernumerary person is absorbed in accordance with the conditions laid down in the foregoing paragraph.

No other person may be appointed as Master of Petitions, through the internal recruitment route, as long as there are supernumerary Masters of Petitions under this article.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R*134-8

The Vice-President of the Council of State deliberating with the Division Presidents is called upon to make recommendations for the appointment of Senior Auditors from the Junior Auditors.

Chapter V: Positions

Article R*135-1

Members of the Council of State employed within the normal employment framework and who have either a position within the Council of State, or another public sector position to which they have been delegated or for which they have been loaned are considered to be active.

The members of the Council of State may be seconded on a long-term basis in the situations envisaged in article 14 of Decree no. 85-986 of 16 September 1985.

Employees of the bodies that recruit their staff from the National School of Public Administration have a mandatory obligation to move to a different position from time to time. The members of the Council of State come into this category. However, they may not fulfil this obligation by taking up a position in a law firm or with a lawyer who works at the Council of State and at the Court of Cassation.

Individual measures relating to the application of the foregoing paragraph are taken in the manner stipulated in article R.* 135-2.

The members of the Council of State who are appointed through the external route are considered to have fulfilled the obligation to move to a different position.

Except in situations where secondment is automatic, Auditors and Masters of Petitions of the Council of State can only have the benefit of a secondment, a delegation or of being "loaned" to another organisation if they have at least four years' effective service with the Council. However, once a person has two years' effective service, this requirement cannot prevent him or her from taking up a position of this type in order to fulfil his or her obligation to move to a different position or in order to take up a position for which the appointees are chosen by the government.

Article R*135-2

Members of the Council of State are delegated or seconded on a long term basis to public services by order of the Prime Minister, adopted on the proposal of the Keeper of the Seals, the Minister of Justice, after the Vice-President of the Council of State has expressed his or her opinion.

Article R*135-3

Delegations may not last more than four years.

Long-term secondments may not last more than five years. This period is reduced by the length of any delegation already completed by the person concerned.

The secondment may be extended by periods of five years on the proposal of the Vice-President of the Council of State.

Article R*135-4

Members of the Council of State who are elected to Parliament are placed on secondment for the whole of their term of office.

Article R*135-5

No more than one fifth of the members of the Council holding permanent positions in any one grade may be delegated to positions in public services.

State Councillors, Masters of Petitions and Auditors delegated to public services do not lose their rank within the Council and are not replaced.

Members of the Council of State who are delegated to positions in public services receive, in this position, the salary for the position to which they have been appointed. However, they continue to receive the remuneration relating to their grade and salary step within the Council of State, if the remuneration for the position to which they have been appointed is lower. In such case, they are subject to the statutory deductions on the remuneration they receive for their service at the Council of State. The deductions are made under the same conditions if the position that was the reason for the delegation is remunerated from the budget of a public authority other than the State.

Article R*135-6

Members of the Council who are placed on long-term secondment are replaced at the Council. During their secondment, their career advancement is governed by article 45 of Law no. 84-16 of 11 January 1984, and is not subject to the same procedures as that of judges who remain within the normal employment framework.

They are reinstated, on request, to their position and rank within the Council, as soon as a position becomes vacant. The provisions that regulate appointments to vacant positions may not be relied upon to oppose their reinstatement.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

They will be dismissed if they have not requested their reinstatement either within three months following the cessation of the duties on whose account they were placed on long-term secondment, or no later than the expiry of the period for which they were appointed to that position.

Article R*135-7

Members of the Council of State may be placed outside the normal employment framework under the conditions stipulated in article 49 of Law no. 84-16 of 11 January 1984, following the formalities stipulated in article R.* 135-2.

Article R*135-8

Members of the Council of State may take special unpaid leave under the conditions laid down in article 51 of Law no. 84-16 of 11 January 1984, and in accordance with the formalities laid down in article R* 135-2.

No remuneration is paid during the period of special unpaid leave. Time spent on special unpaid leave does not count towards the person's retirement pension, nor for his or her career advancement, nor for the calculation of the number of years' service in the grade of Master of Petitions or Auditor, referred to in articles R.* 134-3, R.* 134-5 and R.* 134-7.

Members of the Council of State who take special unpaid leave are replaced at the Council.

On the expiry of the special unpaid leave, the persons concerned are recalled to their duties under the conditions laid down in articles R.* 135-9, R.* 135-10 and R.* 135-11, with no need to take account of the provisions regulating appointments to vacant positions. Otherwise they will cease definitively to perform their duties.

Article R*135-9

Members of the Council of State who leave the Council temporarily in order to take up an office or perform any duties whatsoever in private institutions, even those subject to state control, or which have the benefit of a state concession, when the said office or duties have not been conferred or confirmed by an act of the government, are particularly able to take special unpaid leave for personal reasons.

Any member of the Council who is able to take special unpaid leave for personal reasons is required to inform the Prime Minister within one month, through the Keeper of the Seals, the Minister of Justice to whom the matter will have been referred by the Vice-President of the Council of State, of any changes that have made in the duties by reason of which these rules have been applied to him or her. Any acceptance of new powers, any change of assignment, or the removal of a position is considered to be change of this type.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

If the Prime Minister considers that the activity of the Council member who has taken special unpaid leave is inappropriate or not in the public interest, he or she may, on the proposal of the Keeper of Seals, the Minister of Justice, have the person concerned dismissed, after he or she has taken the advice of the consultative committee.

If they wish to be reinstated, Council members who take special unpaid leave for personal reasons must request their reinstatement before the expiry of the current three-year period. The person concerned is reinstated as of right in one of the first three positions that become available within that person's grade, as from the date of his or her request.

However, the Prime Minister may refuse the request for reinstatement on the grounds that it is not appropriate in view of the Council member's activity during the period when he or she was on special unpaid leave, on the basis of a proposal by the Keeper of the Seals, the Minister of Justice, and the assent of the consultative committee.

The persons concerned are dismissed if they have not requested their reinstatement, within the abovementioned three-year period.

Article R*135-10

Members of the Council of State are allowed to take special unpaid leave for health reasons, either at their request or automatically, after the expiry of the period of paid leave, or period on half-salary, under the conditions stipulated in Decree no. 86-442 of 14 March 1986, after the opinion of the consultative committee has been sought.

After the expiry of the three-year period provided for in article R.* 135-8, members of the Council of State who have been allowed to take special unpaid leave for health reasons must ask either to have the period of unpaid leave renewed for the same reason, for a period not exceeding three years, or to be reinstated, providing evidence to show that they are able to resume their duties. If they fail to make such request and to provide the evidence required, they are dismissed.

They are reinstated in accordance with the conditions laid down in article R.* 135-6 for members of the Council of State placed on long-term secondment.

Article R*135-11

If the Vice-President of the Council of State has to consider several requests for reinstatement, requests made by members of the Council of State who were placed on long-term secondment and by those allowed to take unpaid leave for health reasons are satisfied first of all. They compete with each other on the basis of the date of their request, commencing by the oldest.
If the requests were submitted on the same date, preference is given to the request made by the older or oldest member of the Council.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Members of the Council who have been allowed to take unpaid leave for personal reasons are also reinstated in the light of the chronological order of requests made and, where appropriate, the age of the persons concerned.

Chapter VI: Discipline

Chapter VII: The participation of members of the Council of State in administrative activities or activities in the general interest

Article R137-1

Members of the Council of State may take part in the work of administrative or judicial committees or councils set up within public services, public institutions or undertakings and assume responsibility for all assignments for such public services, public institutions and undertakings and for international organisations of which France is a member, on condition that such activities are compatible with their duties within the Council of State and that they have the prior consent of the Vice-President.

Such consent may not be given to Masters of Petitions and Auditors with respectively less than three or four years' effective service in the body, when the external activities would mean that the persons concerned would be able to devote less time to the Council.

The second paragraph of this article applies particularly to duties in ministerial cabinets.

Article R137-2

Members of the Council of State who are officially delegated to an external body in order to take up external duties are assigned solely to one administrative division. They take part in the work of that division and in the work of the General Assembly.

Article R137-3

The Prime Minister may ask the Vice-President of the Council of State to appoint a member who will have responsibility, working with ministers, for the preparation of the regulatory measures that are necessary for the implementation of a Law.

Ministers may ask the Vice-President of the Council of State to permit members of the Council of State to assist with the work of their department. They may also ask the Vice-President of the Council of State that such members combine to form a mission. In such case, the mission head is appointed by mutual agreement of the minister and the Vice-President of the Council of State.

The head of the administrative division to which the ministry concerned relates ensures that the mission provides the necessary link between the division and the ministry. He or she may require the head or members of the mission to prepare reports on documents presented to the division by the ministry or assist the reporter with his or her duties.

The members of the Council of State or missions provided for in this article may be required to give their opinions on legal questions of interest to the minister or the bodies that depend upon the minister and on draft documents prepared by his or her departments, particularly any that must be submitted to the Council of State for examination, to assist him or her in the presentation of bills to Parliament and, more generally, to make proposals for solutions to problems submitted to them.

Article R137-4

The President of each administrative division, under the authority of the Vice-President of the Council of State and with the assistance of the General Secretary of the Council of State, coordinates the external activities of the members of the Council of State assigned to his or her division or called upon to take part in the work of the public services that come within the remit of this division.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Regulatory Part – Council of State decrees

Book II: Administrative tribunals and administrative courts of appeal

Title I: Powers

Chapter I: Powers in contentious matters

Chapter II: Administrative powers

Article R212-1

The administrative tribunals and administrative courts of appeal may be called upon to give their opinion on questions submitted to them by prefects.

Questions that fall within the remit of the prefects of regions of metropolitan France are submitted by the prefect to the administrative court of appeal; other questions are submitted to the administrative tribunal.

Article R212-2

The Vice-President of the Council of State may, at the request of a minister and with the agreement of the head of the court and the interested party, appoint a judge from an administrative tribunal or administrative court of appeal to assist a government department.

Article R212-3

The president of the administrative tribunal or administrative court of appeal may, at the request of a prefect within the judicial district and with the agreement of the interested party, appoint a member of the court to assist a government department.

He or she may also refer such request to the Vice-President the Council of State.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R212-4

The powers of the prefects mentioned in articles R. 212-1 and R. 212-3 are exercised in French Polynesia and New Caledonia by the High Commissioners, in Mayotte, Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon by the representative of the state, and in Wallis and Futuna and the French Southern and Antarctic Lands, by the senior administrator.

Title II: Organisation and operation

Chapter I: Organisation of the administrative tribunals and administrative courts of appeal

Section I: Common provisions

Article R221-1

The administrative tribunals and administrative courts of appeal are known by the name of the town or city in which they sit. However, the administrative tribunal that sits in Mamoudzou is known as: the "administrative tribunal of Mayotte", the tribunal that sits in Saint-Pierre is known as: the "administrative tribunal of Saint-Pierre and Miquelon", the tribunal that sits in Papeete is known as the "administrative tribunal of French Polynesia" and the tribunal that sits in Nouméa is known as the "administrative tribunal of New Caledonia". The administrative tribunals of Saint-Barthélemy and Saint-Martin are known by these names.

Article R221-2

The administrative tribunals and administrative courts of appeal operate under the supervision of the permanent inspectorate of the administrative courts provided for in article L. 112-5.

Section II: Organisation of the administrative tribunals

Article R221-3

The seats and judicial districts of the administrative tribunals are as follows:
Amiens: Aisne, Oise, Somme;
Bastia: Corse-du-Sud, Haute-Corse;
Besançon: Doubs, Jura, Haute-Saône, Territoire de Belfort;

Bordeaux: Dordogne, Gironde, Lot-et-Garonne;
Caen: Calvados, Manche, Orne;
Cergy-Pontoise: Hauts-de-Seine, Val-d'Oise;
Châlons-en-Champagne: Ardennes, Aube, Marne, Haute-Marne;
Clermont-Ferrand: Allier, Cantal, Haute-Loire, Puy-de-Dôme;
Dijon: Côte-d'Or, Nièvre, Saône-et-Loire, Yonne;
Grenoble: Drôme, Isère, Savoie, Haute-Savoie;
Lille: Nord - Pas-de-Calais;
Limoges: Corrèze, Creuse, Indre, Haute-Vienne;
Lyon: Ain, Ardèche, Loire, Rhône;
Marseille: Alpes-de-Haute-Provence, Hautes-Alpes, Bouches-du-Rhône;
Melun: Seine-et-Marne, Val-de-Marne;
Montpellier: Aude, Hérault, Pyrénées-Orientales;
Montreuil: Seine-Saint-Denis;
Nancy: Meurthe-et-Moselle, Meuse, Vosges;
Nantes: Loire-Atlantique, Maine-et-Loire, Mayenne, Sarthe, Vendée;
Nice: Alpes-Maritimes;
Nîmes: Gard, Lozère, Vaucluse;
Orléans: Cher, Eure-et-Loir, Indre-et-Loire, Loir-et-Cher, Loiret;
Paris: City of Paris;
Pau: Gers, Landes, Pyrénées-Atlantiques, Hautes-Pyrénées;
Poitiers: Charente, Charente-Maritime, Deux-Sèvres, Vienne;
Rennes: Côtes-d'Armor, Finistère, Ille-et-Vilaine, Morbihan;
Rouen: Eure, Seine-Maritime;
Strasbourg: Moselle, Bas-Rhin, Haut-Rhin;
Toulon: Var;
Toulouse: Ariège, Aveyron, Haute-Garonne, Lot, Tarn, Tarn-et-Garonne;
Versailles: Essonne, Yvelines;
Basse-Terre: Guadeloupe;
Cayenne: French Guiana;
Fort-de-France: Martinique;
Mamoudzou: Mayotte;
Mata-Utu: Wallis and Futuna Islands;
Nouméa: New Caledonia;
Papeete: French Polynesia, Clipperton;
Saint-Denis: Réunion, French Southern and Antarctic Lands;
Saint-Barthélemy: Saint-Barthélemy;
Saint-Martin: Saint-Martin;
Saint-Pierre: Saint-Pierre and Miquelon.

However, the judicial district of the administrative tribunal of Melun includes the whole of the area covered by the Paris-Orly airport and the judicial district of the administrative tribunal of Montreuil covers the whole of the area covered by Paris-Charles de Gaulle airport.

The seat of the administrative tribunals of Saint-Barthélemy and Saint-Martin is in Basse-Terre.

Article R221-4

The number of chambers in each administrative tribunal is determined by order of the Vice-President of the Council of State.

Article R221-5

Administrative tribunals with at least nine chambers are presided by a president in the 7th salary step of his or her grade. Administrative tribunals with five to eight chambers are presided by a president classified in the 6th salary step of his or her grade. Administrative tribunals with fewer than five chambers are presided by a president in the 5th salary step of his or her grade.

Article R221-6

The Paris administrative tribunal is made up of chambers grouped into divisions whose respective numbers are determined by order of the Vice-President of the Council of State. It is presided by a president classified in the 7th salary step of his or her grade.

Section III: Organisation of the administrative courts of appeal

Article R221-7

The seats and judicial districts of the administrative courts of appeal are as follows:

Bordeaux: judicial district of the administrative tribunals of Bordeaux, Limoges, Pau, Poitiers, Toulouse, Basse-Terre, Cayenne, Fort-de-France, Saint-Denis, Mayotte, Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon;

Douai: judicial district of the administrative tribunals of Amiens, Lille and Rouen;

Lyon: judicial district of the administrative tribunals of Clermont-Ferrand, Dijon, Grenoble and Lyon;

Marseille: judicial district of the administrative tribunals of Bastia, Marseille, Montpellier, Nice, Nîmes and Toulon;

Nancy: judicial district of the administrative tribunals of Besançon, Châlons-en-Champagne, Nancy and Strasbourg;

Nantes: judicial district of the administrative tribunals of Caen, Nantes, Orléans and Rennes;

Paris: judicial district of the administrative tribunals of Melun, Paris, Mata-Utu, New Caledonia and French Polynesia;

Versailles: judicial district of the administrative tribunals of Cergy-Pontoise, Montreuil and Versailles.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R221-8

The number of chambers in each administrative court of appeal is determined by order of the Vice-President of the Council of State.

Chapter II: Operation of the administrative tribunals and administrative courts of appeal

Section I: Common provisions

Article R222-1

The presidents of the administrative tribunal and the administrative court of appeal, the vice-president of the administrative tribunal of Paris and the presidents of the court formation of the tribunals and courts may, by ordinance:

1. Take formal note of withdrawals;

2. Dismiss applications that are clearly not within the jurisdiction of the administrative court;

3. Find that there are no grounds to rule on an application;

4. Dismiss applications that are clearly inadmissible, when the court is not bound to invite the author to correct them or if they have not been corrected on the expiry of the time limit set in a request to this end;

5. Rule on applications that do not require the court to determine questions other than the adverse order envisaged in article L. 761-1 or the allocation of costs;

6. Rule on applications that form part of a series, which, without requiring a fresh assessment or definition of the facts, present for judgment in law, for the court hearing the matter, issues identical to issues it has already decided together in a single decision, that has the authority of a final court decision, or to issues decided together in a single decision by the Council of State, ruling in contentious proceedings, or considered together in a single opinion rendered by the Council of State pursuant to article L. 113-1;

7. Dismiss, after the expiry of the appeal period or, when notice has been given of an additional statement, after that statement has been submitted: applications that only present arguments based on lack of jurisdiction, or formal and procedural defects that are clearly unfounded; inadmissible arguments; ineffective arguments; or arguments that are only accompanied by facts that are clearly

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

unable to support them or that are clearly not accompanied by details by which to assess the merits.

The presidents of the administrative courts of appeal and presidents of the court formations of the courts may also, by ordinance, dismiss submissions seeking to have the enforcement of a court decision which is subject to appeal suspended and appeals against ordinances made in accordance with points 1 to 6 of this article. They may also cancel any ordinance made in accordance with points 1 to 5 of this article, on condition that they settle the merits of the case by applying one of these provisions.

Article R222-2

The tribunal and the court exercise the administrative powers stipulated in article R. 212-1 in a collegial formation comprising the president of the court or the judge appointed by this person for that purpose and at least two members, appointed by the president of the court.

Article R222-3

The president ensures that the court that he or she presides operates correctly by taking all necessary steps to that end. He or she manages the departments within the court and maintains internal discipline.

Article R222-4

The General Assembly of the administrative tribunal or administrative court of appeal, consisting of all the judges, meets at least once a year. It is convened and presided by the president of the tribunal or court. It examines subjects of common interest. Its role is consultative.

The president of the tribunal or court convenes a plenary meeting of the registry officials of the court or tribunal at least once a year. He or she informs the meeting of subjects of a general nature of interest to the court registry, and gathers its observations.

Article R222-5

Each year, the president prepares, if appropriate, a list of the experts who may be consulted by the court that he or she presides.

Article R222-6

The president communicates directly with the presidents of other courts and with all administrative authorities regarding questions concerning the organisation and operation of the court that he or she presides.

Article R222-7

When the order in which the members of the administrative tribunals and administrative courts of appeal appear on the table is determined, within each grade, the only thing taken into consideration is the date of appointment to this grade. If two or more people were appointed on the same date, precedence is given to whoever is the older or oldest. In the administrative courts of appeal, the senior vice-president takes precedence over the presidents of the chambers and the presidents of the chambers take precedence over the non-presiding judges. In the Paris administrative tribunal, the vice-president and division presidents take precedence over the presidents of the chambers. In the administrative tribunals that operate with a senior vice-president, this person takes precedence over the presidents of the chambers.

However, the members of the administrative tribunals and administrative courts of appeal appointed to their grade after the regrading that occurred on 1 January 1998 are listed on the table depending on the grade that they held previously and on the date of their appointment.

Article R222-8

The president of the court decides how members are allocated among the chambers, the composition of each chamber, and the allocation of cases among the chambers.

Article R222-9

The president informs the Superior Council of Administrative Tribunals and Administrative Courts of Appeal of his or her opinion regarding the career progression of the members of the court that he or she presides.

He or she makes his or her proposals regarding the appointment and career progression of the staff of the registries that operate within his or her jurisdiction.

Article R222-10

Each year, before 1 February, the president sends the Vice-President of the Council of State, president of the Superior Council of Administrative Tribunals and Administrative Courts of Appeal, a report relating to the operation of the departments within the court that he or she presides over the course of the previous year, with statistics on the cases judged and statistics on cases pending.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

The president attaches to this report all useful observations on questions of general interest that relate to the work of the court that he or she presides.

Article R222-11

The Vice-President of the Council of State processes the expenses of the administrative tribunals and administrative courts of appeal for payment. He or she signs public procurement and other contracts entered into for the administrative courts, subject to the powers devolved upon court presidents.

The General Secretary and Deputy General Secretaries of the Council of State may be delegated by the Vice President to sign all instruments and orders relating to the administrative and budgetary management of the administrative tribunals and administrative courts of appeal. Heads of department within the Council of State, the General Secretary's officials who belong to a category A body, and members of the contract staff with duties of an equivalent level, may also be delegated for the same purpose.

Other Council of State employees may also be delegated to sign all documents relating to expenses and collection orders, under the responsibility of the persons mentioned in two first paragraphs.

Article R222-12

Presidents, heads of the administrative tribunals and administrative courts of appeal, are appointed as secondary commitments officers with the power to authorise the operating expenses of the court that they preside. In case they are absent or unable to act, they may delegate a member of their court or category A registry official to sign on their behalf, under their responsibility.

Section II: Operation of administrative tribunals

Article R222-13

The president of the administrative tribunal or the judge that he or she appoints for this purpose, who has the grade of senior judge at least, or with at least two years' experience, rules in open court, after hearing the report of the consultant judge, subject to the application of article R. 732-1-1:

1. On disputes relating to the preliminary declarations provided for in article L. 421-4 of the Town Planning Code;

2. On disputes relating to the individual situation of public servants or State employees and other public persons or authorities, and employees of the Bank of France, with or without permanent status, except for those relating to persons entering or leaving public service and discipline.

3. On disputes relating to pensions, personalised housing aid (*aide personnalisée au logement*)[1], the transmission of administrative documents, and national military service;

4. On disputes relating to the audiovisual licence fee;

5. On appeals relating to taxes to fund works to enhance or protect the local environment (*taxes syndicales*) and local taxes other than the local business tax;

6. On applications holding the State liable for refusing to provide the assistance of the police force in order to enforce a decision of a court of law;

7. On actions seeking compensation, when the amount of compensation sought is less than the amount determined by articles R. 222-14 and R. 222-15;

8. On applications challenging decisions in tax matters, regarding requests for forgiveness of tax or for an extension of the payment deadline;

9. On disputes relating to buildings at risk of collapse;

10. On disputes relating to driving licences.

Article R222-14

The provisions of point 7. in the foregoing article apply to applications relating to sums of no more than €10,000.

Article R222-15

This amount is determined by the total value of the sums requested in the application initiating proceedings. Requests for interest and requests presented in accordance with article L. 761-1 have no impact on the determination of the said amount.

The judge is only competent to rule in accordance with point 7. of article R. 222-13 if no ancillary or additional application or counter claim exceeds the maximum sum for which the court concerned is competent.

When compensation is sought, in the same application, by several applicants or against several respondents, the judge's competence is determined by the highest amount sought.

Article R222-16

With respect to the cases referred to in article R. 222-13, the powers devolved by the regulatory provisions of this code on the court formation or its president are exercised by the judge who is competent by virtue of this article.

[1] State assistance intended to reduce the amount of a person's rent or mortgage payment. Translator.

Article R222-17

The chambers mentioned in articles R. 221-4 and R. 221-6 are presided either by the president, or by a vice-president of the tribunal, and, at the Paris administrative tribunal, by the president or the vice-president of the tribunal, the president or vice-president of the division.

If the president of the chamber is absent or unable to act, the chamber may be presided by a judge, who has the grade of senior judge at least, who is appointed for that purpose by the president of the tribunal.

Article R222-18

Except when they fall within the competence of a judge ruling alone, judgments of administrative tribunals are rendered by a formation with three members.

Article R222-19

The court formation or the president of the tribunal may, at any time during the proceedings, decide to enter a case on the list of the tribunal ruling in one of the formations provided for in articles R. 222-19-1 and R. 222-20, and, with respect to the Paris administrative tribunal, article R. 222-21.

In the cases mentioned in article R. 222-13, the president of the tribunal or the judge who has been appointed to rule, may, on his or her own initiative or on the proposal of the consultant judge, decide to include the case on the list of a collegial formation of the chamber or of one of the court formations mentioned in the previous paragraph.

Article R222-19-1

In tribunals with more than two chambers, other than the Paris administrative tribunal, judgments may be rendered by a formation of chambers combined, presided by the president of the tribunal or, in administrative tribunals that have a senior vice-president, by the senior vice-president, this person having been delegated by the president of the tribunal. Such formations comprise, in addition, the president of the chamber to which the reporting judge is assigned, and, depending on the case, the president of another chamber and a non-presiding judge assigned to that chamber or the presidents of two other chambers and two non-presiding judges assigned to these chambers, and the reporting judge. The non-presiding judges are taken in the order given on the table.

The combination of chambers that make up the court formation is determined each year by the president of the tribunal.

When the chambers have been combined in such a way that it is impossible to ensure that the

formation has an uneven number of judges, it is completed by another judge from one of the chambers concerned, chosen following the order shown on the table.

Article R222-20

Each administrative tribunal may, exceptionally, meet in plenary formation. When there is an even number of members present at a sitting, the judge who is last in the order on the table does not sit.

In tribunals with more than two chambers, other than the Paris administrative tribunal, judgments may be rendered by an enlarged formation, presided by the president of the tribunal, and comprising, in addition, the president of the chamber to which the reporting judge is assigned, the other vice-presidents of the tribunal chosen, where appropriate, in the order given on the table, up to a maximum of three, a non-presiding judge from the chamber to which the reporting judge is assigned, chosen in the order given on the table, and the reporting judge.

When the chambers have been combined in such a way that it is impossible to ensure that the enlarged formation has an uneven number of judges, it is completed by another judge chosen following the order shown on the table.

Article R222-21

In the Paris administrative tribunal, judgments may be rendered by enlarged formations as follows:

1. The plenary formation, presided by the president of the tribunal and comprising, in addition, the vice-president of the tribunal, the division presidents and the reporting judge;

2. A formation consisting of divisions combined, presided by the president of the tribunal and comprising, in addition, the president of the division to which the reporting judge is assigned, the president of another division, the vice-president of the division presiding the chamber to which the reporting judge is assigned, two vice-presidents of the other division, taken, where appropriate, in the order shown on the table, and the reporting judge;

3. A formation consisting of a division, presided by the president of the division and comprising, in addition, the division vice-presidents including the vice-president who presides the chamber to which the reporting judge is assigned, the others being, where appropriate, taken in the order shown on the table, up to a maximum of two, and the reporting judge.

The combination of divisions that make up the court formation is determined each year by the president of the tribunal.

Without prejudice to the application of article R. 222-22, when the formations have been created in such a way that it is impossible to ensure that the formation has an uneven number of judges, it is completed by another judge chosen following the order shown on the table. This judge belongs to the division or one of the two divisions concerned, for the division formation or the formation of divisions combined.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R222-21-1

The president of the Paris administrative tribunal may delegate to the vice-president of this tribunal the powers that he or she holds by virtue of the provisions included in titles IV and V of book III, title II of book VI, section 4 of title IV, title VI of book VII and in title II of book IX of this code.

In administrative tribunals that have at least eight chambers, the president of the tribunal may delegate his or her powers to the senior vice-president.

Article R222-22

If they are absent or unable to act, the presidents of the administrative tribunals, other than the Paris administrative tribunal, are replaced by the senior vice-president or the vice-president who has served longest in the order given on the table or, if there is no vice-president, by the judge who has served longest in the order given on the table.

If the president of the Paris administrative tribunal is absent or unable to act, he or she is replaced by the vice-president of the tribunal or, failing that, by the division president who has served longest in the order given on the table, and each division president by the vice-president of the division or, failing that, by the judge in that division who has served longest in the order given on the table.

Article R222-23

In each administrative tribunal, depending upon its needs, one or more senior judges or judges are tasked, by order of the Vice-President of the Council of State, acting on a proposal by the president of the court and after the Superior Council of Administrative Tribunals and Administrative Courts of Appeal has given its assent, with the duties of consultant judge.

When the operation of the administrative tribunal so requires, a senior judge or judge who acts as consultant judge may act as reporting judge in cases in which he or she is not or has not been called upon to submit his or her findings.

Article R222-24

Whenever a consultant judge is absent or unable to act, he or she is automatically replaced by another consultant judge.

Failing this, and if the operation of the tribunal or court so requires, his or her duties are temporarily performed by a judge or senior judge appointed by the president of the tribunal or court.

Section III: Operation of the administrative courts of appeal

Article R222-25

Cases are judged either by a chamber sitting in court formation, or by a formation of chambers combined, or by the administrative court of appeal sitting in plenary formation, which deliberates with an uneven number of judges.

Article R222-26

The chamber sits in court formation presided by its president or, if the president is absent or unable to act, by a judge who has the grade of president at least, who has been appointed for that purpose by the president of the court. It comprises, in addition to the president:

1. A judge assigned to the chamber, appointed in accordance with the order shown on the table from among the judges present;

2. The reporting judge.

Article R222-27

When the nature or difficulty of the case so justifies and without prejudice to the provisions of article R. 222-29, the president of the chamber may propose to the president of the court that the chamber sitting in court formation should include, apart from the judges mentioned in the foregoing article:

1. Another judge assigned to the chamber, appointed in accordance with the order shown on the table from among the judges present;

2. A judge assigned to another chamber, appointed in accordance with the order shown on the table from among the judges present, other than the chamber presidents.

Article R222-28

The president of the administrative court of appeal may preside a chamber sitting in court formation. The president of the chamber then sits by virtue of article R. 222-26, point 1.

Article R222-29

The court formation or the president of the court may, at any time during the proceedings, decide to add a case either to the list of a formation consisting of a number of chambers combined, or to the list of the court ruling in plenary formation.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R222-29-1

When a formation consists of a number of chambers combined, it is presided by the president of the court or by the senior vice-president of the court, delegated by the president. In addition to its own president, it comprises the president and an assistant president of the chamber to which the reporting judge is assigned and, as the case may be, the president of another chamber and an assistant president assigned to that chamber or the presidents of two other chambers and the assistant presidents of these chambers, and a judge appointed, following the order shown on the table, from the judges assigned to the second, and where appropriate, to the third chamber, and the reporting judge.

The combination of chambers that make up the court formation is determined each year by the president of the court.

When the chambers have been combined in such a way that it is impossible to ensure that the formation has an uneven number of judges, it is completed by another judge from one of the chambers concerned, following the order shown on the table.

Article R222-30

The administrative court of appeal in plenary formation is presided by the president of the court.

It also comprises:

1. The senior vice president, the chamber presidents of the court, replaced if they are absent or unable to act by a judge from the same chamber who has the grade of president at least, appointed following the order shown on the chart;

2. The reporting judge;

3. If necessary, a judge with a casting vote with the grade of president, appointed following the order shown on the table;

Article R222-31

If they are absent or unable to act, the presidents of the administrative appeals courts are replaced by the senior vice-president or, failing that, by the longest serving chamber president in the order shown on the table.

They may delegate to the senior vice-president the powers that they hold by virtue of the provisions included in title I of book II, titles IV and V of book III, title II of book VI, section 4 of title IV, title VI of book VII and title II of book IX of this code.

Article R222-32

The provisions of articles R. 222-23 and R. 222-24 apply to the administrative courts of appeal.

Chapter III: Provisions specific to administrative tribunals in the French overseas departments and regions of Mayotte, Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon

Article R223-1

The same president, classified in the 5th salary step of his or her grade, presides the administrative tribunals of Fort-de-France and Saint-Pierre and Miquelon. These tribunals may have members in common.

The same president, classified in the 5th salary step of his or her grade, presides the administrative tribunals of Basse-Terre, Saint-Barthélemy and Saint-Martin. He or she is assisted by several judges with the grade of president. These tribunals may have members in common.

The same president, classified in the 5th salary step of his or her grade, presides the administrative tribunals of Mayotte and Saint-Denis. He or she is assisted by several judges with the grade of president. These tribunals may have members in common.

Article R223-2

The duties of consultant judge at the administrative tribunals of Fort-de-France and Saint-Pierre and Miquelon are performed by the same judge or judges. This also applies to the duties of consultant judge at, on the one hand, the administrative tribunals of Basse-Terre, Saint-Barthélemy and Saint-Martin and, on the other hand, the administrative tribunals of Mayotte and Saint-Denis.

Article R223-3

Judges from the ordinary courts who are called upon to serve on the administrative tribunals in the overseas departments and regions of Mayotte, Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon are chosen from the judges in office in the judicial district.

Article R223-4

The judge mentioned in article R. 223-3 is appointed each year, in the first two weeks of December, by the senior president of the court of appeal, or, if necessary, the president of the higher appeal court. A deputy member is appointed under the same conditions.

Section I: Requests for opinions on applications for judicial review on the grounds that an authority has exceeded its powers or on applications for an assessment to determine whether an administrative act was legal or not received from the administrative tribunals of Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon

Article R223-5

Judgments of the administrative tribunals of Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon referring cases to the Council of State in accordance with articles LO 6242-5, LO 6342-5 or LO 6452-5 of the Territorial Authorities Code are sent by the registrar of these courts to the Secretary of the Litigation Division of the Council of State. The judgment is then notified to the parties, the State representative in these collectivities and the Minister for Overseas France who are thereby informed that the matter has been referred to the Council of State, in accordance with the formalities laid down in articles R. 751-2 to R. 751-8.

Article R223-6

Subject to the following provisions, the case is examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters. The parties and the Minister for Overseas France may present observations before the Council of State, within one month of being notified of the judgment referring the matter. This time limit may be reduced by decision of the President of the Litigation Division.

Article R223-7

The opinions of the Council of State rendered in accordance with the provisions of the two foregoing articles must be identified as follows:

"The Council of State";

or

"The Council of State (Litigation Division)";

or

"The Council of State (Litigation Division, subdivisions no. and no. combined)";

or

"The Council of State (Litigation Division, subdivision no.)".

Article R223-8

The opinion of the Council of State is notified to the President of the Territorial Council of the collectivity concerned in accordance with articles LO 6242-6, LO 6342-6 or LO 6452-6 of the Territorial Authorities Code, and to the parties, the representative of the State and the Minister for Overseas France. It is sent to the administrative tribunal of the collectivity, when the case file is returned to it. The opinion will mention that it will be published in the Official Journal of the French Republic. The State representative will ensure that it is published in the collectivity's Official Journal.

Section II: Judicial review specific to decisions of the territorial councils of Saint-Barthélemy and Saint-Martin in the field of the law

Article R223-9

The decision of the Council of State, ruling in accordance with articles LO 6243-1 or LO 6343-1 of the Territorial Authorities Code, is notified to the parties, the President of the Territorial Council, the State representative and the Minister for Overseas France.

Article R223-10

Requests presented by the court to which the matter was referred, in accordance with articles LO 6243-5 or LO 6343-5 of the Territorial Authorities Code, are examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters.

The Council of State's decision is sent to the court that referred the matter to the Council of State. A copy is sent to the State representative and to the Minister for Overseas France. The decision may mention that it will be published in the Official Journal of the French Republic. The State representative will ensure that it is published in the collectivity's Official Journal.

Chapter IV: Provisions specific to New Caledonia

Article R224-1

The judge from the ordinary courts who is called upon to form part of the administrative tribunal of New Caledonia is chosen from the judges in office in the judicial district.

Article R224-2

In order to perform as a consultative body, the administrative tribunal of New Caledonia may add to its number, on the initiative of its president, when the examination of a specific case makes such an appointment or appointments necessary, a judge appointed by the senior president of the court of appeal of Nouméa and a judge from the territorial court of audit (*chambre territoriale des comptes*) of New Caledonia appointed by the president of this court, or one of these judges only. If there is an equality of votes, the president has a casting vote.

Section I: Requests for opinions on applications for judicial review on the grounds that an authority has exceeded its powers or on applications for an assessment to determine whether an administrative act was legal or not received from the administrative tribunal of New Caledonia

Article R224-3

Judgments of the administrative tribunal of New Caledonia referring cases to the Council of State in accordance with article L. 224-3 are sent by the registrar of that court to the Secretary of the Litigation Division of the Council of State. The judgment is then notified to the parties, the government of New Caledonia, the High Commissioner of the Republic in New Caledonia and the Minister for Overseas France who are thereby informed that the matter has been referred to the Council of State, in accordance with the formalities laid down articles R. 751-2 to R. 751-8 of this code.

Article R224-4

Subject to the following provisions, the case is examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters. The parties, the government of New Caledonia and the Minister for Overseas France may present observations before the Council of State, within one month of being notified of the judgment referring the matter. This time limit may be reduced by decision of the President of the Litigation Division.

Article R224-5

Opinions of the Council of State rendered in accordance with article L. 224-3 must be identified as follows:

"The Council of State";

or

"The Council of State (Litigation Division)";

or

"The Council of State (Litigation Division, subdivisions no. and no. combined)";

or

"The Council of State (Litigation Division, subdivision no.)".

Article R224-6

The opinion of the Council of State is notified to the parties, the government of New Caledonia, the High Commissioner of the Republic in New Caledonia and the Minister for Overseas France. It is sent to the administrative tribunal of New Caledonia, when the case file is returned to it. The opinion may mention that it will be published in the Official Journal of the French Republic. The High Commissioner will ensure that it is published in the Official Journal of New Caledonia

Section II: Referrals seeking the opinion of the Council of State from the administrative tribunal of New Caledonia

Article R224-7

When the administrative tribunal of New Caledonia requests an opinion from the Council of State, in accordance with article LO 224-4, its request is sent by the registrar of that court to the General Secretary of the Council of State.

Article R224-8

The request for an opinion is examined in accordance with the provisions governing proceedings before the administrative divisions of the Council of State.

Article R224-9

The opinion of the Council of State is notified to the person who made the request, the government of New Caledonia, the High Commissioner of the Republic in New Caledonia and the Minister for Overseas France. It is sent to the administrative tribunal of New Caledonia.

Section III: The legal nature of a legal provision that is specific to New Caledonia

Article R224-10

Any judgment, decision or order referring a question that relates to the legal nature of a legal provision that is specific to the locality to the Council of State, in accordance with article L. 224-5, is sent by the secretary or the registrar of the court concerned to the Secretary of the Litigation Division of the Council of State, with the procedural documents, within one week of the judgment, decision or order being issued. The judgment, decision or order is then notified to the parties, the President of the Congress, the government of New Caledonia and the Minister for Overseas France who are thereby informed that it has been referred to the Council of State.

Article R224-11

Subject to the following provisions, the question is examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters. The parties, the President of the Congress, the government of New Caledonia and the Minister for Overseas France may present observations before the Council of State, within one month of being notified of the judgment, decision or order referring the matter. This time limit may be reduced by decision of the President of the Litigation Division.

Article R224-12

The Council of State's decision is notified to the parties, the President of the Congress, the government of New Caledonia, the High Commissioner of the Republic in New Caledonia and the Minister for Overseas France. It is sent to the court that referred the matter to the Council of State, when the documents that the court sent to the Council are returned to it. The decision may mention that it will be published in the Official Journal of the French Republic. The High Commissioner will ensure that it is published in the Official Journal of New Caledonia.

Chapter V: Provisions specific to French Polynesia

Article R225-1

The judge of the ordinary courts who is called upon to form part of the administrative tribunal of French Polynesia is chosen from the judges in office in the judicial district.

Section I: Requests for opinions on applications for judicial review on the grounds that an authority has exceeded its powers or on applications for an assessment to determine whether an administrative act was legal or not received from the administrative tribunal of French Polynesia

Article R225-2

Any judgment of the administrative tribunal of French Polynesia ordering that a case be referred to the Council of State, in accordance with article L. 225-2, is sent by the registrar of that court to the Secretary of the Litigation Division of the Council of State, with the case file. The judgment is then notified to the parties, the High Commissioner of the Republic in French Polynesia and the Minister for Overseas France who are thereby informed that the matter has been referred to the Council of State, in accordance with the formalities laid down in articles R. 751-2 to R. 751-8.

Article R225-3

Subject to the following provisions, the case is examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters. The parties and the Minister for Overseas France present observations before the Council of State, within one month of being notified of the judgment referring the matter. This time limit may be reduced by decision of the President of the Litigation Division.

Article R225-4

Opinions of the Council of State rendered in accordance with article L. 225-2 must be identified as follows:

"The Council of State";

or

"The Council of State (Litigation Division)";

or

"The Council of State (Litigation Division, subdivisions no. and no. combined)";

or

"The Council of State (Litigation Division, subdivision no.)".

Article R225-5

The opinion of the Council of State is notified to the parties, the High Commissioner of the Republic and the Minister for Overseas France. It is sent to the administrative tribunal of French Polynesia, when the case file is returned to it. The opinion may mention that it will be published in the Official Journal of the French Republic. The High Commissioner will ensure that it is published in the Official Journal of French Polynesia.

Section II: Referrals seeking the opinion of the Council of State from the administrative tribunal of French Polynesia

Article R225-5-1

When an opinion is rendered by the administrative tribunal of French Polynesia in accordance with article L. 225-3, the opinion is notified to the person who requested the opinion, the High Commissioner of the Republic and the Minister for Overseas France.

Article R225-6

When the administrative tribunal of French Polynesia requests an opinion from the Council of State, in accordance with article L. 225-3, its request is sent by the registrar of that court to the General Secretary of the Council of State.

Article R225-7

The request for an opinion is examined in accordance with the provisions governing proceedings before the administrative divisions of the Council of State.

Article R225-8

The opinion of the Council of State is notified to the person who made the request, the High Commissioner of the Republic in French Polynesia and the Minister for Overseas France. It is sent to the administrative tribunal of French Polynesia.

Section III: Judicial review of local laws specific to certain overseas collectivities

Article R225-8-1

Requests presented in accordance with article 180 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia by one of the authorities mentioned in paragraph 2 of this article are examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters.

The decision is notified to the President of French Polynesia, the President of the Assembly of French Polynesia, the Minister for Overseas France and the High Commissioner of the Republic. The decision may mention that it will be published in the Official Journal of the French Republic.

The High Commissioner will ensure that it is published in the Official Journal of French Polynesia.

Section IV: Provisions relating to local referendums or voter consultations

Article R225-8-2

Applications relating to the content of the list of groups of elected representatives, parties or political groups that are authorised to take part in campaigns prior to a local referendum or consultation of the voters of French Polynesia, provided for in articles 159 and 159-1 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia, are adjudicated in accordance with article 2, paragraph 5, of Decree no. 2008-598 of 23 June 2008 relating to local referendums and the consultation of voters in French Polynesia.

Section V: Provisions relating to the application of article 112 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia

Article R225-8-3

Requests made in accordance with parts II or III of article 112 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia by one of the persons mentioned in paragraphs 2 or 4 of part II, or in part III, of this article are examined in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters.

The decision is notified to the interested representative, to the President of the Assembly of French Polynesia, to the High Commissioner of the Republic and, where appropriate, to the person who formulated the request.

Section VI: When a voter or taxpayer brings an action that should be brought by French Polynesia

Article R225-8-4

I.- In the case envisaged in article 186-1 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia, the taxpayer or voter is given a receipt for the detailed statement of case that he or she has filed with the administrative tribunal.

The High Commissioner of the Republic, to whom the matter has been referred by the president of the administrative tribunal, sends this statement immediately to the President of French Polynesia, inviting him or her to submit it to the Council of Ministers.

The administrative tribunal renders its decision within a period of two months as from the date on which the request for authorisation was filed.

Reasons must be given if authorisation is refused.

II.- When the administrative tribunal does not render a decision within a period of two months, or when authorisation is refused, the voter or taxpayer may submit an application to the Council of State.

III.- The application to the Council of State must be brought within three months of the expiry of the time limit allowed the administrative tribunal to rule on the matter, or of the notice informing the applicant that the application has been refused, failing which the right to pursue the application will be lost.

A ruling is made on the application within three months of the date on which it is recorded by the secretariat of the Litigation Division of the Council of State.

IV.- If authorisation is granted, the administrative tribunal or the Council of State may require the applicant to pay the court fees before the authorisation becomes effective. In such case, they determine the amount to be deposited.

Chapter V bis: Provisions specific to the Wallis and Futuna Islands

Article R225-9

The same president, classified in the fifth salary step of his or her grade, presides the administrative tribunals of Mata-Utu and New Caledonia. These tribunals may have members in common.

Article R225-10

The same judge or judges perform the duties of consultant judge at the administrative tribunals of Mata-Utu and New Caledonia.

Article R225-11

The judge of the ordinary courts who is called upon to form part of the tribunal of Mata-Utu is chosen from the judges in office in the judicial district.

Article R225-12

The judge mentioned in article R. 225-11 is appointed each year, in the first two weeks of December, by the senior president of the court of appeal. A deputy member is appointed under the same conditions. This latter person may be chosen from the judges in office in New Caledonia.

Chapter VI: Court registries

Section I: Provisions applicable to the registries of the administrative tribunals and administrative courts of appeal

Subsection 1: Provisions relating to the staff

Article R226-1

The registry of each administrative tribunal is staffed by a chief registrar and, where necessary, one or more registrars and other registry officials.

The registry of each administrative court of appeal is staffed by a chief registrar, registrars and other registry officials.

Under the authority of the head of the court, the chief registrar manages the departments within the registry and ensures the smooth running of court proceedings. He or she assists the head of the court with the management of the registry officials, and the management of the court premises, equipment and moneys.

Under the authority of the head of the court, the division president or chamber president, the registrar is responsible for the smooth running of the judicial proceedings with respect to the matters entrusted to him or her. He or she manages the registry officials whose job it is to assist him or her.

Chief registrars and registrars are appointed by the Minister of the Interior on the proposal of the Vice-President of the Council of State, after the opinion has been sought of the president of the administrative tribunal or the president of the administrative court of appeal, depending on the case.

In the administrative tribunals and administrative courts of appeal listed in a joint ministerial order issued by the Minister of the Interior and the Minister of Justice, chief registrars are classified as senior civil servants in metropolitan France and in the overseas possessions (*conseiller d'administration de l'intérieur et de l'outre-mer*), under the conditions laid down in Decree no. 2007-1488 of 17 October 2007.

The chief registrars of the other courts and registrars are appointed from the officials working in metropolitan France and the overseas possessions. Chief registrars must have the grade of middle manager (*attaché*) at least. Registrars must have the grade of administrative secretary at least.

Article R226-2

The number of registrars and the number of other registry officials are determined by the General Secretary of the Council of State, after the opinions of the court presidents have been sought and on the proposal of the General Secretary of the administrative tribunals and administrative courts of appeal.

The number and distribution of positions offered via the entrance examinations to civil service positions in the registries of administrative tribunals and administrative courts of appeal in metropolitan France and the overseas possessions are determined on the proposal of the Vice-President of the Council of State. When positions are offered in court registries, the board of examiners of the entrance examination includes at least one member appointed on the proposal of the Vice-President of the Council of State.

Article R226-3

The chief registrars, registrars and all the registry officials are governed by the rules that apply to the body of public servants to which they belong, particularly with respect to career advancement and discipline.

They may only be loaned to another entity with the agreement of the Vice-President of the Council of State.

Article R226-4

They operate under the exclusive authority of the president with respect to all the powers that they

exercise in the registry. The president has the power to grade them. The president sends the marks that he has awarded to the persons concerned at the administrative authority that supervises the body to which they belong, on an annual basis.

Subsection 2: Provisions relating to operations

Article R226-5

The chief registrar, registrars, and other registry officials appointed to that end by the president are responsible for the administrative functions at hearings and the execution of procedural measures.

Article R226-6

The chief registrar may, with the agreement of the president, delegate officials assigned to the registry to sign on his or her behalf with respect to some of his or her powers.

Should it be necessary to appoint a deputy for the chief registrar, he or she will be deputised by one of the officials assigned to the registry, appointed to that end by the president.

Section II: Provisions specific to certain court registries

Article R226-8

The chief registrar and registrars of the administrative tribunals of Mayotte, French Polynesia, Mata-Utu and New Caledonia belong to the State civil service and are appointed by the president of the administrative tribunal.

Article R226-9

In New Caledonia and French Polynesia, one or more offices may be annexed to the registry by decision of the High Commissioner on the proposal of the president of the administrative tribunal. All such decisions will be published in the Official Journal of New Caledonia or of French Polynesia.

Article R226-10

A registrar is responsible for running each office annexed to a registry.

Article R226-11

Any registrar with responsibility for an office that is annexed to a registry remains, for administrative and disciplinary purposes, under the authority of the High Commissioner.

Article R226-12

The registrar receives all instructions for the operation of the office that is annexed to a registry directly from the president of the administrative tribunal.

Subsection 3: Rules specific to the registry of the administrative tribunal of Saint-Pierre and Miquelon

Article R226-13

The registry of the administrative tribunal of Saint-Pierre and Miquelon is run by a registrar who has the grade of administrative secretary at least, and, if necessary, an assistant registrar.

Article R226-14

The registries of the administrative tribunals of Saint-Barthélemy and Saint-Martin are run by the registry of the administrative tribunal of Basse-Terre.

Chapter VII: Judicial assistants

Article R227-1

Judicial assistants appointed in accordance with article L. 227-1 assist with the preparatory work carried out by members of the administrative tribunals and administrative courts of appeal in the performance of their duties.

Article R227-2

Individuals who fulfil the conditions laid down in articles 5 and 5 *bis* of Law no. 83-634 of 13 July 1983, as amended, stipulating the rights and obligations of public servants, may be appointed as judicial assistants.

Article R227-3

Judicial assistants may only combine their duties with another professional activity with the agreement of the president of the administrative court of appeal or the president of the administrative tribunal to which they have been assigned.

The duties of judicial assistant may not be performed by persons who provide legal or judicial services, or by their employees, whose professional address is in the judicial district of the administrative court of appeal or tribunal to which they have been assigned.

Article R227-4

Any candidate for a position as a judicial assistant should send his or her application to the president of the court at which he or she wishes to assume these responsibilities.

Judicial assistants are appointed by the Vice-President of the Council of State on the proposal of the head of the court.

Article R227-5

Judicial assistants are appointed on the basis of a written commitment.

This document specifies the effective date and the term of the commitment, the nature of the duties to be carried out, the court to which the person is assigned and the details of how the work will be organised and the working hours. If the needs of the court so require, these details may be changed during the term of the person's employment by the court.

Article R227-6

Judicial assistants are required to complete a trial period of three months during or at the end of which their employment may be terminated without notice and without compensation.

Article R227-7

Judicial assistants may be dismissed before the term of their employment has come to an end:

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

a) In the event of gross misconduct on the part of the judicial assistant, without any notice or redundancy pay, after the assistant has been informed that he or she may be provided with his or her individual file and all related documents, and may be assisted by any defender or defenders that he or she may choose;

b) For a reason other than a disciplinary reason. In such case, a redundancy payment will be made to the judicial assistant under the conditions laid down in title XII of Decree no. 86-83 of 17 January 1986 relating to the general provisions that apply to state employees who do not have permanent positions;

c) By the resignation of the judicial assistant sent by recorded delivery letter. In such case, the person concerned is required to give two weeks' notice.

Article R227-8

No more than two months before the expiry of the current term of employment, the competent authority must inform the judicial assistant of whether it intends to renew his or her term of employment or not. The assistant concerned will have a period of two weeks to inform the authority of whether he or she accepts the offer of renewal, as appropriate. If the assistant has not replied within this period, he or she is presumed to have declined the offer of renewal.

Article R227-9

Judicial assistants are entitled to annual holidays equal to five times the time actually worked on a weekly basis.

Article R227-10

Judicial assistants are paid for the time spent performing the work entrusted to them on an hourly basis, which is set by joint order of the Minister of Justice, the Minister for the Budget and the Minister with responsibility for Public Services.

The head of the court to which the judicial assistant is assigned must certify that the work has actually been performed.

Judicial assistants, individually, may not work more than 120 hours per month and no more than 1,080 hours per year.

Title III: Statutory provisions

Chapter I: General provisions

Article R231-1

The members of the administrative tribunals and administrative courts of appeal carry out their duties as administrative judges within these courts.

Article R231-2

Senior judges and judges may perform the duties of consultant judge and reporting judge in the administrative tribunals or administrative courts of appeal.

Article R231-3

The Vice-President of the Council of State is responsible for the management of the staff of the administrative tribunals and administrative courts of appeal

He or she may delegate the General Secretary and Deputy General Secretaries of the Council of State to sign on his or her behalf. Heads of department within the Council of State, the General Secretary's officials who belong to a category A body and members of the contract staff with duties of an equivalent level, may also be delegated.

Chapter II: The Superior Council of Administrative Tribunals and Administrative Courts of Appeal

Section I: General provisions

Section II: Appointment of the members of the Superior Council

Article R232-1

The representatives of the staff of the administrative tribunals and administrative courts of appeal who sit on the Superior Council of Administrative Tribunals and Administrative Courts of Appeal are elected for three-year terms by proportional representation as follows:

1. By one permanent representative and one deputy for the grade of judge;

2. By two permanent representatives and two deputies for the grade of senior judge;

3. By two permanent representatives and two deputies for the grade of president;

Article R232-2

Elections to the Superior Council are held no more than four months and no less than two weeks before the expiry of the terms of office of the current members. The date of these elections is determined by the Vice-President of the Council of State.

Article R232-3

The electors are the judges who staff the administrative tribunals and administrative courts of appeal, either in service, on parental leave or on secondment, and persons who have been with this body on secondment from more than two years.

Article R232-4

A list of electors is prepared by the General Secretary of the Council of State. It is displayed in the Council of State and in all the administrative tribunals and administrative courts of appeal at least two weeks before the date set for the election.

Within one week of its publication, the electors may check whether they have been registered to vote or not and, if necessary, apply to be registered. Within the same time limit, and for three days after the expiry of the limit, complaints may be made against the entries on or omissions from the list of electors.

The Vice-President of the Council of State rules immediately on these complaints.

Article R232-5

The following persons are eligible for election: the judges of the administrative tribunals and administrative courts of appeal and persons who have been on secondment with this body for more than two years, who fulfil the conditions stipulated for inclusion on the list of electors.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R232-6

The lists of candidates for membership of the Superior Council are filed a least one month before the date set for the elections. The said lists, which may be incomplete, show the name of a permanent member and the name of a deputy for each grade for which they present candidates.

When each list is filed, it is accompanied by a nomination paper signed by all the candidates and deputy candidates, and the name of a representative.

Article R232-7

No list may be filed or amended after the date set in the foregoing article. If, after that date, a candidate or deputy candidate who is included on the list is acknowledged to be ineligible for election, the list in question is considered not to have presented any candidate for the corresponding grade. Eligibility is determined on the final date for filing the lists. No candidate may withdraw after the lists of candidates have been filed.

Article R232-8

The candidates' circulars, the ballot papers and envelopes are prepared at the expense and on the basis of the model prepared by the authority concerned. Sufficient copies are prepared to ensure that, for each list, every elector has at least one of each. These documents are sent to the electors by the authority concerned.

Article R232-9

The vote is held by correspondence. The electors may:

a) Either vote for a whole list without deleting any name;

b) Or delete for one or more seats both the name of the candidate and the name of his or her deputy, without replacing them;

c) Or, within the limit of the number of representatives to be elected for each grade, mix candidates from competing lists, without being able to separate each candidate from his or her deputy.

Article R232-10

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

The votes are counted at the electoral office set up at the Council of State, and the results are announced from this office. It comprises a president and a secretary appointed by the Vice-President of the Council of State and the representative of each list present.

Article R232-11

The electoral office determines the number of votes cast for each candidate, the total number of votes cast for each list and the average number of votes cast for each list.

The total number of votes cast for each list is calculated by adding the votes cast for each candidate who presented him or herself for election for that list.

The average number of votes cast for each list is calculated by dividing the total number of votes cast for each list by the number of seats to be filled.

The electoral office also determines the electoral quotient, by dividing the total number of votes validly cast by the number of representatives to be elected for the whole body.

Article R232-12

Each list is entitled to as many seats as the result of dividing the number of votes it received by the electoral quotient.

Any seats that remain unfilled are allocated using the highest averages method.

Article R232-13

The list that is entitled to the highest number of seats chooses each of them on condition that its choice does not prevent another list from obtaining the number of seats to which it is entitled in the grades for which it presented candidates.

The other lists then exercise their choice in turn in decreasing order of the number of seats that they may claim under the same conditions and subject to the same reservations.

In the event that two or more lists have obtained an equal number of seats, the order in which the choices are made is determined by the respective number of votes cast for the lists concerned. In the event that an equal number of votes have been cast, the order in which the choices are made is determined by drawing lots.

When the procedure described above has not allowed one or more lists to fill all the seats that they could have claimed, the said seats are allocated to the list which, for the grades whose

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

representatives remain to be named, has obtained the highest number of votes.

In the event that no list presented any candidates for a grade, the representative of this grade is chosen by drawing lots among the public servants with permanent positions in this grade. If the public servant chosen in this way does not accept the appointment, the seat concerned remains vacant.

Article R232-14

In the event that two lists have the same average and if there is only one seat remaining to be filled, the said seat is allocated to the list that received the highest number of votes. If the two lists in question also received the same number of votes, the seat is allocated to the candidate included on one of the two lists that obtained the highest number of votes. If the principal candidates of these two lists obtained the same number of votes, the oldest candidate is deemed to have won the seat, with his or her deputy.

Article R232-15

A report on the electoral operations is prepared by the electoral office and sent immediately to the Vice-President of the Council of State, to the Minister of Justice and to the persons authorised to represent the lists of candidates.

Article R232-16

Disputes regarding the validity of the elections are referred, within a period of five days from the moment at which the results are announced, to the Minister of Justice who rules within a period of two weeks. The matter may be referred to the Council of State within a period of two months either from the decision of the Minister, or from the expiry of the above-mentioned two week period.

Article R232-17

If, before the expiry of his or her term of office, one of the permanent representatives of the members of the administrative tribunals and administrative courts of appeal resigns or is unable to perform his or her duties, or if the Superior Council finds that he or she has ceased to fulfil the conditions imposed for eligibility, he or she is replaced by his or her deputy. In the event that, for one of the reasons mentioned above, the said person is not able to perform his or her duties, he or she is replaced, if possible, by the other candidate presented by the same list, as principal candidate, for the grade in question, who was not initially chosen to sit, or, failing that by his or her deputy. If it is not possible to replace that person in this way, another election is held within a period of two months. The representative appointed or elected under these conditions completes the term of office of the person that he or she replaces.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

The deputy of a principal candidate may also be replaced under the same conditions by, if possible, calling upon the other candidate presented by the same list as principal candidate for the grade in question, or failing that, upon his or her deputy.

If, during the term of office, an elected representative is promoted to a higher grade, he or she continues to represent the grade for which he or she was elected.

Article R232-18

The persons appointed in accordance with article L. 232-2, point 6, must be named at least two weeks before the normal expiry date of the term of office of their predecessors. If the position is vacant, the person concerned is replaced within a period of three months.

When necessary, the Superior Council of Administrative Tribunals and Administrative Courts of Appeal notes the automatic resignation of any person who has just taken an elective office that is incompatible with his or her position as a member of the Council or who has lost the enjoyment of his or her civil and political rights. In such case a replacement is named within three months.

Section III: Operation of the Superior Council

Article R232-19

The first meeting of the Superior Council is held within one month of the announcement of the results of the election of the staff representatives.

Article R232-20

Meetings of the Superior Council may be convened by its President, by the Minister of Justice, or at the written request of at least three of the five elected members. In this latter case the meeting will be held within a period of two months as from the said request.

The agenda is included on the notice calling the meeting. The agenda will include issues that fall within the competence of the Superior Council whose inclusion has been requested by at least three staff representatives.

Article R232-20-1

The Superior Council can only deliberate validly if nine members are present at the beginning of the meeting.

If the quorum has not been reached, another notice is sent to the members of the Council. They will then be able to consider the same agenda validly, regardless of the number of members present.

Article R232-20-2

I.- By way of exception, the members of the Superior Council may, in the event that a matter is urgent because it is impossible to reach the quorum within an appropriate timeframe, be consulted remotely, by videoconference, in order to express an opinion upon a bill that has been submitted to the Council by the government.

The bill, accompanied by all useful documents and evidence to show that the matter is urgent, is sent to them by written correspondence or by e-mail, at least seven days before the date on which they are required to express an opinion.

The method of consultation used must ensure that the debates are collegial.

II.- If it is acknowledged that it is impossible to hold a meeting by videoconference, the members of the Superior Council may be consulted individually, in writing, under the same conditions. The observations expressed on the bill by any one of the members are automatically communicated to the other members.

Any member of the Superior Council may object to this method of consultation. In such case, the proceedings are terminated and the Superior Council is convened in order to deliberate.

III.- Opinions are properly issued if at least nine members have taken part in the proceedings and, in the event of a written consultation, have given notice of their vote within the time set by the President.

The members of the Superior Council are informed of the content of the opinion and the result of the vote.

A report is prepared, at the end of the consultation, by the General Secretary of the administrative tribunals and administrative courts of appeal.

It is signed and sent under the conditions laid down in article R. 232-25.

Article R232-21

The members of the Superior Council and persons who attend the deliberations, in any capacity whatsoever, are bound by an obligation of professional confidentiality.

Article R232-22

The President of the Superior Council appoints a reporting judge for each case, who may be the General Secretary of the administrative tribunals and administrative courts of appeal or one of the

members of the Council. When the Superior Council produces a proposal, the dossier to which it relates includes the written opinion of the State Councillor who heads the permanent inspectorate of the administrative courts.

In order to prepare his or her report on the proposals relating to appointments, secondments and reinstatements provided for in articles L. 233-3, L. 233-4 and L. 233-5, the reporting judge may be assisted by a limited formation of the Superior Council, which may take all appropriate preparatory steps, including hearings. This limited formation is appointed by the Superior Council. It comprises one or more elected representatives of the judges of the administrative tribunals and administrative courts of appeal.

The Deputy General Secretary of the Council of State with responsibility for the administrative tribunals and administrative courts of appeal takes part in the work of the Superior Council but is not able to vote. At the invitation of the President, the Superior Council may hear the heads of department of the Council of State or their representatives and any expert.

Article R232-23

When the situation of one of the elected members of the Superior Council is likely to be mentioned when an issue that is included on the agenda is considered, the judge in question does not take part in the meeting.

Article R232-24

The Superior Council issues its opinions and proposals on a majority of the votes cast.

With respect to individual cases, voting is by secret ballot if any of the members so wish. Voting by secret ballot is automatic in disciplinary matters.

Article R232-25

A report is prepared after each sitting of the Superior Council, by the General Secretary of the administrative tribunals and administrative courts of appeal. It is signed by the General Secretary and by the President.

The Minister of Justice is informed immediately of the proposals and opinions issued by the Superior Council by its President. The minutes of the deliberations are sent to him or her as soon as they have been signed.

Article R232-26

The members of the Superior Council do not receive any remuneration on account of their duties on the Superior Council. Their travelling and accommodation expenses are however refunded

under the conditions laid down in Decree 2006-781 of 3 July 2006.

Section IV: The General Secretary of the administrative tribunals and administrative courts of appeal

Article R232-27

The General Secretary is appointed by decree of the Prime Minister on the proposal of the Superior Council from among the members of the administrative tribunals and administrative courts of appeal in service in the said tribunals and courts of appeal, who have held a position in this body for four consecutive years.

His or her position may only be terminated, without his or her agreement, on the proposal of the Superior Council.

Article R232-28

The General Secretary carries out the assignments stipulated in article L. 232-5.

To this end:

1. He or she prepares notices to attend the meetings of the Superior Council and the agendas of those meetings. He or she informs the Superior Council of how its opinions and proposals will be dealt with;

2. He or she determines the training initiatives to be provided for the personnel of the registries of the tribunals and courts and oversees the implementation of same;

3. He or she helps determine the needs of the tribunals and courts in terms of equipment, technical resources and documentation and helps determine how the corresponding resources will be allocated, taking account, particularly, of the budgetary credits available;

4. He or she helps define the general rules governing the organisation and operation of the registries of the tribunals and courts and oversees the implementation of same;

5. He or she sits in a consultative capacity on national administrative committees with equal representation of staff and management of domestic and overseas bodies when the agenda includes items affecting the administrative position of the public servants of these bodies who have been assigned to the registry of a tribunal or court;

6. He or she sits in a consultative capacity on central technical committees of the Ministry of the Interior when the agenda includes items concerning the staff assigned to the registries of

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

administrative tribunals and administrative courts of appeal;

7. He or she carries out, at the request of the Superior Council or its President, all studies relating to the organisation and operation of the tribunals and courts or to the procedure followed before these courts;

8. He or she periodically reports on the performance of his or her assignments to the Superior Council.

He or she may be represented in the exercise of his or her powers mentioned at points 5 and 6.

Article R232-29

When carrying out the assignments mentioned in article R. 232-28, the General Secretary is assisted by the staff of the General Secretary of the Council of State and, when necessary, those of the Ministry of Justice and the Ministry of the Interior.

Chapter III: Appointment and recruitment

Section I: General provisions

Article R233-1

The members of the administrative tribunals and administrative courts of appeal who are recruited to the grade of judge from the graduates of the National School of Public Administration are appointed directly to the third salary step of this grade and made permanent as from the day following the final day of their period as a student at the National School of Public Administration.

However, if the index (*indice*) that they held in the body to which they originally belonged or in the position that they originally held is higher than the one that corresponds to the third salary step of the grade of judge, the members of the administrative tribunals and administrative courts of appeal recruited via the internal and external competitive entrance examinations of the said school are allocated to the salary step in the grade of judge that carries remuneration equal to, or failing that, immediately above the salary step that they enjoyed in the body to which they originally belonged or in their position, in the case of officials without permanent positions.

Within the limit of the length of service required in article R. 234-1 for promotion to the next salary step, they retain the salary step seniority they had acquired in their previous grade or class, when the salary increase that accompanies their appointment is less than the increase that would have resulted from a promotion to a higher salary step in their previous position.

Officials appointed when they have reached the highest salary step in their previous grade or class retain their salary step seniority under the same conditions and within the same limits, when the salary increase that accompanies their appointment is less than the increase that results from promotion to this highest salary step.

Persons recruited through the third competitive examination are placed in the 7th salary step of the grade of judge.

Article R233-2

Before they commence their duties, senior judges and judges, regardless of how they were recruited, receive six months' additional training at the Council of State which are counted as time effectively served as a member of the administrative tribunals and administrative courts of appeal.

Article R233-3

Assignments and changes of assignment are made by order of the Minister of Justice who may delegate these powers to the Vice-President of the Council of State.

Section II: Appointments from outside the Council of State

Article R233-4

Every year the Vice-President of the Council of State determines the number of positions in the grades of judge and senior judge to be filled in accordance with articles L. 233-3 and L. 233-4. He or she determines the final date on which candidates must file their candidatures, which they send to him or her.

The notice of recruitment is published in the Official Journal of the French Republic at least one month before the final date for the submission of applications.

The candidates' administrative dossiers are sent by the authorities to whom the candidates report to the General Secretary of the Council of State. The said authorities indicate whether the candidate fulfils the length of service conditions laid down in articles L. 233-3 and L. 233-4, along with his or her ranking and level of employment.

Candidates applying for a position as senior judge by virtue of article L. 233-4, point 2, must hold a permanent position in a grade that terminates at career index (*indice brut*) 821 at least, and be classified in a salary step with a career index equal to that of the first salary step of the grade of senior judge, at least.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R233-5

When the number of appointments calculated in accordance with articles L. 233-3 and L. 233-4 is not a whole number, the remaining fraction is added to the number calculated for the following year.

Article R233-6

Judges and public servants recruited from outside the Council of State as members of the administrative tribunals and administrative courts of appeal are appointed and made permanent in their grade at the salary step that has an index that is equal to or, failing that, immediately above the index that they enjoyed in their former grade. Effective service and salary step seniority are counted as from the date on which the interested persons are appointed as members of the administrative tribunals and administrative courts of appeal. Those who received, in the body in which they were employed previously, remuneration higher than the remuneration that relates to the top salary step in the grade to which they have been recruited will receive compensation.

Section III: Recruitment after secondment

Article R233-7

Judges and public servants seconded to the administrative tribunals and administrative courts of appeal are appointed at a grade equivalent to their grade in the body in which they were originally employed, and at a salary step that has an index that is equal to or, failing that, immediately above the index that they enjoyed in that body. They retain the salary step seniority that they acquired in their original class or grade under the conditions laid down in article R. 233-1, paragraphs 3 and 4. They compete with the other members of the same body for grade and salary step promotion.

Section IV: Direct recruitment

Article R233-8

Notice is given of the commencement of the competitive examinations provided for in article L. 233-6 for the direct recruitment of judges for the administrative tribunals and administrative courts of appeal, particularly in the Official Journal of the French Republic, at least one month before the date of the written examinations. The notice gives the date of the written examinations, the final date and the place for the submission of applications.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

The total number of places and their allocation between the external and internal competitive examinations are determined by order of the Vice-President of the Council of State. The number of places offered at each examination does not exceed 60% of the total number of places.

For each competitive examination, the board of examiners may not fill all the places available. However, the board of examiners may transfer the places that have not been filled at one of the competitive examinations to the other competitive examination, provided the number transferred does not exceed 20% of the total number of places offered at the former examination.

The board of examiners draws up a list of the candidates accepted at each of the two competitive examinations, in order of merit, within the limit of the places offered and taking account, where necessary, of any places transferred under the conditions mentioned in the foregoing paragraph.

For each of the competitive examinations, the examining board may prepare an additional list, in order of merit, in order to be able to fill any vacancies that arise on the main list of the examination in question as a result of resignation or death. This list will remain valid until the beginning of the additional training mentioned in article R. 233-2.

Article R233-9

The examining board of the two competitive examinations is chaired by the head of the permanent inspectorate of the administrative courts and comprises a member of the Council of State, two university lecturers, two judges from the administrative tribunals and administrative courts of appeal, appointed by order of the Vice-President of the Council of State, and a judge from the ordinary courts, appointed by the Chief Justice (*premier président*) of the Court of Cassation. The judges of the administrative tribunals and administrative courts of appeal are appointed on the proposal of the Superior Council of Administrative Tribunals and Administrative Courts of Appeal.

The person who will replace the chair in the event that he or she is unable to perform his or her duties is named in the order mentioned in the foregoing paragraph.

Assistant examiners may be appointed by order of the Vice-President of the Council of State to assist the members of the examining board with the marking of the written papers.

The said examiners attend the deliberations of the examining board in a consultative capacity, for the award of marks for the papers that they have marked.

Article R233-10

No candidate may take the competitive examinations mentioned in article L. 233-6 more than three times.

Article R233-11

The competitive examinations mentioned in article L. 233-6 include three written examinations, which determine eligibility, and two oral examinations, which determine admission.

1. Examinations determining eligibility:

a) An examination involving the study of the case file of an administrative dispute (duration: 4 hours; weighting: 3);

b) An examination consisting of questions relating to legal, institutional or administrative subjects requiring a short answer (duration: 1 hour 30 mins; weighting: 1);

c) At the external examination: an essay on a subject of public law (duration: 4 hours; weighting: 1);

At the internal examination: an administrative memorandum relating to the resolution of a practical case involving legal issues (duration: 4 hours; weighting: 1);

2. Examinations determining admission:

a) An oral examination relating to a subject of public law followed by a conversation with the examining board on legal issues (duration: 30 mins preceded by 30 mins preparation; weighting: 2). The subject of the oral examination is drawn by lots by the candidate;

b) An interview with the examining board at which the candidate's career and motivation is discussed along with his or her main interests, based on an individual information sheet that he or she will have completed in advance, and his or her aptitude to perform the duties of administrative judge and comply with the code of conduct (duration: 20 mins; weighting: 2);

The programme of the examinations determining eligibility and of the first oral examination is laid down in a joint order of the Minister of Justice and the Minister with responsibility for the Public Service.

Article R233-12

The examinations are marked on a scale of 0 to 20. Candidates who are awarded a mark below 5 before the weightings are applied are eliminated.

Article R233-13

The successful candidates are appointed in order of merit, using the two lists of successful candidates alternately. Where necessary, further appointments are made from each of the additional lists. The first list used is chosen by drawing lots.

Article R233-14

Judges of the administrative tribunals and administrative courts of appeal recruited in accordance with this section are appointed and made permanent in the first salary step of the grade of judge.

Judges of the administrative tribunals and administrative courts of appeal who have previously pursued one or more professional activities in positions normally performed full-time, as a public official at a level equivalent to category A, as a manager within the meaning of the collective agreement that governed their employment, as a lawyer at the Council of State or the Court of Cassation, lawyer, appeal court lawyer (*avoué*), notary or judicial officer, are classified in the grade of judge at a salary step determined on the basis of the periods of time laid down for each salary

step promotion in article R. 234-1, taking account of some of the time spent in this or these professional activity or activities. 50% of the period of time used to make the classification is taken into account. It may not exceed seven years.

However, public servants, members of the armed forces and judges are appointed and made permanent under the conditions laid down in article R. 233-6.

Section V: Excess numbers of judges retained in service

Chapter IV: Promotion

Article R234-1

I.- The grade of president comprises seven salary steps, of which three are functional. The grade of senior judge has seven salary steps and a special salary step. The grade of judge has seven.

II.- Members are required to spend the following amounts of time in each of the salary steps before they may move up to the next salary step:

1. One year for the 1st, 2nd, 3rd and 4th salary steps of the grade of judge and for the two first salary steps of the grade of senior judge;

2. Two years for the 5th and 6th salary steps of the grade of judge, for the 3rd and 4th salary steps of the grade of senior judge and for the first salary step of the grade of president;

3. Three years for the 5th and 6th salary steps of the grade of senior judge and for the 2nd and 3rd salary steps of the grade of president.

III.- Members are promoted to the special salary step of the grade of senior judge after at least five years' service in the 7th salary step, and by order of length of service in this salary step, within the limit of a percentage of the staff in this grade determined by joint order of the Prime Minister, the Minister of Justice, the Minister for the Budget and the Minister with responsibility for the Public Service.

IV.- Salary step promotions are notified by order of the Vice-President of the Council of State.

Article R234-2

Senior judges are appointed from among the judges who have at least three years' effective service in this body, after they have been entered on the promotion chart, and who have reached the 6th salary step of their grade.

They are classified in the first salary step of the grade of senior judge. Judges who are promoted to the grade of senior judge, after they have reached the 7th salary step of their former grade,

retain the length of service acquired in this salary step, up to a period of one year.

Article R234-3

For the purposes of articles R. 233-7 and R. 234-2 above, effective service completed in another body recruited through the National School of Public Administration is treated as effective service with the administrative tribunals and administrative courts of appeal.

Article R234-4

Presidents are classified, upon promotion, in the salary step that has an index that is equal to the one that they enjoyed previously. At this time they retain the seniority based on length of service that they acquired in the previous salary step, within the limit of the length of service required to be promoted to the next salary step up. However, senior judges promoted to the grade of president before they have reached the 5th salary step in their former grade are classified in the first salary step of the grade of president, without any seniority based on length of service.

Article R234-5

The annual aptitude lists provided for in articles L. 234-4 and L. 234-5 are drawn up in alphabetical order and determined in a decree issued by the President of the Republic.

The said lists comprise the names of those members of the body who, fulfilling the length of service conditions stipulated, have applied to be listed and have been recognised as suitable for the positions that are filled by the persons included on the lists.

Article R234-6

The president of the Paris administrative tribunal and the presidents appointed as presidents of an administrative tribunal with nine chambers or more are classified in the 7th salary step of the grade of president.

The president appointed to the position of vice-president of the Paris administrative tribunal and the presidents appointed to the positions of president of an administrative tribunal with between five and eight chambers or to the position of senior vice-president of an administrative court of appeal are classified in the 6th salary step of their grade.

The presidents appointed to the position of chamber president in an administrative court of appeal, president of an administrative tribunal with fewer than five chambers, division president at the Paris administrative tribunal or senior vice-president of an administrative tribunal with eight chambers at least, are classified in the 5th salary step of their grade.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R234-7

The members of the administrative tribunals and administrative courts of appeal are subject to an appraisal and given a rating under the conditions laid down in the provisions of titles I and II of Decree no. 2002-682 of 29 April 2002 relating to the general conditions for the appraisal, rating and promotion of public servants. For the purposes of these provisions, the head of the permanent inspectorate of the administrative courts conducts the appraisal interview of presidents who hold the position of president of an administrative tribunal and is authorised to award them a rating.

The provisions of title III of the same decree do not apply to members of the administrative tribunals and administrative courts of appeal.

Chapter V: Positions

Article R235-1

The judges of the administrative tribunals and administrative courts of appeal may only move to a different position as stipulated in Decree no. 2008-15 of 4 January 2008, relating to the obligation to move to a different position at a certain time borne by public servants employed in bodies recruited from the graduates of the National School of Public Administration, and the secondment of such persons, after two years' effective service in the courts, excluding the period of additional training.

They may not fulfil this obligation by taking up a position in a law firm or with a lawyer who works at the Council of State and at the Court of Cassation.

At the end of the period of employment in a different position, provided it has not exceeded four years, the judge returns to his or her position in his or her original court, even if this means that he or she is surplus to requirements. If the period of employment in a different position has exceeded four years or if the person concerned does not wish to return to his or her original court, his or her request for a new position is satisfied depending upon the positions vacant.

Article R235-2

Without prejudice to the provisions of article R. 235-1, or to cases where the person concerned is seconded as of right, or seconded to a position as sub-prefect, or in order to occupy a functional position or one of the positions for which the appointment is determined by government decision, the judges of the administrative tribunals and administrative courts of appeal may only be seconded or loaned if they have at least four years' effective service.

The secondment or loan of members of the administrative tribunals and administrative courts of appeal, and the retention of such persons in one or other of these positions, are decided at the request of the members concerned, after the opinion of the head of the permanent inspectorate of the administrative courts has been sought.

Chapter VI: Discipline

Chapter VII: The participation of the members of the administrative tribunals and administrative courts of appeal in administrative activities and activities in the general interest

Article R237-1

Independently of the judicial duties entrusted to them, the members of administrative tribunals and administrative courts of appeal may, with the authorisation of the president of the court to which they belong, take part in some of the work of public services.

Article R237-2

Any provision allowing for the participation of the members of administrative tribunals and administrative courts of appeal in activities other than those mentioned in article R. 231-1 must be submitted to the Superior Council of the Administrative Tribunals and Administrative Courts of Appeal for its opinion.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Regulatory Part – Council of State decrees

Book III: Competence

Title I: Competence of the court of first instance

Chapter I: Competence to deal with the subject matter

Article R311-1

The Council of State is competent to hear, at first and last instance:

1. Appeals against orders made by the President of the Republic and decrees;

2. Appeals against the regulatory decisions of ministers and other authorities with national competence and against circulars and instructions of general application;

3. Disputes relating to the recruitment and discipline of public officials appointed by decree of the President of the Republic by virtue of the provisions of article 13 (paragraph 3) of the Constitution and articles 1 and 2 of Ordinance no. 58-1136 of 28 November 1958, an Organic Law relating to appointments to civilian positions in the public service and positions in the armed forces;

4. Appeals against decisions taken by bodies within the following authorities, further to their supervisory or regulatory functions:

- French anti-doping agency (*Agence française de lutte contre le dopage*);

- French prudential supervisory and resolution authority (*Autorité de contrôle prudentiel et de résolution*);

- French competition authority (*Autorité de la concurrence*);

- French financial markets authority (*Autorité des marchés financiers*);

- French post and electronic communications regulator (*Autorité de régulation des communications électroniques et des postes*);

- French online gaming regulator (*Autorité de régulation des jeux en ligne*);

- French rail regulator (*Autorité de régulation des transports ferroviaires*);

- French nuclear safety regulator (*Autorité de sûreté nucléaire*);

- French energy regulator (*Commission de régulation de l'énergie*);

- the French Higher Council for the Audiovisual Sector (*Conseil supérieur de l'audiovisuel*);

- French data protection authority (*Commission nationale de l'informatique et des libertés*);

- French interception of communications commission (*Commission nationale de contrôle des interceptions de sécurité*);

- French commercial development commission (*Commission nationale d'aménagement commercial*);

5. Actions holding the State liable for the excessive length of proceedings before an administrative court;

6. Applications seeking an interpretation and applications for an assessment to determine whether an administrative act was legal or not when the dispute in question falls within the remit of the Council of State at first and last instance.

7. Appeals against ministerial decisions taken with regard to the supervision of economic concentrations.

Article R311-2

The Paris administrative court of appeal is competent to hear, at the first and last instance, appeals against orders made by the Minister for Employment relating to the representativeness of trade unions, in accordance with article L. 2122-11of the Employment Code.

Chapter II: Territorial competence of the administrative tribunals

Section I: Principles

Article R312-1

When neither section 2 of this chapter, nor a special provision provides otherwise, the administrative tribunal with territorial competence is the tribunal in whose judicial district the authority that, either by virtue of its own power, or further to a delegated power, took the decision challenged or signed the contract in dispute has its head office. When the decision was signed by several authorities, the competent administrative tribunal is the tribunal in whose judicial district the first of the authorities named in the decision has its head office.

Subject to the same reservations, in the event that an appeal was lodged prior to the appeal that was lodged with the administrative tribunal, the decision to be used in order to determine territorial competence is the decision that was the subject of the administrative appeal or appeal to a higher court before a court lacking competence.

Article R312-2

Except with regard to public procurement or other contracts or concessions, territorial competence cannot be derogated from, even by choice of address for service or by agreements between the parties.

When the referral procedure provided for in article R. 351-3 has not been applied and the parties have not asserted that the administrative tribunal lacks territorial competence before the closure of the preparatory stages at first instance, this argument cannot be relied upon by the parties at a later date or asserted ex officio by the court of appeal or the court at the cassation stage.

Article R312-3

The administrative tribunal that has territorial competence to hear a main application is also competent to hear any additional or interlocutory application, or any counter claim that falls within the jurisdiction of the administrative tribunals. It is also competent to hear any pleas or objections that fall within the competence of an administrative court.

Article R312-4

Applications seeking an interpretation and applications for an assessment to determine whether an administrative act was legal or not, fall within the competence of the administrative tribunal that has territorial competence to deal with the decision in dispute.

Article R312-5

When the president of an administrative tribunal to which a dispute that falls within its competence has been referred finds that one of the members of the tribunal is involved in the case, or considers that there is another objective reason to challenge the impartiality of the tribunal, he or she sends the case file to the President of the Litigation Division of the Council of State which awards jurisdiction to the court that it appoints.

Section II: Exceptions

Article R312-6

Disputes relating to the recognition of a capacity such as member of the armed forces, escapee, deportee or member of the resistance, and to the advantages enjoyed by persons who fall into one of these categories, fall within the competence of the administrative tribunal in whose judicial district the beneficiary of the provisions referred to, or the person claiming the status of beneficiary, is resident when the claim is filed.

This also applies to:

1. Disputes relating to various decorations;

2. Disputes relating to reserved positions of employment. However, appeals against an appointment criticised on the ground that it was made in breach of the rights of a beneficiary of the laws on reserved employment fall within the competence of the administrative tribunal in whose judicial district the appointed official is assigned, without prejudice to the provisions of the final paragraph of article R. 312-12.

Article R312-7

Disputes relating to declarations of public utility, to the public domain, to the use of buildings, to the reorganisation of land, to town planning and housing, to permits to build, develop or demolish, to the classification of sites and monuments and, more generally speaking, to decisions relating to buildings, come within the competence of the administrative tribunal in whose judicial district the buildings that are the subject of the dispute are located.

This also applies to disputes relating to requisitions that come within the jurisdiction, if the requisition relates to movable or immovable property, of the administrative tribunal in whose judicial district the property that is the subject of the dispute was located at the time of the requisition.

Article R312-8

Disputes relating to individual decisions taken against persons by the administrative authorities in the exercise of their policing powers come within the jurisdiction of the administrative tribunal of the place of residence of the persons who are the subject of the decisions challenged on the date of the said decisions.

However, this derogation from the provisions of article R. 312-1 does not apply to disputes relating to ministerial decisions ordering the expulsion of a foreign national, determining the country to which this person should be returned or placing under house arrest any foreigner who is the subject of a ministerial expulsion decision, or to ministerial decisions placing under house arrest any foreigner who is the subject of a decision prohibiting him or her from remaining in French territory made by an ordinary court and who cannot challenge this measure.

Article R312-9

Disputes relating to the appointment, whether by election or by nomination, of members of administrative or professional assemblies, bodies or organisations fall within the competence of the administrative tribunal in whose judicial district the head office of the assembly, body or organisation whose composition is determined by the election or appointment in dispute is located. However, disputes relating to the preparatory stages of parliamentary elections come within the competence of the administrative tribunal in whose judicial district the department where the election takes place is located, when the dispute comes under the jurisdiction of the administrative court.

Article R312-10

Disputes relating to laws governing professional activities, particularly those of members of the liberal professions, agricultural, commercial and industrial activities, price regulation, employment regulation, and the protection or representation of employees, and those relating to administrative sanctions imposed in accordance with the said laws, fall within the competence of the administrative tribunal in whose judicial district the establishment or the holding whose activity gave rise to the dispute, or the place in which the profession is practised, is located, when the decision challenged is not a regulatory matter.

If, for these categories of disputes, the decision challenged is of a regulatory nature and only applies within the judicial district of a single administrative tribunal, this tribunal is competent to hear the dispute.

By way of exception to the provisions of the first paragraph, appeals against decisions taken by administrative authorities with regard to the composition and election of institutions representing the staff, on the basis of the provisions of titles I, II and III of book III of the Employment Code, part 2, are heard by the administrative tribunal in whose judicial district the head office of the undertaking is located.

Article R312-11

Disputes relating to public procurement or other contracts, quasi-contracts or concessions fall within the competence of the administrative tribunal in whose judicial district the said public procurement and other contracts, quasi-contracts or concessions are executed. If the execution of the said contracts extends beyond the judicial district of a single administrative tribunal, or if the place in which the contract is executed is not mentioned in the contract, the competent administrative tribunal is the one in whose judicial district the contracting public authority, or the first of the public authorities named in the contract, signed the contract. In such case, there is no need to take account of an approval by the higher authority, if such approval is necessary.

However, unless such a course of action is not in the public interest, the parties may, either in the original contract, or in any amendment to the contract signed before the dispute arose, agree that any disputes that arise between them will be referred to an administrative tribunal other than the one that would be competent by virtue of the provisions of the foregoing paragraph.

Article R312-12

All disputes relating to individuals, including those relating to financial matters, concerning State public servants or officials and other public persons or authorities, and officials or employees of the Bank of France, fall within the competence of the administrative tribunal in whose judicial district the public servant or official concerned by the decision challenged is employed.

If the said decision makes an appointment or leads to a change of workplace, competence is determined by the location of the new workplace.

If the said decision orders a dismissal, a retirement or any other measure that causes the person concerned to cease his or her professional activity, or if it relates to a former public servant or official, or a public servant or official who was not assigned to any specific place on the date on which the decision challenged was taken, competence is determined by the place in which the public servant or official last worked.

If the said decision concerns a number of people (such as, for example, promotion charts, aptitude lists, reports of the examining boards of examinations or competitive examinations, appointments, promotions or transfers that are interrelated) and if it relates to officials assigned to positions located within the judicial districts of several administrative tribunals, the case will fall within the competence of the administrative tribunal in whose judicial district the author of the decision challenged is located.

Article R312-13

Disputes relating to the pensions of officials employed by local authorities, fall within the competence of the administrative tribunal in whose judicial district the head office of the public corporation by which the official concerned was employed when he or she retired is located.

With respect to other pensions that, in the event of a dispute, fall within the jurisdiction of the administrative tribunals, the competent tribunal is the tribunal in whose judicial district the place of payment of the pension is located or, failing that, either because there is no place of payment, or because the decision challenged contains a refusal to pay a pension, the residence of the applicant when the claim was filed with the tribunal.

Article R312-14

Actions holding the State, other public corporations or private bodies with responsibility for managing a public service liable, based on a cause other than breach of contract or quasi-contract, are dealt with as follows:

1. When the damage asserted can be traced to a decision that was or could have been the subject of an appeal to an administrative tribunal to have the decision set aside, the action falls within the competence of that tribunal;

2. When the damage asserted was caused by public works or can be traced either to a traffic accident, or to an administrative act or action, the action falls within the competence of the administrative tribunal in whose judicial district the place in which the triggering event occurred is located;

3. In all other cases, the action falls within the competence of the administrative tribunal in whose judicial district the residence of the applicant or the first applicant, if the applicant is a natural person, or the registered office, if the applicant is a legal entity, was located, at the moment when the claim was filed with the tribunal.

Article R312-14-1

Actions brought in accordance with article L. 1221-14 of the Public Health Code against a rejection by the French medical accidents, iatrogenic diseases and hospital-acquired infections compensation office (*Office national d'indemnisation des accidents médicaux, des affections iatrogènes et des infections nosocomiales*) of a claim for compensation, or against an offer of compensation judged to be inadequate, fall within the competence of the administrative tribunal in whose judicial district the applicant's place of residence is located.

Article R312-14-2

Disputes relating to the decisions mentioned in article 4, part III, of Law no. 2010-2 of 5 January 2010 relating to the recognition of and compensation for victims of French nuclear tests fall within the competence of the administrative tribunal in the applicant's place of residence at the time when the claim was brought.

Article R312-15

Subject to the application of articles R. 312-6 to R. 312-14, disputes relating to the organisation or operation of any public authority other than the State and every public or private entity, particularly with respect to administrative inspection or supervision, fall within the competence of the administrative tribunal in whose judicial district the authority or entity that is the subject of the decisions challenged has its head office.

Article R312-16

Disputes relating to the application of the special contribution introduced by articles L. 8253-1 and L. 8253-7 of the Employment Code and the flat rate contribution introduced by article L. 626-1 of the Code on the Entry and Stay of Aliens and the Right to Asylum are referred to the administrative tribunal in whose judicial district the breach was discovered.

Article R312-17

Applications against individual decisions taken against a natural person or legal entity by a sporting federation in the exercise of its prerogatives as a public authority are referred to the administrative tribunal in whose judicial district the residence or head office of the applicant was located on the date of the decisions challenged.

Article R312-18

Disputes relating to rejections of applications for visas to enter the territory of the French Republic that fall within the remit of the consular authorities fall within the competence of the administrative tribunal of Nantes.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

By way of exception to article R. 312-1, paragraph 2, the administrative tribunal of Nantes is competent to hear appeals against the decisions of the minister with responsibility for naturalisations made in accordance with article 45 of Decree no. 93-1362 of 30 December 1993.

Article R312-19

Disputes that do not fall within the competence of any administrative tribunal in accordance with articles R. 312-1 and R. 312-6 to R. 312-18 are allocated to the administrative tribunal of Paris.

Title II: Competence to hear appeals

Chapter I: Competence to deal with the subject matter

Article R321-1

The Council of State is competent to rule on appeals lodged against judgments of administrative tribunals rendered on applications transferred from the judicial authority and on disputes relating to municipal and cantonal elections.

Article R321-2

Appeals against decisions rendered by the Prize Court (*Conseil des prises*) are still governed by provisions that are specific to them.

Chapter II: Territorial competence of the administrative courts of appeal

Article R322-1

Appeals against judgments of administrative tribunals or decisions of disputes committees regarding the compensation of French overseas citizens are heard by the administrative court of appeal in whose judicial district the said tribunal or committee sits.

Article R322-2

The territorial competence of the administrative courts of appeal is a matter of public policy.

Article R322-3

When the president of an administrative court of appeal to which a dispute that falls within its competence has been referred finds that one of the members of the court is involved in the case, or considers that there is another objective reason to challenge the impartiality of the court, he or she sends the case file to the President of the Litigation Division of the Council of State which awards jurisdiction to the court that it appoints.

Title III: The Council of State ruling as a court of cassation

Title IV: Connected cases

Chapter I: Connectedness between claims that fall within the competence of an administrative tribunal and claims that fall within the competence of the Council of State as a court of first instance

Article R341-1

When submissions that fall within its competence as a court of first instance have been filed with the Council of State, it is also competent to deal with related submissions that normally fall within the competence of an administrative tribunal acting as a court of first instance.

Article R341-2

If an administrative tribunal has received for consideration submissions that normally fall within its competence but which are connected to submissions presented to the Council of State that fall within the competence of the Council of State at both first and last instance, the president refers the said submissions to the Council of State.

In a case of this type, when the subdivision concerned refers the matter to the President of the Litigation Division, the said President will order the claim that was filed with the administrative tribunal to be referred to the Council of State.

Article R341-3

In the event that sets of submissions that are different but connected have been filed with an administrative tribunal, and when one or more of them falls or fall within its competence, while the other or others falls or fall within the competence of the Council of State at the first and last instance, the president of the tribunal refers both or all of the submissions to the Council of State.

Article R341-4

In the cases provided for in articles R. 341-2 and R. 341-3 above, the provisions of articles R. 351-2, R. 351-6 and R. 351-7 below are applied.

Chapter II: Connectedness between claims that fall within the competence of two administrative tribunals

Article R342-1

When a claim that falls within its territorial competence is filed with an administrative tribunal, that tribunal is also competent to deal with any claim that relates to the earlier claim and which normally falls within the territorial competence of another administrative tribunal.

Article R342-2

When two administrative tribunals simultaneously receive claims that are different but connected, that normally fall within their respective territorial competences, both of the presidents concerned refer the matter to the President of the Litigation Division of the Council of State and send him or her the claim file.

The referral order is notified to the president of the other administrative tribunal who sends to the President of the Litigation Division the file of the claim that was submitted to his or her tribunal.

Article R342-3

The President of the Litigation Division reaches a decision on the existence of the connectedness and determines which court or courts is or are competent to hear the claims. The provisions of article R. 351-2 and of articles R. 351-4 to R. 351-7 apply.

Chapter III: Connectedness between claims that fall within the competence of an administrative court of appeal and claims

that fall within the competence of the Council of State acting as a court of appeal

Article R343-1

When submissions that fall within its competence as a court of appeal have been filed with the Council of State, it is also competent to deal with related submissions that normally fall within the competence of an administrative court of appeal.

Article R343-2

If an administrative appeal court has received for consideration submissions that normally fall within its competence but which are connected to submissions filed with the Council of State that fall within the competence of the Council of State as a court of appeal, the president refers the said submissions to the Council of State.

In a case of this type, when the subdivision concerned refers the matter to the President of the Litigation Division, the said President will order the submissions to be referred to the Council of State.

Article R343-3

In the event that sets of submissions that are different but connected have been lodged with an administrative court of appeal, and when one or more of them falls or fall within its competence, while the other or others falls or fall within the competence of the Council of State as a court of appeal, the president of the court of appeal refers both or all of the submissions to the Council of State.

Article R343-4

In the cases provided for in articles R. 343-2 and R. 343-3, the provisions of article R. 351-2 and of articles R. 351-4 to R. 351-7 are applied.

Chapter IV: Connectedness between claims that fall within the competence of two administrative courts of appeal

Article R344-1

When a claim that falls within its territorial competence has been filed with an administrative court of appeal it is also competent to hear a claim that is connected to the earlier claim that normally falls within the territorial competence of another court.

Article R344-2

When two administrative courts of appeal simultaneously receive claims that are different but connected, that normally fall within their respective territorial competences, both of the two presidents concerned refer the matter to the President of the Litigation Division of the Council of State and send him or her the claim file.

The referral order is notified to the president of the other administrative court of appeal who sends to the President of the Litigation Division the file of the claim that was submitted to his or her court.

Article R344-3

The President of the Litigation Division reaches a decision on the existence of the connectedness and determines which court or courts is or are competent to hear the claims. The provisions of article R. 351-2 and of articles R. 351-4 to R. 351-7 apply.

Title V: Settlement of questions relating to competence

Article R351-1

When submissions that fall within the competence of another administrative court have been filed with the Council of State, the subdivision charged with preparing the case refers the question of competence to the President of the Litigation Division who, subject to the provisions of article R. 351-4, determines the question of competence and allocates, as appropriate, all or any part of the case to the court that he or she deems to be competent, for settlement.

Article R351-2

When submissions have been filed with an administrative court of appeal or tribunal which considers that the case falls within the competence of the Council of State, its president sends the case file promptly to the Council of State which continues with the preparation of the case. If during the preparation of the case it becomes apparent that it falls, in whole or in part, within the competence of another court, the subdivision charged with the preparatory work refers the question of competence to the President of the Litigation Division who determines the issue and allocates all or any part of the case to the court that he or she deems to be competent, as appropriate, for settlement.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R351-3

When submissions have been filed with an administrative court of appeal or tribunal which considers that the case falls within the competence of an administrative court other than the Council of State, its president, or the judge delegated by the president, promptly sends the file to the court that he or she deems to be competent.

However, should there be any particular difficulties, he or she may send the file to the President of the Litigation Division of the Council of State promptly, who determines the question of competence and allocates all or any part of the case to the court that he or she deems to be competent for judgment.

Article R351-4

When all or any part of a set of submissions that has been referred to an administrative tribunal, an administrative court of appeal or the Council of State falls within the competence of an administrative court, the administrative tribunal, administrative court of appeal or the Council of State, depending on the case, is competent, notwithstanding the rules governing the allocation of competence between administrative courts, to dismiss any submissions that are marred by an element that is clearly inadmissible, which is unlikely to be remedied in the course of the proceedings, or to find that there are no grounds to rule on all or any part of the submissions.

Article R351-5

When all or any part of a set of submissions that has been referred to the Council of State falls within the competence of an administrative court other than an administrative tribunal or court of appeal, the Council of State is competent, notwithstanding any provisions relating to the allocation of competence between administrative courts, to dismiss any submissions that are marred by an element that is clearly inadmissible, which is unlikely to be remedied in the course of the proceedings, or to find that there are no grounds to rule on all or any part of the submissions.

Article R351-6

The parties are promptly informed of decisions taken by the President of the Litigation Division of the Council of State, and by presidents of the administrative tribunals and administrative courts of appeal in accordance with articles R. 312-5, R. 322-3, R. 341-2, R. 341-3, R. 342-2, R. 343-2, R. 343-3, R. 344-2, R. 344-3 to R. 351-3, with article R. 351-6, paragraph 2, and with article R. 351-8. Such decisions are taken by ordinance, with no reason being given, and are not open to appeal. They do not have the authority of a final court judgment.

When the president of an administrative tribunal or court of appeal, to whom a file has been sent in accordance with article R. 351-3, paragraph 1, considers that the said court is not competent, he or

she sends the file, within three months of receiving it, to the President of the Litigation Division of the Council of State, who determines the issue of competence and allocates all or any part of the case to the court that he or she deems to be competent, for judgment.

When the president of an administrative court other than an administrative tribunal or court of appeal, to whom a file has been sent in accordance with article R. 351-3, paragraph 1, considers that the court is not competent, he or she sends the file, within three months of receiving it, to the President of the Litigation Division of the Council of State, who determines the issue of competence and allocates all or any part of the case to the court that he or she deems to be competent, for judgment.

Article R351-7

Procedural formalities properly carried out before the court to which the matter was referred initially remain valid before the court to which the case has been transferred, which has responsibility for the judgment of the case, subject, where appropriate, to any rectifications required by the procedural rules specific to that court.

Article R351-8

Whenever the interests of the good administration of justice so require, the President of the Litigation Division of the Council of State, on his or her own initiative or at the request of the president of an administrative tribunal or court of appeal, appoints a named court to decide one or more cases, by means of a reasoned ordinance, which may not be appealed.

Article R351-9

When a court to which a case has been transferred in accordance with article R. 351-3, paragraph 1, has not relied upon article R. 351-6, paragraph 2, or when the court has been declared competent by the President of the Litigation Division of the Council of State, it may not cast doubt upon its own competence, nor may its competence be challenged by the parties, nor ex officio by the court of appeal or the court at the cassation stage, unless the incompetence of the administrative court is asserted.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Regulatory Part – Council of State decrees

Book IV: The court of first instance

Title I: Applications commencing proceedings

Chapter I: Filing the application

Article R411-1

Proceedings begin when an application is filed with a court. The application must state the parties' names and addresses. It must set out the facts and grounds and the submissions made to the court.

The author of any application that does not include any grounds can rectify this omission by filing a statement setting out one or more grounds up to the expiry of the time limit within which the action must be brought.

Article R411-2

When the contribution for legal aid provided for in article 1635 *bis* Q of the Tax Code is due but has not been paid, the application becomes inadmissible.

This inadmissibility may be remedied after the expiry of the time limit within which the action must be brought. When the applicant shows that he or she has applied for legal aid, the rectification of his or her application is postponed until a final decision has been made on his or her application for legal aid.

By way of exception to article R. 612-1, paragraph 1, the court may dismiss ex officio any application that is marred by an inadmissible element of this type without first requesting that it be rectified, when the obligation to pay the contribution or, failing that, to show that an application for legal aid has been filed, is mentioned in the notice of the decision challenged or when the application is filed by a lawyer.

Article R411-2-1

When the applicant shows that he or she has paid the contribution for legal aid in connection with a first application, he or she is exempt from payment when he or she files an application seeking enforcement on the basis of articles L. 911-4 or L. 911-5, an appeal seeking an interpretation of a court decision (*acte juridictionnel*) or an application filed subsequent to a decision ruling that a court lacked competence.

The contribution is due once only when the same applicant files an application on the merits relating to the same facts as an urgent application presented as a subsidiary matter on the basis of book V, title III of this code.

Article R411-3

On pain of being held inadmissible, applications must be accompanied by sufficient copies to provide all the other parties involved with one copy each, plus two extra copies.

Article R411-4

Should it be necessary, the president of the court formation or, at the Council of State, the President of the subdivision with responsibility for the preparatory stages, will require the interested parties to produce additional copies.

Article R411-5

Unless it is signed by a properly appointed agent, any application filed by several natural persons or legal entities must name a sole representative, among the signatories.

Failing this, the first person named is informed by the court registry that he or she is considered to be the representative mentioned in the foregoing paragraph. If this causes the other signatories to appoint one of their number as sole representative they will inform the court of this appointment.

Article R411-6

Except for the notification of the decision provided for in articles R. 751-1 to R. 751-4, the agent or sole representative mentioned in article R. 411-5, depending on the case, becomes the contact person for the purposes of the procedural formalities.

Chapter II: Documents submitted to the proceedings and exhibits

Article R412-1

On pain of being held inadmissible, the application must be accompanied, unless evidence is produced to show that this is impossible, by the decision challenged or, in the case mentioned in

article R. 421-2, by a document showing the date on which the claim was filed.

The said decision or document must be accompanied by copies under the conditions laid down in article R. 411-3.

Article R412-2

When the parties attach documents in support of their applications and statements of case, they must prepare a detailed list of these documents at the same time. Except when the number, volume or characteristics of the said documents make this impractical, they must be accompanied by sufficient copies to provide the other parties with one copy each, plus two extra copies.

Article R412-3

At the Council of State, when the number, volume or characteristics of the supporting documents make it impractical to produce copies, the documents are sent to the parties at the secretariat of the Litigation Division or at the prefecture.

On the expiry of the time limit allowed the ministers and parties to produce statements in defence and observations, the Council of State may rule on the basis of the said copies.

The parties' lawyers may take possession of the documents submitted to the proceedings, at the secretariat, free of charge.

Chapter III: Filing the application

Article R413-1

The application must be filed or sent to the registry, unless there is a provision to the contrary in a special legal text.

Article R413-2

If, further to a special provision, the applications were filed at or dispatched to an office other than the court registry, the applications and supporting documents are sent to the court registry, after being stamped with the date of their arrival by the administrative authority with responsibility for the said office.

Article R413-3

The applications provided for in articles 113, 116, 130 and 197 of Organic Law no. 99-209 of 19 March 1999 relating to New Caledonia, and those laid down in articles 82, 116, 117 and 123 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia, are filed with the Council of State or with the High Commissioner of the Republic, depending on the case, in New Caledonia or French Polynesia.

When the appeal is filed with the High Commissioner of the Republic, it is stamped with the date on which it arrived and sent by the High Commissioner to the secretariat of the Litigation Division of the Council of State. A receipt is issued for the said document to any party who makes such request.

Article R413-4

Whenever the administrative tribunal is required to make a ruling within a specific time, further to a special provision, the time limit only runs from the moment when the documents arrive at the court registry.

Article R413-5

Applications are registered by the chief registrar or, at the Council of State, by the Secretary of the Litigation Division.

They, along with any supporting documents, are also stamped with the date of their arrival.

Article R413-6

The chief registrar or, at the Council of State, the Secretary of the Litigation Division, provides the parties with a certificate recording the arrival of the application at the court registry. At their request, he or she certifies the fact that the various statements of case have been filed.

Title II: Time limits

Article R421-1

Except with respect to public works, proceedings may only be commenced by lodging an appeal against a decision, within two months of the notification or publication of the decision challenged.

Publication in electronic format, in the Official Journal of the French Republic, marks the beginning of the time limit within which third parties may lodge an appeal against an individual decision:

1. Relating to the recruitment and position of public servants and officials, of judges or members of the armed forces;

2. Relating to the appointment, either by election or by nomination, of members of the consultative bodies mentioned in article 12 of Law no. 84-16 of 11 January 1984 laying down statutory provisions relating to the State public service;

3. Taken by the Minister for the Economy in the field of competition;

4. Issued by independent administrative authorities or independent public authorities with legal personality.

Article R421-2

Unless there is a statutory or regulatory provision to the contrary, if the competent authority remains silent for more than two months with respect to a claim, this constitutes a dismissal.

If they wish to appeal against this implicit decision, the interested parties then have a period of two months as from the date of the expiry of the period mentioned in the first paragraph. However, when an explicit decision dismissing the claim is made within this two month period, the time limit within which to lodge an appeal starts again.

The date on which the claim was filed with the authority, which may be recorded by any means, must be established in support of the application.

Article R421-3

However, the interested party is only debarred after a period of two months as from the date on which the express decision dismissing the claim was notified:

1. In proceedings in which the court has full jurisdiction (*plein contentieux*)[2];

2. In cases involving a claim that an authority has exceeded its powers, if the measure sought can only be taken by decision or on the opinion of local assemblies or other collegial bodies;

[2] Applications to an administrative court in which the court has wider powers than usual and may, for example, vary an administrative decision, and not merely approve or cancel it. Translator.

3. If the applicant is seeking the enforcement of a decision made by an administrative court.

Article R421-4

The provisions of articles R. 421-1 to R. 421-3 do not derogate from the legal provisions that introduced the special time limits of a different length.

Article R421-5

The time limits within which to lodge an appeal against an administrative decision are only binding if they were mentioned, along with the means of appeal, in the notification of the decision.

Article R421-6

Before the administrative tribunals of Mayotte, French Polynesia, Mata-Utu and New Caledonia the two-month time limit within which to lodge an appeal provided for in article R. 421-1 and in article R. 421-2, paragraph 2, is increased to three months.

Article R421-7

When the application is made before an administrative tribunal which sits in metropolitan France or before the Council of State ruling at first and last instance, the time limit within which the appeal may be lodged stipulated in article R. 421-1 is increased by one month for persons who are resident in Guadeloupe, French Guiana, Martinique, Réunion, Saint-Barthélemy, Saint-Martin, Mayotte, Saint-Pierre and Miquelon, French Polynesia, the Wallis and Futuna Islands, New Caledonia and the French Southern and Antarctic Lands.

When the application is made before the administrative tribunal of Basse-Terre, Fort-de-France, Cayenne, Saint-Denis, Saint-Barthélemy, Saint-Martin, Mayotte, Saint-Pierre and Miquelon, French Polynesia, Mata-Utu or New Caledonia, this period is increased by one month for persons not resident in the territorial authority in whose area the administrative tribunal is located.

The same period is increased by two months for persons who reside abroad.

However, applicants who take advantage of the right laid down in special laws to file their applications at the offices of the State representative, or of the person to whom his or her powers have been delegated in the urban districts, subdivisions or administrative districts, are not able to take advantage of the additional time limits allowed applicants located at a distance from the court.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Title III: Representation of the parties

Chapter I: Representation of the parties before the administrative tribunal

Article R431-1

When a party is represented before an administrative tribunal by one of the agents mentioned in article R. 431-2, this agent becomes the contact person for the purposes of the procedural formalities, except for the notification of the decision stipulated in articles R. 751-3 *et seq.*

Article R431-2

Applications and statements of case, must, on pain of being declared inadmissible, be presented either by a lawyer, or by a lawyer authorised to appear before the Council of State and the Court of Cassation, when the submissions relating to the application seek the payment of a sum of money, the discharge or reduction of sums claimed from the applicant, or the settlement of a dispute that has arisen from a contract.

By signing the applications and statements of case the agent concerned indicates that he or she has been appointed as agent and that his or her offices have been chosen as the address for service.

Article R431-3

However, the provisions of article R. 431-2, paragraph 1, do not apply to:

1. Disputes relating to public works, contracts relating to the public domain, petty offences involving damage to public property other than roads;

2. Disputes relating to direct contributions, sales taxes and similar taxes;

3. Disputes relating to individuals concerning State public servants or officials and other public persons or authorities, and officials or employees of the Bank of France;

4. Disputes relating to pensions, social welfare, personalised housing aid, reserved employment and compensation for repatriated persons;

5. Disputes in which the respondent is a territorial authority, a public institution that operates under the authority of a territorial authority, or a public health institution;

6. Claims seeking the enforcement of a final judgment.

Article R431-4

In cases in which the provisions of article R. 431-2 do not apply, the applications and statements of case must be signed by the author of the document and, in the case of a legal entity, by a person who is able to prove that he or she has the capacity to act.

Article R431-5

The parties may also be represented:

1. By one of the agents mentioned in article R. 431-2;

2. By an association accredited in accordance with articles L. 141-1, L. 611-1, L. 621-1 or L. 631-1 of the Environment Code, provided the conditions laid down in articles L. 142-3, L. 611-4, L. 621-4 or L. 631-4 of the same code have been fulfilled, and in accordance with the conditions laid down in articles R. 142-1 to R. 142-9, R. 611-10, R. 621-10 and R. 631-10 of the same code.

Article R431-6

In tax matters, the representation of the taxpayer is governed by article R. 200-2 of the Book of Tax Procedures (*Livre des procédures fiscales*) which reads as follows:

Article R. 200-2: "By way of exception to the provisions of articles R. 431-4 and R. 431-5 of the Code of Administrative Justice, applications to tribunals may be signed by an agent other than those mentioned in article R. 431-2 of the same code. In such case, the provisions of article R. 197-4 of this book will apply.

The applicant may not challenge before the administrative tribunal tax liabilities other than those referred to in their claim to the authority.

The formal defects envisaged in article R. 197-3, at points a, b and d, may, when they were the reason for the authority's dismissal of a claim, be remedied in the application made to the administrative tribunal.

This also applies if the claim was not signed, when the authority failed to ask for this defect to be remedied in accordance with the conditions laid down in point c of the same article."

Article R431-7

The State is not required to be represented by a lawyer either when it makes a claim, or to defend its position, or when it joins existing proceedings.

Article R431-8

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Parties that are not represented before an administrative tribunal whose residence is outside the territory of the Republic must choose an address for service in the judicial district of this tribunal.

Article R431-9

Subject to the provisions of article R. 431-10 of this code and the special provisions awarding competence to another authority, in particular the Director General of the National Centre for the Management of Hospital Practitioners and Senior Managers within the Hospital Public Service (*Centre national de gestion des praticiens hospitaliers et des personnels de direction de la fonction publique hospitalière*) and the Director of the Regional Health Authority (*Agence régionale de santé*), applications, statements in defence and statements in intervention that are submitted in the name of the State are signed by the minister concerned.

Ministers may delegate an official to sign on their behalf under the conditions laid down in the regulations in force.

Ministerial competence may also be delegated by decree to:

1. The heads of the delegated departments of civilian State public services in connection with the matters referred to in article 33 of Decree no. 2004-374 of 29 April 2004 relating to the powers of prefects, and the organisation and action of State public services in the regions and departments;

2. The regional civil defence prefect, the regional prefect and the prefect in other cases.

Article R431-10

When the State is the respondent, it is represented by the prefect or the regional prefect when the dispute, of whatever kind, has arisen from the activities of the civilian State public services in the department or region, except however, for the actions and functions mentioned in article 33 of Decree no. 2004-374 of 29 April 2004 relating to the powers of prefects, and the organisation and action of State public services in the regions and departments.

Before the administrative tribunals of French Polynesia and New Caledonia, applications, statements in defence and statements in intervention submitted in the name of the State are signed either by the Minister for Overseas France or his or her delegatee, or by the High Commissioner or his or her delegatee.

Before the administrative tribunals of Mayotte, Saint-Barthélemy, Saint-Martin and Saint-Pierre and Miquelon, applications, statements in defence and statements in intervention submitted in the name of the State are signed either by the Minister for Overseas France or his or her delegatee, or by the State representative or his or her delegatee.

Before the administrative tribunal of Mata-Utu, applications, statements in defence and statements in intervention submitted in the name of the State are signed either by the Minister for Overseas France or his or her delegatee, or by the senior administrator or his or her delegatee.

With respect to the French Southern and Antarctic Lands, applications, statements in defence and statements in intervention submitted in the name of the State or the authority are signed by the senior administrator or his or her delegatee.

Article R431-10-1

By way of exception to the provisions of article R. 431-10, when the State is the respondent it is represented by the minister with responsibility for naturalisations in disputes relating to decisions taken in accordance with articles 43 and 44 of Decree no. 93-1362 of 30 December 1993.

Chapter I bis: Representation of the parties before the administrative courts of appeal

Article R431-11

On pain of being held inadmissible, appeals and statements must be submitted either by a lawyer, or by a lawyer authorised to appear before the Council of State and the Court of Cassation.

However, these provisions do not apply to applications for judicial review on the grounds that an authority has exceeded its powers nor to applications seeking the enforcement of a final judgment.

By signing the applications and statements the agent concerned indicates that he or she has been appointed as agent and that his or her offices have been chosen as the address for service.

Article R431-12

The State is not required to be represented by a lawyer either when it makes a claim, or to defend its position, or when it joins existing proceedings. Appeals, statements in defence and statements in intervention submitted in the name of the State are signed by the minister concerned.

Article R431-13

Articles R. 431-1, R. 431-4, R. 431-5 and R. 431-8, which apply before the administrative tribunals, also apply before the administrative courts of appeal.

Chapter II: Representation of the parties before the Council of State

Article R432-1

On pain of being held inadmissible, the parties' statements and applications must be submitted by a lawyer authorised to appear before the Council of State.

By signing the said documents the lawyer indicates that he or she has been instructed to act and that his or her offices have been chosen as the address for service.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R432-2

However, the provisions of article R. 432-1, do not apply to:

1. Applications for judicial review against various administrative authorities, on the grounds that an authority has exceeded its powers;

2. Applications for an assessment of whether an administrative act was legal or not;

3. Disputes in electoral matters;

4. Disputes relating to the granting or refusal of a pension.

In cases of this type, the application must be signed by the party concerned or his or her agent.

Article R432-3

The applications provided for in articles 113, 116, 130 and 197 of Organic Law no. 99-209 of 19 March 1999 relating to New Caledonia, and those laid down in articles 82, 116, 117 and 123 of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia, may be filed without the assistance of a lawyer authorised to appear before the Council of State and the Court of Cassation.

Article R432-4

The State is not required to be represented by a lawyer authorised to appear before the Council of State either when it makes a claim, or to defend its position, or when it joins existing proceedings.

When applications and statements are not submitted by a lawyer authorised to appear before the Council of State, they must be signed by the minister concerned or by a public servant who has been delegated for that purpose.

Title IV: Legal aid

Article R441-1

When necessary, the parties may claim legal aid as provided for in Law no. 91-647 of 10 July 1991 relating to legal aid.

Regulatory Part – Council of State decrees

Book V: Urgent applications

Title I: Urgent applications judge

Title II: The urgent applications judge ruling in urgent cases

Chapter I: Powers

Chapter II: Procedure

Article R522-1

Applications seeking urgent measures must contain at least a brief presentation of the facts and grounds and show why the case is urgent.

On pain of being held inadmissible, submissions seeking the suspension of an administrative decision or of some of its effects must be made in a separate application from the application seeking to have the decision set aside or revised and must be accompanied by a copy of this latter application.

Article R522-2

The provisions of article R. 612-1 do not apply.

Article R522-3

The application and, where appropriate, the envelope containing it, must include the word *"référé*" (urgent application). When the application is sent by post, it must be sent by recorded delivery letter.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R522-4

The respondents are notified of the application.

The parties are allowed the briefest time limits in which to submit their observations. They must be strictly observed. If they are not their observations will be disregarded without formal notice.

Article R522-5

Applications asking the urgent applications judge to order a measure in accordance with article L. 521-2 do not require the intervention of a lawyer.

Other applications do not require the intervention of a lawyer if they are linked to disputes that do not require the intervention of such a person.

The same rules apply to statements in defence and statements in intervention.

Article R522-6

When the urgent applications judge has to deal with an application based on the provisions of article L. 521-1 or L. 521-2, the parties are summoned promptly to attend a hearing, by all means.

Article R522-7

The case is deemed to be ready for judgment as soon as the formality provided for in article R. 522-4, paragraph 1, has been completed and as soon as the parties have been properly summoned to attend a hearing in open court in order to submit their observations.

Article R522-8

The preparatory stage is closed at the end of the hearing, unless the urgent applications judge decides to postpone the close of the preparations to a later date, in which case he or she will advise the parties by all means. In this latter case, additional documents filed after the hearing and before the close of the preparations may be sent directly to the other parties on condition that the party that does so provides the judge with evidence that he or she has done this.

The preparations are reopened if the case is adjourned to another hearing.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R522-8-1

By way of exception to the provisions of book III, title V of this code, if the urgent applications judge decides to decline jurisdiction, he or she will dismiss the submissions that have been made by making an ordinance to that effect.

Article R522-9

The information mentioned in article R. 611-7 may be given to the parties at the hearing.

Article R522-10

When article R. 522-3 is applied, the provisions of articles R. 522-4, R. 522-6 and R. 611-7 do not apply.

Article R522-11

The ordinance made by the urgent applications judge will include the information mentioned in book VII, title IV, chapter 2. It will state, where appropriate, that the provisions of articles R. 522-8 and R. 522-9 have been applied, unless a report of the hearing has been drawn up under the responsibility of the urgent applications judge and signed by that person and the official appointed to act as clerk of the court.

If the case is referred to a collegial formation after the hearing, the report must be drawn up and included in the case file.

Article R522-12

The ordinance is notified to the parties promptly by all means.

Article R522-13

The ordinance comes into effect on the day on which the party that is required to comply with the ordinance is given notice of it.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

However, the urgent applications judge may decide that it will be enforceable as soon as it has been rendered.

Furthermore, if the urgency of the situation so requires, the main body of the ordinance, along with the enforcement order provided for in article R. 751-1, is handed to the parties at the hearing, and the parties acknowledge receipt of same.

Article R522-14

A copy of the ordinance by which the urgent applications judge orders the execution of a decision granting a building, development or demolition permit or a police action to be suspended is sent promptly to the public prosecutor at the regional court with territorial competence.

A copy of the ordinance by which the urgent applications judge orders the suspension of a decision constituting documentary evidence of the payment of public expenses, is sent promptly to the paymaster general of the department in which the headquarters of the authority that made the decision at issue are located.

The same rules apply to any ordinance that amends or terminates the suspension.

A copy of the decision by which the Council of State orders the quashing of an ordinance made by the urgent applications judge ordering the suspension of a decision granting a building, development or demolition permit, or a police action, or a decision constituting documentary evidence of the payment of public expenses, is sent in the same manner.

Chapter III: Appeals

Article R523-1

Any appeal on points of law against an ordinance made by an urgent applications judge in accordance with articles L. 521-1, L. 521-3, L. 521-4 and L. 522-3 must be lodged within two weeks of the notification of the ordinance in accordance with article R. 522-12.

Article R523-2

When an appeal on points of law is lodged against an ordinance rendered in accordance with article L. 522-3, the Council of State will rule within a period of one month.

Article R523-3

An appeal lodged with the President of the Litigation Division of the Council of State against an ordinance made by an urgent applications judge in accordance with article L. 521-2 does not have to be presented by a lawyer and is subject, where necessary, to the procedural rules laid down in chapter II.

Title III: When the urgent applications judge orders a report to be prepared or gives procedural directions

Chapter I: The report

Article R531-1

If nothing more than a report on the facts is requested, the urgent applications judge may, on the basis of an ordinary application that may be submitted without the intervention of a lawyer, appoint an expert to prepare a report, promptly, on facts that might give rise to a dispute before the court, even if no administrative decision has yet been reached.

The potential respondents are advised of this immediately.

By way of exception to articles R. 832-2 and R. 832-3, any third party whose interests are adversely affected by a judgment has a period of two weeks within which to make an application to have that judgment set aside.

Article R531-2

The provisions of articles R. 621-3 to R. 621-11, except for article R. 621-9 paragraph 2, and articles R. 621-13 and R. 621-14 apply to the reports mentioned in article R. 531-1.

Chapter II: Urgent applications for preparatory measures

Article R532-1

The urgent applications judge may, on the basis of an ordinary application and even if no administrative decision has yet been made, order any expert examination or preparatory measure that would prove useful.

He or she may, more particularly, appoint an expert to prepare, when public works are carried out, all reports relating to the state of buildings that are likely to be affected by damage and to the

causes and extent of any damage that effectively occurs during his or her assignment.

Applications made in accordance with this chapter do not require the intervention of a lawyer if they are linked to disputes that do not require the intervention of such a person.

Article R532-2

The potential respondent is informed immediately of the application that has been made to the urgent applications judge, and a time limit within which to reply is set.

Article R532-3

The urgent applications judge may, at the request of one of the parties made within the two months following the first expert's meeting, or at the request of the expert, made at any time, extend the expert investigation to persons other than the persons initially named in the ordinance, or exonerate one or more of those persons.

He or she may, under the same conditions, extend the expert's assignment to the examination of technical questions that prove to be indispensable for the proper performance of the assignment or, conversely, reduce the scope of the assignment if some of the research envisaged appears to be useless.

Article R532-4

The urgent applications judge can only allow the application provided for in article R. 532-3, paragraph 1, after he or she has enabled the parties and, where appropriate, the persons to which the expert examination must be extended, to present their observations regarding the usefulness of the extension or reduction sought.

He or she may, if he or she deems it be appropriate, discuss the questions raised by this application at the sitting provided for in article R. 621-8-1.

Chapter III: Appeals

Article R533-1

An appeal may be lodged with the administrative court of appeal against any ordinance made in accordance with this title by the president of the administrative tribunal, or his or her delegatee, within two weeks of notification.

Article R533-2

When an appeal is lodged against an ordinance made by the president of the administrative tribunal or his or her delegatee in accordance with article R. 532-1, the president of the administrative court of appeal, or the judge appointed by that person, may immediately and provisionally suspend the execution of the ordinance if it is likely to seriously harm a public interest or the rights of the appellant.

Article R533-3

At the time of the disputes that have been referred to the administrative court of appeal, the president of the court or the judge appointed by the president has the powers stipulated in articles R. 531-1 and R. 532-1.

An appeal on points of law may be lodged against the ordinance made by the president of the court or by the judge appointed by the president, within two weeks of notification.

Title IV: When the urgent applications judge orders an advance payment to be made

Sole chapter

Article R541-1

Even if no application has been made on the merits, the urgent applications judge may grant an advance payment to a creditor that has referred their case to that authority, when the existence of the obligation is not seriously in doubt. He or she may, even ex officio, make the payment of the advance dependent upon the provision of collateral.

Article R541-2

The potential respondent is informed immediately of the application that has been made to the urgent applications judge, and a time limit within which to reply is set.

Article R541-3

An appeal may be lodged with the administrative court of appeal against any ordinance made by the president of the administrative tribunal, or his or her delegatee, within two weeks of notification.

Article R541-4

If the creditor has not filed an application on the merits under the conditions of the ordinary law, the person required to make the advance payment may file an application with the judge dealing with the merits in order to have the amount of his or her debt fixed definitively, within a period of two months as from the notification of the decision regarding the advance payment, rendered either at first instance or on appeal.

Article R541-5

At the time of the disputes that have been referred to the administrative court of appeal, the president of the court or the judge appointed by the president has the powers stipulated in article R. 541-1.

An appeal on points of law may be lodged against the ordinance made by the president of the court or by the judge appointed by the president, within two weeks of notification.

Article R541-6

The court of appeal or the court at the cassation stage may decide to stay the execution of an ordinance made by an urgent applications judge granting an advance payment, if the execution of the ordinance might have consequences that would be difficult to repair and if the submissions made against the ordinance appear, in the current state of the proceedings, to be serious and likely to justify its being set aside and the application dismissed.

Title V: Provisions specific to certain types of dispute

Chapter I: Urgent applications when public procurement and other contracts are entered into

Section I: Urgent applications prior to the signature of a contract

Subsection 1: Contracts entered into by contracting authorities

Article R551-1

The State representative or the author of the application must inform the contracting authority of the application.

Notice must be given when the application is filed, following the same formalities.

Notification is deemed to be complete on the date on which the contracting authority receives the information.

Subsection 2: Contracts entered into by contracting entities

Article R551-2

The State representative or the author of the application must inform the contracting entity of the application.

Notice must be given when the application is filed, following the same formalities.

Notification is deemed to be complete on the date on which the contracting authority receives the information.

Subsection 3: Common provisions

Article R551-3

In the situation envisaged in article L. 551-10, paragraph 2, the State is represented by the prefect in cases involving a contract entered into by a territorial authority, a local public institution or a legal entity incorporated under private law on behalf of one of these public corporations.

In cases involving other contracts, it is represented by the competent minister.

Article R551-4

When the judge envisages taking one of the measures provided for in articles L. 551-2 and L. 551-6, ex officio, he or she informs the parties of this decision stating the time limit within which they must submit their observations or, where appropriate, the date of the hearing at which they may submit

them. In this latter case, article R. 522-8 applies.

Article R551-5

The president of the administrative tribunal, or the judge that he or she appoints for the purpose, rules within a period of 20 days on the applications presented to him or her in accordance with articles L. 551-1 and L. 551-5.

The judge may not rule before the 16th day as from the date on which the decision awarding the contract is sent to the economic operators who presented their candidature or a bid. This period is reduced to the 11th day when the contracting authority or contracting entity can show that the award decision was sent by electronic means to all of the economic operators concerned.

When applications are filed before the signature of the contracts mentioned in article L. 551-15, paragraph 1, the judge may not rule before the 11th day from publication of the intention to enter into the contract.

Article R551-6

The definitive decisions taken in accordance with articles L. 551-2 and L. 551-6 by the president of the administrative tribunal or the judge that he or she appoints for that purpose may be appealed on points of law before the Council of State sitting as a court of cassation, within two weeks of notification.

The provisional measures ordered in accordance with the same articles may only be challenged when an appeal is lodged against these decisions on points of law.

Section II: Urgent applications after the signature of a contract

Subsection 1: Nature and submission of the application

Article R551-7

An application may be made to the court no later than the 31st day after the publication of the contract award decision or, in the case of public procurement contracts based on a framework agreement or a dynamic purchasing system, after notification that the contract has been entered into.

If the decision or the notification mentioned in the foregoing paragraph is not published, an application may be made to the court within a period of six months from the day following the day on which the contract was signed.

Article R551-8

When the judge envisages taking, ex officio, one of the measures provided for in articles L. 551-17 to L. 551-20, or imposing a financial penalty under the conditions laid down in articles L. 551-19 to L. 551-22, he or she informs the parties of this decision advising them of the time limit within which they must submit their observations or, where appropriate, the date of the hearing at which they may submit them. In this latter case, article R. 522-8 applies.

Article R551-9

The president of the administrative tribunal, or the judge that he or she appoints for the purpose, rules within a period of one month on the applications made to him or her in accordance with article L. 551-13.

Article R551-10

The definitive decisions taken in accordance with articles L. 551-17 to L. 551-20 by the president of the administrative tribunal or the judge that he or she appoints for that purpose may be appealed on points of law before the Council of State sitting as a court of cassation, within two weeks of notification.

The provisional measures ordered in accordance with the same articles may only be challenged when an appeal is lodged against these decisions on points of law.

Chapter II: Urgent applications in tax matters

Chapter III: Urgent applications in audiovisual communications matters

Chapter IV: Special rules governing suspensions

Article R554-1

Appeals against decisions made by urgent applications judges in accordance with the provisions mentioned in article L. 554-1 must be lodged within two weeks of notification.

Chapter V: Urgent applications in data protection matters

Article R555-1

When the President of the French data protection authority makes an urgent application to an administrative judge, on the basis of article 45, part III, of Law no. 78-17 of 6 January 1978 [French

Data Protection Act], relating to the processing or exploitation of personal data by the State, a territorial authority, any other public corporation or any private person charged with a public service mission, a ruling is made in accordance with the urgent applications procedure laid down in article L. 521-2.

Article R555-2

When an urgent application is made to an administrative judge, on the basis of article 39, part I, of Law no. 78-17 of 6 January 1978 [French Data Protection Act], relating to a decision to take all useful measures intended to prevent any concealment or deletion of personal data by the State, a territorial authority, any other public corporation or any private person charged with a public service mission, a ruling is made in accordance with the urgent applications procedure laid down in article L. 521-3.

Chapter VI: Urgent applications relating to buildings at risk of collapse and the safety of collective buildings used primarily for residential purposes

Article R556-1

When a mayor makes an application to an administrative judge, on the basis of article L. 129-3 of the Construction and Housing Code or article L. 511-3 of the same code, seeking the appointment of an expert, a ruling is made in accordance with the urgent applications procedure laid down in article R. 531-1.

Chapter VII: Urgent applications brought by the Ombudsman

Article R557-1

When the Ombudsman makes an urgent application to an administrative judge, on the basis of article 21 of the Organic Law of 29 March 2011 relating to the Ombudsman, seeking any measure that will be useful for the pursuit of his or her mission, a ruling is made in accordance with the urgent applications procedure laid down in article L. 521-3.

Article R557-2

When the Ombudsman makes an urgent application to an administrative judge, on the basis of article 22 of the Organic Law of 29 March 2011 relating to the Ombudsman, seeking the judge's authorisation for access to administrative premises, a ruling is made in accordance with the urgent applications procedure laid down in article L. 521-3. The judge makes his or her ruling within 48

hours.

When he or she has authorised the visit, the judge may attend the premises during the visit, if he or she considers this to be useful.

He or she may decide to suspend or terminate the visit at any time.

Regulatory Part – Council of State decrees

Book VI: The preparatory stage

Title I: Ordinary proceedings

Chapter I: Submission of the applications and statements of case

Section I: General provisions

Article R611-1

The application and statements of case, and the documents submitted by the parties, are filed with or sent to the court registry.

The application, any additional statement of which notice is given in the application and the first statement of case of each respondent are sent to the parties with the supporting documents, under the conditions laid down in articles R. 611-3, R. 611-5 and R. 611-6.

The statements in reply, any other statements of case and documents are sent, if they contain new information.

Article R611-2

Unless it is signed by one of the agents mentioned in article R. 431-2, any statement in defence or intervention presented by several natural persons or legal entities must identify one of the signatories as sole representative.

Failing this, the first person named is informed by the court registry that he or she is considered to be the representative mentioned in the foregoing paragraph. If this causes the other signatories to appoint one of their number as sole representative they will inform the court of this appointment.

Except for the notification of the decision provided for in articles R. 751-1 to R. 751-4, the sole representative becomes the contact person for the purposes of the procedural formalities.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R611-3

The decisions taken during the preparatory phase are notified to the parties, at the same time as the copies, produced in accordance with articles R. 411-3 *et seq*. and article R. 412-2, of the applications, statements of case and documents filed at the court registry. The notice may be given in the form of ordinary letters.

However, the application, applications for rectification, formal notices, closure orders, decisions to take one of the preparatory steps provided for in articles R. 621-1 to R. 626-3, and the information provided for in article R. 611-7, are notified by means of letters signed for on delivery or any other means showing the date of receipt.

Notifications of applications and statements of case must mention that if the time limit set within which to submit a document in accordance with article R. 611-10 or article R. 611-17 is not complied with, the preparatory stage may be closed under the conditions laid down in articles R. 613-1 and R. 613-2 without any formal notice.

Article R611-4

Notification may almost be given in the administrative form. Receipt is given for the notification. If no receipt is given, a report of the notification is drawn up by the agent who made it. The receipt or the report is sent to the court registry immediately.

Article R611-5

The copies, produced in accordance with article R. 412-2, and the documents produced in support of the applications and statements of case are notified to the parties under the same conditions as the applications and statements. When the number, volume or characteristics of the exhibits make it impractical to produce copies, a detailed list of the documents is notified to the parties, who are informed that they or their agents may take cognisance of these documents at the court registry and make copies of them at their expense.

Article R611-6

The president of the court or, at the Council of State, the President of the subdivision charged with the preparations, may authorise the documents to be moved, for a period of time that he or she determines, to a prefecture or subprefecture, or to the court registry of another administrative court.

In the event of a recognised necessity, he or she may also authorise the documents to be handed over temporarily, for a period of time that he or she determines, to the parties' lawyers or representatives of the various public services.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R611-7

When the president of the court formation or, at the Council of State, the subdivision charged with the preparations, considers that the decision may be based on an argument raised ex officio, he or she informs the parties of this before the sitting at which the case will be judged and determines a time limit within which they may submit their observations on the argument sent to them. The fact that the preparations may be closed will not interfere with this process.

When the provisions of articles R. 122-12, R. 222-1, R. 611-8 or L. 822-1 are applied, the provisions of this article do not apply.

Article R611-8

When it appears, in the light of the application, that the solution to the case is already certain, the president of the administrative tribunal or the president of the court formation or, at the administrative court of appeal, the president of the chamber or, at the Council of State, the President of the subdivision, may decide that there is no reason for a preparatory stage.

Article R611-8-1

The president of the court formation or, at the Council of State, the President of the subdivision with responsibility for the preparations, may ask one of the parties to repeat, in a summary statement, the submissions and arguments previously presented during the current proceedings, informing them that, if they accept this invitation, the submissions and arguments that are not repeated will be deemed to have been withdrawn. On appeal, the party may be asked to also repeat the submissions and arguments that were presented at the first instance that they intend to maintain.

Section II: Provisions applicable before the administrative tribunals

Article R611-9

Immediately after the application commencing proceedings has been registered at the court registry, the president of the tribunal or, in Paris, the president of the division to which the application has been sent, appoints a reporting judge.

A case may only be removed from a reporting judge at his or her request and with the agreement of the president of the administrative tribunal, or by decision of the president of the administrative tribunal.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R611-10

Under the authority of the president of the chamber to which he or she belongs, the reporting judge sets the time limit to be allowed the parties within which to submit their statements, in the light of the circumstances of the case. He or she may ask the parties for all exhibits or documents that will help the court to find a solution to the dispute, to be submitted to the inter partes proceedings.

The president of the court formation may delegate the powers that he or she enjoys under articles R. 611-7, R. 611-8-1, R. 611-11, R. 612-3, R. 612-5, R. 613-1 and R. 613-4 to the reporting judge.

Article R611-11

When the circumstances of the case so justify, the president of the court formation may, as soon as the application has been registered, use the power provided for in article R. 613-1, paragraph 1, to set the date on which the preparations will be closed. When the ordinance is notified to the parties, they are also informed of the date set for the hearing. This information does not replace the notice provided for in article R. 711-2.

Article R611-11-1

When the case is deemed to be ready for judgment, the parties may be informed of the date on which, or the period in which, the court envisages holding the hearing. This notice will then specify the date from which the preparations may be closed under the conditions laid down in article R. 613-1, final paragraph, and in article R. 613-2, final paragraph. It does not replace the notice provided for in article R. 711-2.

Article R611-12

The applications and various procedural measures are sent to the competent authority that will represent the State before the tribunal.

Article R611-13

When, after it has been studied by the reporting judge, the case is deemed to be ready for the hearing, the case file is sent to the consultant judge.

Article R611-14

Before the administrative tribunals of French Polynesia and New Caledonia, applications made

against decisions taken in the name or on behalf of the State and applications made against the State, holding it liable, and all applications made against resolutions or decisions of local authorities are sent to the High Commissioner by the administrative tribunal.

Applications made against a resolution of the Assembly of French Polynesia or the Congress of New Caledonia are sent to the president of the assembly concerned.

Article R611-15

Before the administrative tribunal of Mayotte, applications made against a decision or resolution taken in the name or on behalf of the State or the territorial authority, and applications made against the State or the territorial authority, holding them liable, are sent to the representative of the government by the administrative tribunal.

Article R611-15-1

Before the administrative tribunal of Mata-Utu, applications made against a decision or resolution taken in the name or on behalf of the State or the territory of the Wallis and Futuna Islands, and applications made against the State or the territory of the Wallis and Futuna Islands holding, them liable, are sent to the senior administrator by the administrative tribunal.

Section III: Provisions applicable before the administrative courts of appeal

Article R611-16

After the applications have been registered, the president of the administrative appeal court divides them among the chambers and allocates the case files to the reporting judges.

A case may only be removed from a reporting judge at his or her request and with the agreement of the president of the administrative court of appeal, or by decision of the president of the administrative court of appeal.

Article R611-17

Under the authority of the president of the chamber, the reporting judge determines when the application will be sent to the other parties. In the light of the circumstances of the case, he or she determines the time limit to be granted the parties within which to submit their statements of case. He or she may ask the parties for all exhibits or documents that will help the court to find a solution to the dispute, to be submitted to the inter partes proceedings.

The provisions of article R. 611-10, paragraph 2, apply.

Article R611-18

The provisions of articles R. 611-11 and R. 611-11-1 apply.

Article R611-19

Each chamber is responsible for the preparation of the cases that are allocated to it. If its president thinks it would be useful, it holds a preparatory sitting before the case file is sent to the consultant judge. This person attends the preparatory sitting. The chamber sits as a preparatory formation, chaired by its president, accompanied by a judge, appointed from the judges present in accordance with the order shown on the table, and the reporting judge. If the president is absent or unable to act, he or she is replaced in the manner stipulated in article R. 222-26.

Section IV: Provisions applicable before the Council of State

Article R611-20

The President of the Litigation Division divides the cases among the subdivisions. Before the cases are allocated, he or she may carry out the preparatory procedures necessary to ensure that the cases are ready.

Each subdivision is responsible for the preparation of the cases that are allocated to it. The reporting judge is appointed for each case by the President of the subdivision after the preparatory measures stipulated in article R. 611-27 have been carried out.

By way of exception to the provisions of paragraph 1, the President of the Litigation Division may decide that the preparation of a particular case will be allocated to the Litigation Division. In such case, it will be his or her responsibility to appoint the reporting judge and exercise the powers devolved by this code to the subdivision with responsibility for the preparation.

When he or she decides to refer an application presented in accordance with book V to one of the collegial formations mentioned in article L. 122-1, paragraph 1, for judgment, the President of the Litigation Division will carry out the preparatory procedures required and appoint the reporting judge and the consultant judge, unless he or she allocates the case to a subdivision.

Article R611-21

Before the Council of State, when the application or appeal does not mention the applicant's or the minister's intention to submit an additional statement of case in which the arguments set forth will be explained in more detail or completed, or in support of which new documents or probative elements

will be submitted, the preparatory procedure commences immediately.

Article R611-22

When the application or appeal mentions the applicant's or the minister's intention to submit an additional statement of case, this document must arrive at the secretariat of the Litigation Division of the Council of State within a period of three months as from the date on which the application was registered.

If this time limit is not complied with, the applicant or the minister is deemed to have withdrawn on the date on which the time limit expires, even if the additional statement is submitted at a later date. The Council of State takes formal notice of the withdrawal.

Article R611-23

The time limit provided for in the previous article is one month in electoral matters and with respect to submissions seeking a stay of execution of the court decision challenged.

The time limit is two weeks when the appeal on points of law to the Council of State sitting as a court of cassation is lodged against a decision taken by an urgent applications judge in accordance with book V, except with regard to the procedures referred to in articles L. 552-1 and L. 552-2.

Article R611-24

The time limits mentioned in the two preceding articles may also be reduced by decision of the President of the subdivision due to the urgency of the situation. In such case, the decision is notified to the signatory of the application. The time limit runs from the day on which the notification is received.

If the time limit is not respected, the applicant is deemed to have withdrawn on the date on which the time limit expires. The Council of State takes formal notice of the withdrawal.

Article R611-25

If the applicant or the minister to whom the file was sent in connection with the submission of a new statement of case does not restore it within the time limit granted when the file was sent, they are deemed to have withdrawn on the expiry of the time limit, even if the case file is returned at a later date. The Council of State takes formal notice of the withdrawal.

Article R611-26

Except when article R. 611-8 is applied, the division or subdivision determines the time limit within which the statements of case must be filed.

Article R611-27

The subdivisions order the applications and appeals to be forwarded to the interested parties and ministers, along with, where appropriate, any third party notices, requests for exhibits and all other documents required at the preparatory stage, with the notice setting the time limits within which the replies must be filed.

Applications for judicial review against decrees on the grounds that an authority has exceeded its powers are also sent to the Prime Minister.

Article R611-29

The applications, statements of case and other documents are forwarded under the conditions laid down in articles R. 611-1 to R. 611-6.

Chapter II: Applications for rectification and formal notices

Article R612-1

When submissions are marred by an inadmissible element that may be remedied after the expiry of the time limit within which the action must be brought, the court may only dismiss them by referring ex officio to the inadmissible element, after the author has been invited to correct it.

However, the court of appeal or the court at the cassation stage may dismiss such submissions, without first asking the author to remedy them, when the submissions are inadmissible due to a failure to comply with an obligation mentioned in the notice of the decision challenged in accordance with article R. 751-5.

The request for rectification will mention that, if the fault is not rectified, the submissions may be dismissed as inadmissible on the expiry of the time limit set which, unless the case is urgent, may not be less than two weeks. The request for rectification takes the place of the information notice mentioned in article R. 611-7.

Article R612-3

When one of the parties required to submit a statement of case has not complied with the time limit set in accordance with articles R. 611-10, R. 611-17 and R. 611-26, the president of the court formation or, at the Council of State, the President of the subdivision charged with preparing the case, may send them a formal notice.

In the event of the situation of force majeure, a fresh and final time limit may be granted.

Before the administrative tribunals and courts of appeal, the notice may be accompanied by the date or period within which it is envisaged to call the case to a hearing. The provisions of the final paragraph of article R. 613-1, and of the final paragraph of article R. 613-2 are reproduced. The other parties are informed of this.

It does not replace the notice provided for in article R. 711-2.

Article R612-4

When it relates to a State public service, the notice is sent to the authority that is competent to represent the State. In other cases it is sent to the party or their agent if an agent has been instructed.

Before the administrative tribunals of French Polynesia and New Caledonia, the formal notice is sent by the president of the administrative tribunal to the High Commissioner if it relates to a State public service.

Before the administrative tribunal of Mayotte, the formal notice is sent by the president of the administrative tribunal to the representative of the government, if it relates to a State public service or service provided by the territorial authority.

Before the administrative tribunal of Mata-Utu, the formal notice is sent to the senior administrator if it relates to a State public service or service provided by the territory of the Wallis and Futuna Islands.

Article R612-5

Before the administrative tribunals and administrative courts of appeal, if, in spite of the formal notice that was sent to them, the applicant has not filed the additional statement of case that they had expressly said would be sent or, in the cases mentioned in article R. 611-6, paragraph 2, has not restored the file, they are deemed to have withdrawn.

Article R612-6

If, in spite of the formal notice, the respondent has not produced a statement of case, they are deemed to have agreed to the facts set out in the applicant's statements.

Chapter III: Closure of the preparatory stage

Section I: Provisions applicable to administrative tribunals and administrative courts of appeal

Article R613-1

The president of the court formation may, by ordinance, determine the date from which the preparatory stage will be closed. The said ordinance will not contain any reasons and may not be appealed.

All the parties involved are given notice of the ordinance, by letter to be signed for on delivery, or any other means of notification recording the date of receipt of the said ordinance, at least two weeks before the date set for the closure stipulated in the ordinance. Before the administrative tribunals of Mayotte, French Polynesia, Mata-Utu and New Caledonia, the notice period is increased to one month and the ordinance may be notified through administrative channels.

When a party that has been called upon to file a statement of case has not respected the time limit set in a formal notice including the information stipulated in article R. 612-3, paragraph 3, and this non-compliance has lasted for more than a month, or when the date envisaged in article R. 611-11-1 has passed, the preparatory stage may be closed on the date of issue of the ordinance mentioned in the first paragraph.

Article R613-2

If the president of the court formation has not made a closure ordinance, the preparatory stage is closed three clear days before the date of the hearing stated on the notice of hearing provided for in article R. 711-2. This will be mentioned on the notice.

However, in the case envisaged in article R. 711-2 when, due to the urgency of the situation, the president of the court formation has expressly reduced the time limit within which the hearing may be convened to two days, the preparatory stage is closed either after the parties or their agents have presented their oral observations, or, if the parties are absent or not represented, after their case has been called for the hearing.

When a party that has been called upon to file a statement of case has not respected the time limit set in a formal notice including the information stipulated in article R. 612-3, paragraph 3, and this non-compliance has lasted for more than a month, or when the date envisaged in article R. 611-11-1 has passed, the preparatory stage may be closed on the date of issue of the notice of the hearing. This will be mentioned on the notice.

Article R613-3

Statements filed after the preparatory stage has been closed are not forwarded and are not examined by the court.

If the parties make new submissions or submit new arguments before the preparatory stage is closed, the court cannot adopt them without ordering further preparation.

Article R613-4

The president of the court formation may decide to reopen the preparatory stage, issuing a decision to that effect, for which reasons are not given and which may not be appealed. Notice is given of the said decision in the same form as the closure ordinance.

The preparatory stage may also be reopened as the result of a judgment or investigative measure ordering further preparation.

Statements of case filed during the period between the closure and reopening of the preparatory stage are forwarded to the parties.

Section II: Provisions applicable to the Council of State

Article R613-5

Before the Council of State, the preparatory stage is closed after the lawyers authorised to appear before the Council of State have made their oral submissions, or, if there is no lawyer, after the case has been called for the hearing.

Title II: The different means of investigation

Chapter I: The expert examination

Article R621-1

The court may, either ex officio, or at the request of a party or parties, order an expert examination to be carried out on the points specified in its decision, before it hears and determines the case. The aim

of the expert's assignment may be to conciliate the parties.

Article R621-1-1

The president of the court may appoint a judge from his or her court to be responsible for issues covered by the expert examination and for supervising the expert's or experts' activities.

The decision appointing a judge to supervise the expert examinations may grant him or her all or some of the powers mentioned in articles R. 621-2, R. 621-4, R. 621-5, R. 621-6, R. 621-7-1, R. 621-8-1, R. 621-11, R. 621-12, R. 621-12-1 and R. 621-13.

The said judge may be present at the expert examinations.

Section I: Number and appointment of the experts

Article R621-2

Only one expert is appointed unless the court thinks it necessary to appoint more. The president of the administrative tribunal or administrative court of appeal, depending on the case, or at the Council of State, the President of the Litigation Division, chooses the experts and determines the time limit within which they will be required to file their reports at the court registry.

When an expert thinks that it is necessary to seek the assistance of one or more persons with expert knowledge of the subject area to clarify a particular point, he or she must first seek authorisation from the president of the administrative tribunal or administrative court of appeal or, at the Council of State, from the President of the Litigation Division. The decision may not be appealed.

Article R621-3

The chief registrar or, at the Council of State, the secretary of the Litigation Division, informs the expert or experts of the appointment within ten days, sending them a copy of the decision which also explains the purpose of the assignment. He or she appends to the decision the wording of the sworn statement that the expert or experts must make in writing and file at the court registry within three days in order to be included in the case file.

By means of this sworn statement, the expert undertakes to carry out his or her assignment in good conscience, objectively, impartially and diligently.

Article R621-4

If the expert does not accept the assignment, another expert is appointed in his or her stead.

If the expert, having accepted the assignment, fails to carry it out, or if the expert does not file his or her report within the time limit stipulated in the decision, he or she may, after being invited by the president of the court to submit his or her observations, be replaced by the president. He or she may also be ordered to pay all the unjustified costs and damages, by the court, at the request of a party, at the conclusion of inter partes proceedings.

Article R621-5

Persons who have had to take cognisance of the case in any capacity whatsoever are required, before agreeing to be appointed as expert or person with expert knowledge of the subject area, to make this known to the president of the court or, at the Council of State, the President of the Litigation Division, who will determine whether this is an impediment.

Article R621-6

The experts or persons with expert knowledge of the subject area mentioned in article R. 621-2 may be objected to for the same reasons as the judges. If the expert or person with expert knowledge is a legal entity, the objection may relate to the legal entity itself or the natural person or persons who carry out the assignment in its name. Any party that intends to object to the expert or person with expert knowledge must do so before the operations begin or as soon as the reason for the objection is discovered. If the expert or person with expert knowledge considers that he or she may be open to challenge, he or she must immediately declare this fact to the president of the court or, at the Council of State, to the President of the Litigation Division.

Article R621-6-1

The party's objection is submitted to the court that ordered the expert examination. If it is submitted by an agent, this person must have a special power of attorney.

It must, on pain of being held inadmissible, state the reasons for which it has been made and be accompanied by exhibits in support.

Article R621-6-2

The chief registrar or, at the Council of State, the Secretary of the Litigation Division, sends the expert a copy of the objection of which he or she is the subject.

As soon as he or she has received this objection, the expert must refrain from carrying out any operation until a ruling has been made.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R621-6-3

Within one week of this notification, the expert must make known in writing whether he or she acquiesces to the objection, or the reasons why he or she opposes it.

Article R621-6-4

If the expert acquiesces to the objection, he or she is replaced immediately.

Otherwise, the court, in a decision for which no reason is given, makes a ruling on the objection, after a hearing in open court of which the expert and the parties have been informed.

Unless the expert examination was ordered on the basis of book V, title III, the decision may only be challenged before the court of appeal or at the cassation stage along with the judgment or decision that is rendered at a later date.

The expert may not challenge the decision by which he or she is rejected.

Section II: Expert examinations

Article R621-7

The parties are informed by the expert or experts of the days and times on which the expert examinations will be carried out, at least four days in advance, by recorded delivery letter.

The parties' observations made during the course of the operations are recorded in the report.

Before the administrative tribunals of Mayotte, French Polynesia, Mata-Utu and New Caledonia, the president of the tribunal issues an ordinance setting the deadlines within which the parties must be informed, and the means by which they should be given this information.

Article R621-7-1

The parties must provide the expert promptly with all the documents that the expert considers to be necessary for his or her assignment.

Should the parties fail to do this, the expert informs the president of the court of this fact who, after taking the written observations of the recalcitrant party, may ordinance that party to submit the documents, if necessary subject to the payment of a penalty in the event of non-compliance, authorise the expert to do without, or file his or her report as is.

The president may also consider the problems raised by this failing at the sitting provided for in article R. 621-8-1.

The court will take account of the failure to send the documents to the expert.

Article R621-7-2

If the parties manage to reconcile their positions, the expert notes that his or her assignment no longer has any purpose, and immediately submits a report to the judge by whom he or she was appointed.

His or her report, along with his or her fee and expenses note, must be accompanied by a copy of the report of the reconciliation signed by the parties, in which the allocation of the costs of the expert report is shown.

If the parties have not determined how the costs of the expert examination should be allocated, the allocation will be decided after the taxation mentioned in article R. 621-11, in accordance with articles R. 621-13 or R 761-1, depending on the case.

Article R621-8

If there are several experts, they carry out the expert examinations together and prepare one single report. If they are not able to draft a report with common findings, the report will include the reasoned opinion of each person.

Article R621-8-1

While the expert examinations are being carried out, the president of the court may organise one or more sittings with a view to ensuring that the operations are properly performed. At this sitting, issues relating to the time limits within which the operations are to be carried out, the delivery of documents, the payment of provisional sums or, in the event of an urgent application, the scope of the expert examination, may be examined, to the exclusion of any matter relating to the substance of the expert examination.

The parties and the expert are convened to the sitting mentioned in the foregoing paragraph, under the conditions laid down in article R. 711-2.

A statement of the findings of the discussions is prepared. This statement is sent to the parties and the expert and added to the case file.

The decision to organise a sitting of this type, or any refusal to organise such as sitting, may not be appealed.

Section III: The expert's report

Article R621-9

Two copies of the report are filed at the court registry. The expert sends copies to the interested parties. If the parties agree, the copies may be sent by e-mail.

The parties are invited by the court registry to submit their observations within a period of one month, to which an extension may be granted.

Article R621-10

The court may decide that the expert or experts will appear before the court formation or one of its members, after the parties have been duly convened, in ordinance to provide all useful additional explanations and more particularly to express their opinions on the observations taken in accordance with article R. 621-9.

Section IV: Costs of the expert's report

Article R621-11

The experts and persons with expert knowledge of the subject area mentioned in article R. 621-2 are entitled to their fees, without prejudice to the reimbursement of costs and expenses.

Each of them will attach a statement of his or her fees, costs and expenses to the report.

The fees will include all sums allowed for the study of the case file, the cost of editing the report, filing the report and, more generally speaking, of any work personally carried out by the expert or the person with expert knowledge of a subject area and any step taken by that person in ordinance to carry out the mission.

After consulting the president of the court formation, or, at the Council of State, the president of the Litigation Division, the president of the court will determine the fees, by ordinance, in accordance with article R. 761-4, taking account of the difficulties involved in carrying out the operations, the amount, the usefulness and nature of the work provided by the expert or the person with expert knowledge of the subject area and the steps taken in order to meet the deadline mentioned in article R. 621-2. He determines the amount of the costs and expenses that will be reimbursed to the expert, on the basis of documents provided in support.

If there are several experts, or if a person with expert knowledge of the subject area was appointed, the ordinance mentioned in the foregoing paragraph will clearly indicate the amount of the expenses and fees determined for each person.

When the president of the court envisages paying the expert less than he or she had requested, the president must first inform the expert of the items that he or she proposes to reduce, along with the reasons for the reduction and must invite the expert to make any observations.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R621-12

After consulting the president of the court formation or, at the Council of State, the President of the Litigation Division, the president of the court may, at their request, grant the experts and persons with expert knowledge of the subject area a provisional sum to be set against the amount of their fees and expenses, either at the start of the expert examination, if the duration or magnitude of the operations seems to permit it, or during the expert examination, or after the report has been filed and up to the time when a judgment has been rendered on the merits.

He or she will name the party or parties that are to pay the sums. The decision is not open to appeal.

Article R621-12-1

If the provisional payment is not made by the party that is required to make it, within one month of the notification of the decision mentioned in article R. 621-12, a formal notice to pay, signed by the president of the court, may be issued at the request of the expert.

If the time limit set by the president is not observed, and if the expert report has not been filed on that date, the expert is called by the president to file, with his or her note of fees and expenses, a report limited to the work carried out and mentioning the expert's failure, of which the court will take account, particularly for the application of article R. 761-1, paragraph 2.

The president may, however, before inviting the expert to submit a report recording the failure, refer the incident to the sitting provided for in article R. 621-8-1.

Article R621-13

When the expert examination has been ordered on the basis of book V, title III, the president of the tribunal or court determines the amount of the fees and costs, by ordinance made in accordance with articles R. 621-11 and R. 761-4, after consulting, as appropriate, the judge who has been delegated for that purpose or, at the Council of State, the President of Litigation Division. The said ordinance names the party or parties who will be responsible for paying the fees and expenses. The ordinance is enforceable as soon as it is issued, and may be recovered against private or public persons by the methods allowed by the ordinary law. An appeal may be lodged against the ordinance, within one month of the date of notification, as mentioned in article R. 761-5.

If the expenses incurred in connection with the expert examination mentioned in the foregoing paragraph are included in the costs of the main proceedings, if any, the court formation ruling on these proceedings may decide that these expenses should finally be borne by a party other than the party named in the ordinance mentioned in the foregoing paragraph or in the decision rendered on an appeal made against that ordinance.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

In the cases mentioned in the first paragraph, the provisions of articles R. 621-12 and R. 621-12-1 may be applied.

Article R621-14

The expert or the person with expert knowledge of the subject area may not, in any event, and under any pretext whatsoever, claim from the parties or from one of them, any sum in addition to the provisional awards of fees, costs and expenses provided for in article R. 621-12, determined by the president of the tribunal or court or, at the Council of State, the President of the Litigation Division.

Chapter II: Visiting the location concerned

Article R622-1

The court may decide that one or more of its members should visit the location concerned in order to make the observations and carry out the checks stipulated in its decision.

These persons may also, in the course of the visit, hear the persons that they name, in order to gather information, and cause to be carried out in their presence the operations that they consider to be useful.

The parties are notified of the day and time on which the visit to the location is to take place.

A report of the operation is prepared.

The president of the court formation or, at the Council of State, the subdivision with responsibility for the preparatory stage, may also decide in the course of the preparations that the location should be visited.

Chapter III: The investigation

Section I: Investigation proceedings

Article R623-1

The court may, either at the request of the parties or ex officio, order an investigation into the facts that it believes should be recorded as part of the preparation of the case.

Article R623-2

The decision in which the investigation is ordered should indicate which facts should be covered and specify, depending on the case, whether it is to take place before a court formation or preparatory formation, or before one of its members who, if necessary, will visit the location. It is notified to the parties.

Article R623-3

The parties are invited to present their witnesses on the day and at the time set in the decision ordering the investigation.

They may summon witnesses to attend, at their expense, using the services of a judicial officer.

The court formation or preparatory formation, or the judge who carries out the investigation may, ex officio, convene or hear any person whose testimony could help the court to determine the truth.

Article R623-4

When the investigation is ordered, evidence to the contrary may be provided by witnesses without any fresh decision.

Each person may be heard as a witness, except for persons who do not have the legal capacity to testify in legal proceedings.

Persons who cannot give evidence may, however, be heard under the same conditions, without making a sworn statement.

Any person who is legally required to do so, is bound to testify. Persons who have a legitimate reason may be exempt from giving evidence. Relatives and relatives by marriage in direct line of one of the parties or that person's spouse, even a divorced spouse, may refuse to testify.

Article R623-5

The witnesses are heard separately, with the parties being present or having been duly called. Before giving his or her evidence, each witness must state his or her surname, first names, occupation, age and address, and, if appropriate, his or her kinship or relationship by marriage with the parties, or any employment-related relationship, collaboration or shared interests. On pain of the evidence

being held null and void, the witness must swear to tell the truth.

The witnesses may be heard again and required to address each other.

Section II: Record of the investigation

Article R623-6

If the investigation is held at the hearing, a record is made of the witnesses' depositions at the hearing. The record is signed by the president of the court formation and added to the file.

If the investigation is entrusted to one of the members of the court formation, this person prepares a record of the witnesses' depositions. This record is filed at the court registry and added to the case file.

Article R623-7

In every case, the record of the witnesses' depositions will include: the date, place and time of the investigation; whether the parties were present or not; the surname, first name, occupation and place of residence of each witness; the witnesses' oaths or the reasons why the person or persons concerned was or were not able to make such an oath; and their depositions.

Each deposition is read to the deponent and that person signs it, or a note is added explaining that the deponent cannot or does not wish to sign.

Copies of the record are sent to the parties.

Section III: Cost of the investigation

Article R623-8

Witnesses heard as part of an investigation may ask for the payment of the sums to which they are entitled.

The amount is determined in accordance with the regulatory provisions in force with respect to civil matters.

The president of the court or, at the Council of State, the President of the Litigation Division determines the amount due.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Chapter IV: Checking written documents

Article R624-1

The court may decide that written documents should be checked by one or more experts, in the presence, where appropriate, of one of its members.

Article R624-2

The expert is entitled to his or her fees and, where appropriate, to the reimbursement of his or her costs and expenses under the conditions laid down in article R. 621-11.

Chapter V: Other measures taken at the preparatory stage

Article R625-1

Where necessary, the provisions of book V, title III may be applied.

Article R625-2

When a technical question does not require complex investigations, the court formation may seek an opinion on points that it determines from a person it has appointed to that end. The consultant, who is not provided with the file of the proceedings, does not have to operate on an inter partes basis with respect to the parties.

The opinion is recorded in writing. It is sent to the parties by the court.

Articles R. 621-3 to R. 621-6, R. 621-10 to R. 621-12-1 and R. 621-14 apply to technical opinions.

Article R625-3

The court formation with responsibility for the preparation may invite any person whose competence or knowledge might help it to find a solution to the dispute, to submit observations of a general nature on points that it determines.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

The opinion is recorded in writing. It is notified to the parties.

Under the same conditions, any person may be invited to submit his or her oral observations before the formation with responsibility for the preparation or the court formation, when the parties have been duly convened.

Chapter VI: Miscellaneous provisions

Article R626-1

A member of the court may be appointed by the court formation or its president or, at the Council of State, by the subdivision charged with the preparations, to carry out all preparatory measures other than those provided for in chapters 1 to 4 of this title.

Article R626-2

When a preparatory measure is ordered, the court may decide that an audio, visual or audiovisual record will be made of all or some of the operations.

Article R626-3

Articles 730 to 732 of the Code of Civil Procedure relating to internal letters rogatory apply.

Article R626-4

Notifications given as a result of the preparatory measures ordered by the court or one of its members, in accordance with articles R. 621-1 to R. 626-3, are issued in accordance with articles R. 611-3 and R. 611-4.

Title III: Preparatory issues

Chapter I: Additional applications

Article R631-1

Additional applications are made and prepared in the same way as the application. They are joined to the main application in order to be settled in the same decision.

Chapter II: Applications to intervene

Article R632-1

Applications to intervene in the proceedings must be made by filing a separate statement.

The president of the court formation or, at the Council of State, the President of the subdivision with responsibility for the preparatory stage, orders the statement in intervention to be sent to the parties, if appropriate, and determines the time limit within which they must reply.

However, the judgment of the main case, which is in preparation, cannot be delayed due to an intervention.

Chapter III: Challenging the authenticity of a document

Article R633-1

Should an application be made to challenge the authenticity of an exhibit submitted to the proceedings, the court determines the time limit within which the party that submitted the exhibit will have to say whether they intend to rely upon it or not.

If the party states that they do not intend to rely upon the exhibit, or if they do not make a statement, the exhibit is rejected. If the party states that they intend to rely upon the exhibit, the court may either adjourn the main proceedings until after the competent court has made a ruling on the authenticity of the exhibit, or rule on the merits, if it acknowledges that the decision does not depend upon the exhibit challenged.

Chapter IV: Resumption of proceedings and change of lawyer

Article R634-1

Cases that are not yet ready for judgment are suspended in the event of the death of one of the parties or of the death, resignation, prohibition upon or removal from office of the party's lawyer. The suspension lasts until the formal notice requiring the proceedings to be resumed or a new lawyer to be appointed.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R634-2

Before the Council of State, the document by which a party dismisses their lawyer has no impact on the opposing party, if it does not include the appointment of another lawyer.

Chapter V: Disavowal

Article R635-1

A party may disavow documents submitted or proceedings pursued in their name by their lawyer, when they may have an impact on the judgment.

The request to disavowal is notified to the other parties.

Article R635-2

When this request concerns a lawyer authorised to appear before the Council of State and relates to acts or proceedings carried out before a court other than the Council of State, it is sent to the President of the Litigation Division. If he or she considers that this request must be investigated, he or she sends it to the court which will rule within the time limit set.

Article R635-3

If the disavowal relates to acts or proceedings carried out before the Council of State, the request is examined within the time limits laid down by the President of the subdivision to which the matter has been referred.

Chapter VI: Withdrawal of proceedings

Article R636-1

Proceedings may be withdrawn and the withdrawal may be accepted in documents signed by the parties or their agents, which must be sent to the court registry.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Any withdrawal is examined in the same way as an application.

Regulatory Part – Council of State decrees

Book VII: Judgments

Title I: Entry on the court list

Chapter I: Provisions applicable to administrative tribunals and administrative courts of appeal

Article R711-1

At the administrative tribunal, the list at each hearing is determined by the president of the tribunal and sent to the consultant judge.

At the administrative court of appeal, the list at each hearing is prepared by the consultant judge and finalised by the president of the court.

Article R711-2

All the parties are informed, by means of a notice sent by recorded delivery letter with advice of delivery, or through the administrative channel mentioned in article R. 611-4, of the day on which the case will be heard.

The notice of the hearing reproduces the provisions of R. 731-3 and R. 732-1-1. It also explains how the parties or their agents may be informed of the significance of the consultant judge's findings, in accordance with article R. 711-3, paragraph 1, or if the case is covered by article R. 732-1-1, of whether the consultant judge has been exempted from submitting his or her findings, in accordance with article R. 711-3, paragraph 2. Notice is given at least seven days before the hearing. However, if the case is urgent, this time limit may be reduced to two days by express decision of the president of the court formation with this decision being mentioned in the notice of the hearing.

Before the administrative tribunals of Mayotte, French Polynesia, Mata-Utu and New Caledonia, the seven day time limit is increased to ten days.

Article R711-3

If the case is to be judged after the consultant judge has delivered his or her findings, the parties or their agents are informed of the importance of these findings for the case concerned, before the hearing.

When it is decided that the consultant judge does not need to submit findings in connection with the case, in accordance with article R. 732-1-1, the parties or their agents are informed, before the hearing is held, whether the consultant judge will deliver findings or not and, if the consultant judge

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

is to deliver findings, of the importance of those findings.

Article R711-4

The lists are displayed on the door of the room in which the hearing is held.

Chapter II: Provisions applicable to the Council of State

Article R712-1

The list of each judgment sitting is prepared by the consultant judge tasked with presenting his or her findings and finalised by the president of the court formation.

When a case is included on the list of the Litigation Assembly, the Prime Minister is kept informed.

At least four days before the sitting, the lawyers authorised to appear before the Council of State and the Court of Cassation are informed that the cases for which they have been registered are included on the list. If the case is urgent, the time limit may be reduced to two days by decision of the President of the Litigation Division.

Parties who are not represented by a lawyer authorised to appear before the Council of State and the Court of Cassation are informed that their case has been included on the list.

If the case is to be judged after the consultant judge has delivered his or her findings, the parties or their agents are informed of the importance of these findings for the case by which they are concerned, before the hearing is held.

The provisions of articles R. 731-1, R. 731-2, R. 731-3, R. 733-1, R. 733-2 and R. 733-3 are reproduced on the notice of the hearing. The notice also mentions how the parties or their agents may be informed of the importance of the consultant judge's findings, in accordance with the foregoing paragraph (1).

The lists are displayed at the secretariat of the Litigation Division.

Article R712-2

The parties or their agents who have been entered into the computer system mentioned in article R. 414-1 may be notified or informed that a case has been included on the list via this system.

Title II: Abstentions and disqualifications

Article R721-1

Any member of the court who is aware of a reason why he or she should not hear a particular case, or considers in all good conscience that he or she should stand down, must arrange to be replaced by another member who is appointed by the president of the court to which he or she belongs or, at the Council of State, the President of the Litigation Division.

Article R721-2

Any party that wishes to object to a judge must, on pain of their objection being held inadmissible, make this objection known as soon as they are aware of the reason for the objection.

An objection to a judge cannot under any circumstances be made after the end of the hearing.

Article R721-3

The objection must be made by the party concerned or by their agent, who must have a special power of attorney.

Article R721-4

Objections are filed, in the form of a written document, with the court registry, or by means of a declaration of which an official record is made by the court registry.

The objection must, on pain of being held inadmissible, explain exactly why the party objects to the judge and must be accompanied by exhibits in support.

A receipt is issued for the objection.

Article R721-5

The registry sends a copy of the objection to the member of the court who is the subject of the objection.

Article R721-6

As soon as the member objected to receives the objection, he or she must stand down until a ruling has been given on the objection.

If the case is urgent, another member of the court is appointed to carry out the necessary

duties.

Article R721-7

Within one week of this notification, the member who has been objected to must make known in writing whether he or she acquiesces to the objection, or the reasons why he or she opposes it.

Article R721-8

Acts carried out by the member objected to before he or she was aware of the objection cannot be challenged.

Article R721-9

If the member of the court against whom the objection has been lodged acquiesces to the objection, he or she is replaced immediately.

If he or she does not acquiesce to the objection, the court must reach a decision on the objection, but is not required to produce reasons for that decision. The parties are only informed of the date of the hearing at which the objection will be examined if the party that raised the objection asked to be allowed to present their oral observations, before the list was drawn up.

The court rules without the member or members against whom the objection was lodged. The decision may only be challenged before the court of appeal or at the cassation stage at the same time as the judgment or decision that is rendered at a later date.

Title III: The hearing and the deliberations

Chapter I: General provisions

Article R731-1

The president of the court formation maintains order during the hearing. All the orders that he or she gives with a view to maintaining order must be executed immediately.

The members of the court have the same powers in the places in which they perform their

professional duties.

Article R731-2

The persons who attend the hearing must behave in a dignified manner and show their respect for the judicial process. They may not speak unless they are invited to do so, nor indicate their approval or disapproval, or cause any disorder whatsoever.

The president of the court formation may cause to be expelled any person who does not comply with his or her orders, without prejudice to any criminal or disciplinary proceedings that may be pursued against that person.

Article R731-3

At the end of the hearing, the lawyer of any party to the proceedings may send a written note to the president of the court formation in support of his or her oral submissions.

Article R731-4

Apart from the members of the court and their colleagues, judges, trainee lawyers, university lecturers and senior lecturers following a training course at the court or allowed, exceptionally, to follow the work of the court, may be authorised to attend the deliberations, whether they have French or any other nationality.

The head of the court, after he or she has taken the opinion of the president of the court formation or, at the Council of State, the president of the court formation, issues the authorisation.

Article R731-5

Persons who, for any reason whatsoever, take part in or attend the deliberations are bound by a confidentiality obligation, subject to the penalties laid down in article 226-13 of the Penal Code.

Chapter II: Provisions applicable to administrative tribunals and administrative courts of appeal

Article R732-1

After the report that is prepared on each case by a member of the court formation or by the judge mentioned in article R. 222-13, the consultant judge delivers his or her findings when required to do

so by this code. The parties may then make oral observations in support of their written submissions, either in person, or through a lawyer authorised to appear before the Council of State and the Court of Cassation, or through another lawyer.

When the consultant judge does not deliver any findings, particularly in accordance with article R. 732-1-1, the president invites the parties to make their submissions after the report.

The court formation may also hear officials from the competent public service or call them to appear before the court in order to provide explanations.

At the administrative tribunal, the president of the court formation may, exceptionally, during the hearing, seek clarification from any person present whom any of the parties would like to be heard.

Article R732-1-1

Without prejudice to the application of provisions specific to certain disputes providing that the hearing should take place without hearing findings from a consultant judge, the president of the court formation or the judge ruling alone may exempt the consultant judge, on his or her proposal, from presenting findings to the hearing, in connection with any dispute in the following areas:

1. Driver's licences;

2. Refusal to assist the police force in enforcing a decision of a court of law;

3. Naturalisation;

4. The entry, stay and removal of foreigners, except for expulsions;

5. Local residence tax and land tax on built properties relating to residential property and property used for business purposes, within the meaning of article 1496 of the Tax Code, and the television licence fee;

6. Welfare benefits, allowances or rights awarded as state aid for disadvantaged people under the *aide sociale* or *action sociale* schemes, housing schemes or for the unemployed.

Article R732-2

The decision is deliberated without the parties or the consultant judge being present.

Chapter III: Provisions applicable to the Council of State

Article R733-1

After the report, the lawyers authorised to appear before the Council of State representing the parties may make their oral submissions. The consultant judge then delivers his or her findings.

The lawyers authorised to appear before the Council of State representing the parties may make brief oral submissions after the findings of the consultant judge have been heard.

Article R733-2

The decision is deliberated without the parties being present.

Article R733-3

Unless one of the parties makes a request to the contrary, the consultant judge attends the deliberations. He or she does not take part.

The request mentioned in the foregoing paragraph is presented in writing. It may be presented at any time during the proceedings before the deliberations.

Title IV: The decision

Chapter I: General provisions

Section I: Rendering the decision

Article R741-1

Subject to the provisions that apply to orders, the decision is rendered in open court.

Section II: Information that must be included in the decision

Article R741-2

The decision states that the hearing was held in open court, unless the provisions of article L. 731-1 were applied. In this latter case, the decision states that the hearing was held or continued in camera.

It includes the names of the parties, an analysis of the submissions and statements of case and references to the statutory or regulatory provisions that it applies.

It mentions that the reporting judge and the consultant judge and, where appropriate, the parties,

their agents or defence counsel and any person heard on the basis of a decision by the president by virtue of article R. 731-3, paragraph 2, were heard.

When, in accordance with article R. 732-1-1, the consultant judge has not been required to deliver findings, this is mentioned.

If a note was submitted to the court during the deliberations, the decision also records this fact.

The decision records the date of the hearing and the date on which the decision was rendered.

Article R741-3

Judgments rendered by administrative tribunals begin with the words "In the name of the French people" and include one of the following items of information:

"The administrative tribunal of... (name of the town or city in which the tribunal sits)",

or

"The administrative tribunal of... (name of the town or city in which the tribunal sits) (chamber no.)" and in Paris "(division no.)" or "(division no., chamber no.)".

When the judgment is rendered by a judge ruling alone, it includes one of the following items of information:

"The administrative tribunal of... (name of the town or city in which the tribunal sits) (the president of the tribunal)"

or

"The administrative tribunal of... (name of the town or city in which the tribunal sits) (the judge delegated to render the judgment)".

With respect to the application of the foregoing paragraphs, judgments of the administrative tribunals of Mayotte, Saint-Barthélemy, Saint-Martin, Saint-Pierre and Miquelon, French Polynesia and New Caledonia, include the following items of information respectively: "The administrative tribunal of Mayotte", "The administrative tribunal of Saint-Barthélemy", "The administrative tribunal of Saint-Martin", "The administrative tribunal of Saint-Pierre and Miquelon", "The administrative tribunal of French Polynesia" and "The administrative tribunal of New Caledonia".

Article R741-4

Judgments rendered by administrative courts of appeal begin with the words "In the name of the French people" and include one of the following items of information:

"The administrative court of appeal of... (name of the town or city in which the court sits)",

or

"The administrative court of appeal of... (name of the town or city in which the court sits) (chamber no.)".

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R741-5

Decisions of the Council of State begin with the words "In the name of the French people" and include one of the following items of information:

"The Council of State ruling in contentious proceedings";

or

"The Council of State ruling in contentious proceedings (Litigation Division)"

or

"The Council of State ruling in contentious proceedings (Litigation Division, subdivisions no. and no. combined)"

or

"The Council of State ruling in contentious proceedings (Litigation Division, subdivision no.)"

or

"The President of the Litigation Division of the Council of State"

or

"The State Councillor delegated by the President of the Litigation Division of the Council of State".

Article R741-6

The main body of the decision is divided into articles and preceded by the word "decides".

Section III: The original judgment

Article R741-7

In the administrative tribunals and administrative courts of appeal, the original judgment is signed by the president of the court formation, the reporting judge and the clerk of the court.

Article R741-8

If the president of the court formation is the reporting judge, the original judgment is also signed by the longest serving non-presiding judge in the order shown on the table.

When the case is judged by a judge sitting alone, the original judgment is signed by this judge and by the clerk of the court.

Article R741-9

At the Council of State, the original judgment is signed by the president of the court formation, the reporting judge and the secretary.

When the case is judged by the President of the Litigation Division or by a State Councillor who has been delegated to perform that function, the original judgment is signed by the President of the Litigation Division or by this Councillor and the secretary.

Article R741-10

The original judgment of each case is stored at the court registry, with the correspondence and documents relating to the preparation of the case.

The documents that belong to the parties are returned to them at their request against a receipt, unless the president of the court or, at the Council of State, the President of the Litigation Division, has ordered that some of these documents should remain appended to the judgment.

If an appeal is lodged against the decision before a court other than the one by which it was rendered, the case file is transferred to that court.

Section IV: Rectification of clerical errors not likely to have influenced the judgment of the case

Article R741-11

When the president of an administrative tribunal or administrative court of appeal or, at the Council of State, the President of the Litigation Division, discovers that an original judgment contains a clerical omission or error that is not likely to have influenced the judgment of the case, he or she may make the necessary corrections, by means of an ordinance rendered within one month from the parties being notified.

Where necessary, the notification of the rectifying ordinance causes the time limit within which to lodge an appeal, or appeal on points of law, against the decision that has been corrected, to start again.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

When a party informs the president of an administrative tribunal or administrative court of appeal of the existence of a clerical error or omission in a decision, and asks him or her to make use of the powers laid down in paragraph 1, this request has no impact on the running of the time limit within which to lodge an appeal or appeal on points of law against this decision, except in the case mentioned in paragraph 2.

Section V: Fines imposed for unreasonable applications

Article R741-12

The judge may impose a fine that may not exceed 3,000 euros upon any person that makes an application that the judge considers to be unreasonable.

Section VI: Miscellaneous provisions

Chapter II: Provisions specific to orders

Article R742-1

Unless there are provisions to the contrary in this chapter, the provisions of chapter 1 of this title and those of title 5 apply to orders.

Article R742-2

Ordinances include the names of the parties, an analysis of the submissions and references to the statutory or regulatory provisions that they apply.

They show the date on which they were signed.

In the cases mentioned in point 6 of articles R. 122-12 and R. 222-1, the ordinance refers to the decision or opinion by reference to which questions identical to those that the application presents for judgment were decided or examined.

Article R742-3

Ordinances begin with the words "In the name of the French people" and then state the capacity of the signatory of the ordinance.

Article R742-4

The main body of the ordinance is divided into articles and preceded by the word "orders".

Article R742-5

The original ordinance is signed by the sole judge who rendered it.

Article R742-6

Orders are not rendered in open court.

Title V: Notification of decisions

Article R751-1

Execution copies of the decision that are provided to the parties contain the following enforcement order: "the Republic requires and orders (give the name of either the minister or ministers, the prefect or prefects, or the other representative or representatives of the State named in the decision) in so far as it concerns them, or all judicial officers required for present purposes, with respect to the channels of ordinary law against private parties, to ensure that this decision is enforced".

Article R751-2

The execution copies of the decisions are signed and issued by the chief registrar or, at the Council of State, by the Secretary of the Litigation Division.

Article R751-3

Unless there is a provision to the contrary, decisions are sent to all the parties to the case, on the same day, at their real address, by recorded delivery letter with advice of delivery, without prejudice to the parties' right to have such decisions served by a judicial officer.

Article R751-4

The notification of the decision may, where necessary, be made through the administrative channel mentioned in article R. 611-4.

Article R751-5

The notification of the decision mentions that a copy of the decision must be attached to the appeal or appeal on points of law.

The notification mentions, where necessary, that the appeal or appeal on points of law must show that the contribution for legal aid provided for in article 1635 *bis* Q of the Tax Code has been paid, or that the applicant has the benefit of legal aid.

When the decision rendered falls within the competence of the administrative court of appeal, the notification mentions that the appeal may only be lodged by one of the representatives mentioned in article R. 431-2, unless it is made clear in a specific provision that the intervention of a lawyer is not required on appeal.

When the decision is rendered at the last instance, the notification mentions, where necessary, that an appeal on points of law before the Council of State may only be lodged by a lawyer authorised to appear before the Council of State and the Court of Cassation.

Article R751-6

When the decision challenged was rendered by a court, a copy of the decision reached on appeal or at the cassation stage is sent to the president of that court.

Article R751-7

Additional execution copies of the decision may be provided to the parties on request. Third parties may procure an ordinary copy, which will, where necessary, have been anonymised.

Article R751-8

When a decision rendered by an administrative tribunal or administrative court of appeal must be notified to the State, the execution copy is sent to the Minister with responsibility for the Public

Service concerned by the dispute. A copy of the decision is sent to the prefect and, where appropriate, to the authority with responsibility for defending the State before the court.

However, when the decision is rendered on a claim brought in accordance with the Territorial Authorities Code by the prefect, or when it is rendered by an administrative tribunal ruling in one of the areas mentioned in article R. 811-10-1, the notification is sent to the prefect. A copy of the decision is then sent to the minister concerned.

Before the administrative tribunals of Mayotte, Saint-Barthélemy, Saint-Martin, Saint-Pierre and Miquelon, French Polynesia, Mata-Utu and New Caledonia and before the administrative tribunal of Saint-Denis, when the judgment concerns the French Southern and Antarctic Lands, the execution copy is always sent to the representative of the State. A copy of the decision is also sent by post or e-mail to the Minister for Overseas France and, if appropriate, to the Minister with responsibility for the Public Service concerned by the dispute or to the authority with responsibility for defending the State.

Before the administrative court of appeal, when a decision rendered on an appeal against a judgment ruling on a dispute relating to the overseas possessions must be notified to the State, a copy of the decision is also sent by post or e-mail to the Minister for Overseas France and to the representative of the State in the territorial collectivity concerned.

When a decision is rendered on an application made by the representative of the State in accordance with part VI of the Territorial Authorities Code, the notification is sent to the Minister for Overseas France. A copy of the decision is also sent by post or e-mail to the representative of the State and, where appropriate, to the minister concerned.

However, when the decision is rendered on an application made by the High Commissioner of the Republic in accordance with article 204, paragraph VI, of Organic Law no. 99-209 of 19 March 1999 relating to New Caledonia, or article 172, paragraph 6, of Organic Law no. 2004-192 of 27 February 2004 relating to the autonomous status of French Polynesia, the notification is sent to the High Commissioner. A copy of the decision is also sent by post or e-mail to the Minister for Overseas France and, where appropriate, to the minister concerned.

Article R751-8-1

Decisions made regarding the legality of the decisions of the institutions of French Polynesia are notified, in every case, to the President of the Assembly of French Polynesia.

Article R751-8-2

Decisions made regarding the legality of the decisions of the institutions of New Caledonia are notified, in every case, to the President of the Congress of New Caledonia.

Article R751-9

When it is mandatory to call upon the services of a lawyer authorised to appear before the Council of State, the decisions of the Council of State ruling in contentious proceedings may not be enforced against a party until they have been served upon the lawyer who represented that

party.

Article R751-10

A copy of the judgment by which the administrative tribunal orders a decision granting a building, development or demolition permit or a police action to be set aside, is sent promptly to the public prosecutor at the regional court with territorial competence.

Article R751-11

A copy of any decision rendered on appeal setting aside or amending a judgment of an administrative tribunal ruling on an application for judicial review on the grounds that an authority has exceeded its powers against a building, development or demolition permit or a police action, is sent promptly to the public prosecutor at the regional court with territorial competence.

Article R751-12

A copy of the decision of an administrative tribunal, an administrative court of appeal or the Council of State setting aside a decision that constitutes a document proving the payment of public expenses is sent promptly to the paymaster general of the department in which the authority that took the decision in question has its headquarters.

Article R751-13

The representative of the State in Mayotte, Saint-Barthélemy, Saint-Martin, Saint-Pierre and Miquelon, French Polynesia, the Wallis and Futuna Islands, New Caledonia and the French Southern and Antarctic Lands is responsible for the publication in the Official Journal of each of these collectivities and of New Caledonia and, in Mayotte, in the Official Bulletin, of the main body, and the reasons which must support it, of the decisions of the Council of State, or of the administrative court of appeal or administrative tribunal, when these decisions set aside or hold to be illegal, as an exceptional measure, the provisions of decisions which have themselves been published in these publications and which have become final.

Title VI: Charges and costs

Article R761-1

The costs comprise the contribution for legal aid provided for in article 1635 *bis* Q of the Tax

Code, and the costs of any expert examination, investigation and any other preparatory measure the cost of which is not borne by the State.

Subject to special provisions, the costs are borne by the losing party unless the special circumstances of the case justify another party or both parties being held liable for the costs.

The State may be ordered to pay the costs.

Article R761-2

If the proceedings are withdrawn, the costs are borne by the applicant, unless the withdrawal is due to the total or partial withdrawal of the decision challenged, after the application has been registered or, in proceedings in which the court has full jurisdiction, is due to the fact that, after the application was registered, the applicant has been given total or partial satisfaction.

Article R761-3

Whenever one party has a decision served by a judicial officer, the judicial officer is entitled to remuneration which is determined by reference to the rates in force at the regional courts.

Article R761-4

The costs, including the expert's or experts' fees and expenses as defined in article R. 621-11, are determined in an ordinance made by the president of the court, after the president of the court formation has been consulted or, in the event of an urgent application or need to make an official report, by the judge delegated for this purpose.

At the Council of State, the costs are determined in an ordinance made by the President of the Litigation Division.

Article R761-5

The parties, the State, when the costs of the expert examination are advanced as legal aid and, where appropriate, the expert, may challenge the ordinance mentioned in article R. 761-4 before the court to which the author of the ordinance belongs.

Except when the ordinance was made by the President of the Litigation Division of the Council of State, the claim is sent promptly by the president of the court to an administrative tribunal, in accordance with an allocation list drawn up by the President of the Litigation Division.

The president of the court to which the author of the ordinance belongs, or, at the Council of State,

the President of the Litigation Division, is called upon to submit his or her written observations on the merits of the appeal.

The appeal mentioned in the foregoing paragraph must be lodged within one month of the notification of the ordinance without waiting for the decision allocating the burden of the costs to be made.

Title VII: Special provisions

Chapter I: Referring matters to the jurisdiction court

Article R771-1

Referrals to the jurisdiction court by administrative courts in order to prevent negative conflicts of jurisdiction, in which no court will try the case, are subject to the rules laid down in article 34 of the Decree of 26 October 1849, which reads as follows:

Article 34: "When an ordinary court or an administrative court, has, by a decision that may no longer be appealed, decided that the type of court to which it belongs is not competent to hear a particular case, on the grounds that the dispute does not fall within the jurisdiction of that type of court, the case will be referred to a court of the other type. If the court of the other type then considers that the dispute falls within the jurisdiction of the type of court to which the case was referred initially, it must then, in a reasoned judgment that may not be appealed even at a court of cassation, refer the question of jurisdiction to the jurisdiction court and stay the proceedings until this court has rendered a decision."

Article R771-2

Referrals of jurisdiction issues by the Council of State to the jurisdiction court are governed by the rules laid down in article 35 of the Decree of 26 October 1849, which reads as follows:

Article 35: "When the Council of State ruling in contentious proceedings, the Court of Cassation, or any other court ruling without further possibility of appeal, and therefore not under the supervision of either the Council of State or the Court of Cassation, has to deal with a dispute which requires the court to decide, either with regard to the action that has been brought, or to a preliminary issue, a question of competence that raises a serious difficulty involving the separation of the administrative and judicial authorities, the court dealing with the case may, by a reasoned decision or judgment that may not be appealed, refer this question of competence to the jurisdiction court. The proceedings are then stayed until this court has reached a decision."

Chapter I bis: Priority questions on constitutionality

Section I: Provisions applicable to administrative tribunals and administrative courts of appeal

Article R*771-3

When a party wishes to argue that a statutory provision infringes the rights and freedoms guaranteed by the Constitution this submission must be made, in accordance with article 23-1 of Ordinance no. 58-1067 of 7 November 1958, which is an Organic Law relating to the Constitutional Council, in a separate reasoned statement, on pain of being held inadmissible. This statement and, where appropriate, the envelope containing it, must include the words: "Priority question on constitutionality".

Article R*771-4

When the argument referred to in the foregoing article is not presented in a separate, reasoned statement, its inadmissibility, which is due to the fact that it has not been presented in the correct form, may be asserted without applying articles R. 611-7 and R. 612-1.

Article R*771-5

Unless, in the light of the separate statement, it appears to be certain that there are no grounds to refer the priority question on constitutionality, the statement is notified to the other parties. They are allowed a brief period within which to submit their observations.

Article R*771-6

The court is not required to refer a priority question on constitutionality that challenges, for the same reasons, a statutory provision that the Council of State or the Constitutional Council is already dealing with. If the question is not referred for this reason, it defers its decision on the merits, until it is informed of the decision of the Council of State or, where appropriate, the Constitutional Council.

Article R*771-7

The presidents of the administrative tribunal and administrative court of appeal, the vice-president of the Paris administrative tribunal, the presidents of the court formations of the tribunals and courts or the judges appointed for that purpose by the head of the court, may rule on the referral of a priority question on constitutionality, by ordinance.

Article R*771-8

The provisions laid down in this section do not impede the use of the powers that the presidents of the administrative tribunals and administrative courts of appeal, the vice-president of the Paris administrative tribunal and the presidents of the court formations of the tribunals and courts hold by virtue of article R. 222-1.

Article R*771-9

The decision ruling on the referral of a priority question on constitutionality is notified to the parties in accordance with the formalities laid down in articles R. 751-2 to R. 751-4 and R. 751-8.

The notification of the decision regarding the referral of a question will mention that observations may be submitted before the Council of State, within a period of one month. It explains how these submissions may be submitted.

When a decision refusing to refer a question is notified, the notification will mention that the decision may only be challenged when an appeal is lodged against the decision that settles all or part of the dispute. It will also mention that the challenge should take the form of a separate, reasoned statement, accompanied by a copy of the decision refusing to allow the question to be referred.

Article R*771-10

The refusal to allow the referral removes the assertion of non-constitutionality from the court. The decision settling the dispute will refer to the refusal to refer the question.

The court formation may, however, find the refusal to refer the question invalid and refer the question, when the sole reason for the refusal was the finding that the condition laid down in article 23-2, paragraph 1, of Ordinance no. 58-1067 of 7 November 1958, an Organic Law on the Constitutional Council, was not satisfied, if it intends to base its decision on the statutory provision that was the subject of the question that was not referred.

Article R*771-11

When a priority question of constitutionality is submitted for the first time before an administrative court of appeal, it is governed by the same rules as questions submitted at the first instance.

Article R*771-12

When, in accordance with article 23-2, final paragraph, of Ordinance no. 58-1067 of 7 November 1958, an Organic Law on the Constitutional Council, one of the parties intends, in support of an appeal against the decision that settles all or part of the dispute, to challenge the first court's refusal to refer a priority question of constitutionality, it is incumbent upon that party, on pain of the challenge being held inadmissible, to present the challenge before the expiry of the period in which to lodge the appeal, in a separate, reasoned statement, accompanied by a copy of the decision refusing to refer the question.

Any challenge to a refusal to refer a question through a cross-appeal (*recours incident*) must, similarly, be made in a separate, reasoned statement, accompanied by a copy of the decision refusing to refer the question.

Section II: Provisions applicable before the Council of State

Article R*771-13

The separate statement provided for in article 23-5 of Ordinance no. 58-1067 of 7 November 1958, an Organic Law on the Constitutional Council and, where appropriate, the envelope containing it, must include the words: "Priority question on constitutionality".

Article R*771-14

When the argument that a statutory provision infringes the rights and freedoms guaranteed by the Constitution is not presented in a separate, reasoned statement, its inadmissibility, due to the fact that it has not been presented in the correct form, may be asserted without applying articles R. 611-7 and R. 612-1.

Article R*771-15

The separate statement in which a party submits an argument, before the Council of State, that a statutory provision infringes the rights and freedoms guaranteed by the Constitution, is notified to the other parties, to the competent minister and the Prime Minister They are allowed a brief period within which to submit their observations.

The separate statement is not referred when, in the light of this statement, it appears to be certain that the conditions stipulated in article 23-4 of Ordinance no. 58-1067 of 7 November 1958, an Organic Law on the Constitutional Council, have not been satisfied.

Article R*771-16

When one of the parties intends to challenge before the Council of State, in support of an appeal or an appeal on points of law to the Council of State sitting as a court of cassation against a decision that settles all or part of a dispute, a previous refusal to refer a priority question on constitutionality, it is incumbent upon that party, on pain of the challenge being held inadmissible, to present the challenge, before the expiry of the period within which to lodge an appeal, in a separate, reasoned statement, accompanied by a copy of the decision refusing to refer the question.

Any challenge to a refusal to refer a question through a cross-appeal must, similarly, be made in a separate, reasoned statement, accompanied by a copy of the decision refusing to refer the question.

Article R*771-17

When a priority question on constitutionality is raised in support of an appeal on points of law to the Council of State sitting as a court of cassation, the Council of State will make a decision on the referral of this question to the Constitutional Council without being bound to first rule on the admission of the appeal on points of law.

Article R*771-18

The Council of State is not required to refer to the Constitutional Council a priority question on constitutionality that challenges, for the same reasons, a statutory provision that the Constitutional Council is already dealing with. If the question is not referred for this reason, it defers making a decision until the Constitutional Council has reached its decision.

Article R*771-19

The provisions of this section do not impede the use of the powers that the Subdivision Presidents hold by virtue of articles R. 122-12 and R. 822-5.

Article R*771-20

When a priority question on constitutionality has been referred to the Council of State by an administrative tribunal or administrative court of appeal, the parties, the competent minister and the Prime Minister may submit observations within a period of one month that runs from the

notification to them of the decision to refer the question or, where appropriate, within the time limit they are allowed by the President of the Litigation Division or by the Subdivision President with responsibility for the preparatory stage.

If the application before the court that decided to make the referral does not have to be presented by a lawyer before this court, the same dispensation will apply to the presentation of observations before the Council of State; otherwise, and except when they come from a minister or the Prime Minister, the observations must be presented by a lawyer who is authorised to appear before the Council of State and the Court of Cassation.

Article R*771-21

Any decision that is made on a referral to the Constitutional Council of a priority question on constitutionality is notified to the parties, the competent minister and the Prime Minister in accordance with the formalities laid down in articles R. 751-2 to R. 751-4.

Chapter II: Disputes relating to direct taxes, sales taxes and similar taxes

Article R772-1

Applications relating to direct taxes, sales taxes and similar taxes whose basis of assessment or collection are matters for the Directorate General for Taxes (*direction générale des impôts*) are filed, prepared and judged in accordance with the formalities laid down in the Book of Tax Procedures.

Applications relating to tax disputes that come under the jurisdiction of the administrative court and applications other than those mentioned in paragraph 1 are, unless there is a special provision to the contrary, made and prepared in accordance with the formalities laid down in this code.

Article R772-2

The applications mentioned in paragraph 2 of the foregoing article must be preceded by a claim to the legal entity that determined the tax liability.

When no special provision stipulates the time limit specific to a dispute of this kind, claims must be filed no later than 31 December of the year following the year in which the taxpayer received the tax statement or an extract from this statement.

Article R772-3

The applications mentioned in this chapter do not have to be made with the assistance of a lawyer at the first instance.

Appeals may be lodged either with the registry of the administrative court of appeal, or at the

prefecture, or at the subprefecture. In this latter case, the provisions of article R. 413-2 apply.

Article R772-4

Before the administrative tribunals of French Polynesia, Mata-Utu and New Caledonia, applications relating to tax disputes that come under the jurisdiction of the administrative court are, subject to articles 100 to 104 *ter* of the Decree of 5 August 1881, as amended, and articles 172 and 173 of the Decree of 30 December 1912, as amended, made and prepared by the administrative tribunal in accordance with the formalities laid down in this code.

Before the administrative tribunal of Mayotte, applications relating to direct taxes and sales or similar taxes whose basis of assessment or collection are matters for the Tax Office (*direction des services fiscaux*), are made, prepared and judged in accordance with the formalities laid down in the Book of Tax Procedures that applies to Mayotte.

Chapter III: Disputes relating to elections

Article R773-1

Applications relating to municipal and cantonal elections are made, prepared and judged in accordance with the formalities laid down in this code, the Electoral Code and in special Laws relating to this subject.

Article R773-2

If the claimants do not have a common agent or defence counsel, the notice informing them of the day on which their application will be heard is sent to the first person named in the protest.

Article R773-3

In electoral matters, no order is made for costs and no indemnities are granted to witnesses who were heard as part of the investigation.

Article R773-4

In electoral matters, applications made to the Council of State may be filed at the prefecture or subprefecture in the place in which the applicant is a resident.

In Mayotte, Saint-Barthélemy, Saint-Martin, Saint-Pierre and Miquelon, French Polynesia, the Wallis and Futuna Islands, New Caledonia and the French Southern and Antarctic Lands, applications may be filed at the offices of the State representative.

Article R773-5

When an application made to the Council of State is filed with the authorities named in the foregoing article, it is stamped with the date on which it arrived and is sent by the prefect to the secretariat of the Litigation Division of the Council of State. A receipt is issued for the said document to any party that makes such request.

Article R773-6

The Council of State's decision is notified by recorded delivery letter with advice of delivery by the Secretary of the Litigation Division to the minister concerned, who then forwards the decision through the prefects to the persons who attended or who were called to attend the proceedings.

The Secretary of the Litigation Division also notifies the decision to the claimant and the respondent or, in the event of a collective application or response in defence, to the sole representative of the claimants or respondents.

Chapter IV: Petty offences involving damage to public property other than roads

Chapter VI: Disputes concerning obligations to leave French territory and decisions requiring persons to be escorted to the border

Section I: Common provisions

Article R776-1

Applications against the following types of decision are submitted, prepared and judged in accordance with article L. 512-1 of the Code on the Entry and Stay of Aliens and the Right to Asylum and the provisions of this code, subject to the provisions of this chapter:

1. Decisions requiring the person concerned to leave French territory, as provided for in article L. 511-1, point I, and in article L. 511-3-1 of the Code on the Entry and Stay of Aliens and the Right to Asylum, and decisions relating to the right to stay of the person concerned, notified with decisions requiring the person concerned to leave French territory;

2. Decisions relating to the time limit allowed aliens to leave French territory voluntarily provided for in article L. 511-1, point II, of the same code;

3. Decisions prohibiting aliens from returning to French territory, as provided for in point III of the same article;

4. Decisions determining the country to which an alien is to be returned as provided for in article L. 513-3 of the same code;

5. Decisions requiring persons to be escorted to the border as provided for in article L. 533-1 of the same code;

6. Decisions requiring aliens to be held in detention and decisions placing aliens under house arrest as provided for in article L. 551-1 and article L. 561-2 of the same code.

Submissions seeking the setting aside of another expulsion measure provided for in book V of the Code on the Entry and Stay of Aliens and the Right to Asylum, except for expulsion orders, presented in connection with an application against a decision to hold an alien in detention or placing an alien under house arrest taken by virtue of this measure, are prepared and judged under the same conditions.

Article R776-2

I.- In accordance with the provisions of article L. 512-1, part I, of the Code on the Entry and Stay of Aliens and the Right to Asylum, the notification of an obligation to leave French territory with a time limit within which the person should leave voluntarily, marks the start of a 30 day time limit within which the person concerned may challenge this obligation, along with the decisions relating to the right to stay, the time limit within which to leave voluntarily, the country of return and the prohibition on return, which are notified simultaneously.

When the time limit within which to lodge an appeal mentioned in the first paragraph has not expired on the date on which the competent authority informs the interested party of a decision to cancel the time limit within which to leave voluntarily, in accordance with article L. 511-1, part II, final paragraph, of the Code on the Entry and Stay of Aliens and the Right to Asylum, the time limit within which to lodge an appeal will expire 48 hours after the notification. The decision to cancel the time limit within which to leave voluntarily may be challenged within the same period.

II.- In accordance with the provisions of article L. 512-1, part II, of the Code on the Entry and Stay of Aliens and the Right to Asylum, the notification, through administrative channels, of an obligation to leave French territory immediately, marks the start of a 48 hour time limit within which the person concerned may challenge this obligation, along with the decisions relating to the right to stay, the cancellation of the time limit within which to leave voluntarily, the country of return and the prohibition on return, which are notified simultaneously.

Article R776-3

In accordance with the provisions of article L. 512-1, part I, first paragraph, of the Code on the Entry and Stay of Aliens and the Right to Asylum, prohibitions on returning to French territory imposed in accordance with article L. 511-1, part III, paragraph 3 of this code against aliens who have remained on French territory beyond the time limit they were allowed to leave voluntarily may be the subject of a judicial appeal within 30 days of notification.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

The same limit applies to challenges to decisions extending prohibitions on returning to French territory, imposed in accordance with article L. 511-1, part III, paragraph 6, of the same code.

Article R776-4

In accordance with the provisions of article L. 512-1, part III, of the Code on the Entry and Stay of Aliens and the Right to Asylum, the time limit within which to lodge a judicial appeal against decisions requiring aliens to be held in detention and decisions placing aliens under house arrest in accordance with article L. 561-2 of the Code on the Entry and Stay of Aliens and the Right to Asylum, is 48 hours. This time limit runs from the notification of the decision through administrative channels.

The same time limit applies to challenges to decisions requiring persons to be escorted to the border and decisions determining the country to which an alien should be returned taken as part of the enforcement process.

Article R776-5

I.- The 30 day time limit within which to lodge a judicial appeal referred to in articles R. 776-2 and R. 776-3 is not extended if an administrative appeal is lodged.

II.- The 48 hour time limit referred to in articles R. 776-2 and R. 776-4 may not be extended in any event.

When there is a 48 hour time limit, article R. 411-1, paragraph 2, does not apply and the expiry of the time limit does not prevent the applicant from submitting new arguments, regardless of the legal case to which they relate.

Any applicant who, within the 48 hour time limit, has asked for one of the decisions that were notified to him or her simultaneously to be set aside, may make submissions against any other of these decisions, up to the close of the preparatory stage.

Article R776-6

Submissions against the decisions mentioned in article R. 776-1 that are notified simultaneously may be presented in the same application.

Article R776-7

Measures taken as part of the preparation of a case, the notice of the hearing and the judgment are notified to the parties by all means.

Article R776-8

As soon as the application has been filed, the president of the administrative tribunal sends copies

of the application and of the exhibits appended to it to the competent prefect to enable him or her to defend the State.

Article R776-9

Any appeal must be lodged within one month. The time limit runs from the day on which the judgment was notified to the interested party. The notification mentions the possibility of lodging an appeal and the time limit within which this option may be exercised.

The president of the administrative court of appeal or the judge appointed by the president for that purpose may rule by means of an ordinance in the cases envisaged in article R. 222-1. Under the same conditions, he or she may dismiss applications which clearly do not justify setting aside the decision challenged.

Section II: Provisions applicable when the individual concerned is not held in detention or placed under house arrest

Article R776-10

The provisions of this section apply to appeals against the decisions mentioned in article R. 776-1, when the alien is not held in detention or placed under house arrest.

Article R776-11

The president of the court formation or the reporting judge delegated for that purpose may, as soon as the application has been registered, use the power provided for in article R. 613-1, paragraph 1, to set the date on which the preparations will be closed. He or she may, in the same ordinance, set the date and time of the hearing during which the case will be called. In such case, the ordinance will replace the notice provided for in article R. 711-2.

Article R776-12

When the summary application mentions the applicant's intention to submit an additional statement of case, this document must arrive at the registry of the administrative tribunal within a period of two weeks as from the date on which the application was registered.

If this time limit is not complied with, the applicant is deemed to have withdrawn on the date on which the time limit expires, even if the additional statement is submitted at a later date. Formal note is made of this withdrawal.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R776-13

The State is defended by the prefect who took the decision or decisions challenged.

The time limits allowed the parties within which to present their observations must be complied with; if they are not the observations may be disregarded without any formal notice.

The president of the court formation may exempt the consultant judge, on his or her proposal, from presenting findings to the hearing.

The administrative tribunal rules within a period of three months as from the registration of the application provided for in article L. 512-1, part I, paragraph 2, of the Code on the Entry and Stay of Aliens and the Right to Asylum.

Section III: Provisions applicable when the individual concerned is held in detention or placed under house arrest

Article R776-14

This section applies to appeals made against the decisions mentioned in article R. 776-1, when the alien is held in detention or placed under house arrest.

Article R776-15

Judgments are rendered, without hearing the findings of the consultant judge, by the president of the administrative tribunal or the judge that he or she appoints for that purpose.

The powers conferred by the regulatory provisions of this code upon the court formation or its president are exercised by this judge.

He or she may, by ordinance:

1. Take formal note of withdrawals;

2. Find that there are no grounds to rule on an appeal;

3. Dismiss appeals marred by an inadmissible element that may not be remedied during the proceedings.

Article R776-16

The administrative tribunal with territorial competence is the tribunal in whose judicial district the applicant was detained or under house arrest at the time when the application was filed or, if it was filed before the person was detained or placed under house arrest, at the time when that measure was decided.

However, when the alien is transferred to another place of detention, before the hearing is held, the president of the administrative tribunal may decide, in the interests of the proper

administration of justice, to refer the file to the administrative tribunal in whose judicial district the new place of detention is located, by a decision that may not be appealed.

When the president of the administrative tribunal has to deal with submissions that he or she considers to fall within the competence of another administrative tribunal, he or she sends it the file promptly, by all means, in accordance with the formalities laid down in article R. 351-6, paragraph 1.

By way of exception to article R. 221-3, paragraph 1, when the applicant is held at the detention centre in Metz, the administrative tribunal with territorial competence is the tribunal of Nancy.

Article R776-17

When the alien is held in detention or has been placed under house arrest after lodging an appeal against the decision requiring him or her to leave the territory, or after filing an application for legal aid in order to lodge such an appeal, the proceedings continue in accordance with the rules laid down in this section. The procedural steps already taken remain valid. The notice of the hearing replaces, where appropriate, the notice that was sent to the parties in accordance with article R. 776-11.

However, when the applicant has filed submissions against the decision relating to the stay that was notified with an obligation to leave the territory, the collegial formation still has to deal with these submissions, on which it will reach a decision under the conditions laid down in section 2.

When the applicant is placed in detention or placed under house arrest outside the judicial district of the administrative tribunal to which he or she applied in accordance with section 2, the file is sent to the administrative tribunal in whose judicial district the place of detention or house arrest is located. However, the tribunal to which the matter was referred initially remains competent to deal with statements of case submitted against the decision relating to the stay.

Article R776-18

Only one copy of the application is submitted.

The decisions challenged are produced by the authority.

Article R776-19

If, at the time when one of the decisions mentioned in article R. 776-1 is notified, the alien has been detained by the administrative authority, his or her application may validly be filed with that administrative authority, within the time limit allowed to lodge an appeal in contentious proceedings.

In the case provided for in the previous paragraph, the filing of the application is recorded in a register opened for that purpose. The applicant is given a receipt showing the date and time on which the document was filed.

The authority that received the application sends it to the president of the administrative

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

tribunal, promptly and by all means.

Article R776-20

The State is defended by the prefect of the department who took the decision to place the alien in administrative detention or under house arrest.

However, oral submissions may be made in the name of the State by the prefect of the department in which the administrative detention centre in which the alien is being held is located or, if the administrative detention centre is located in Paris, by the chief of police.

Article R776-21

The president of the administrative tribunal or the judge delegated for that purpose rules within the 72 hour period provided for in article L. 512-1, part III, paragraph 2, of the Code on the Entry and Stay of Aliens and the Right to Asylum.

The time limit begins to run from the time when the application is filed at the court registry. When the alien is placed in detention or under house arrest after lodging an appeal against the decision requiring him or her to leave the territory, it runs from the moment when the prefect sends the decision to place the alien in detention or under house arrest.

Article R776-22

The alien may ask for a lawyer to be appointed ex officio, no later than before the start of the hearing. He or she is informed of this by the tribunal registry when the application is filed.

When the alien has asked for a lawyer be appointed ex officio, the president of the administrative tribunal or the judge delegated for that purpose gives notice of this, immediately, to the chairman of the bar association at the regional court in whose judicial district the hearing will be held. The chairman of the bar association makes the appointment promptly.

Article R776-23

If the alien does not speak French adequately, and if he or she so requests, the president will appoint an interpreter who must swear an oath to assist the judicial process on his or her honour and in all good conscience. This request may be made as soon as the application commencing proceedings has been filed. When the application is registered, the registry informs the interested party that it is possible to make a request of this type, if necessary.

The costs of the interpreter are determined in accordance with the conditions laid down in article R. 122 of the Code of Criminal Procedure.

Article R776-24

After the report made by the president of the administrative tribunal or by the judge delegated for the purpose, the parties may submit oral observations, either in person or through a lawyer. They may also produce documents in support of their submissions. If these documents contain new elements, the judge will ask the other party to examine them and to share their observations with the judge at the hearing.

Article R776-25

The information may be given to the parties as envisaged in articles R. 611-7 and R. 612-1 at the hearing.

Article R776-26

The preparatory stage is closed either after the parties have made their oral observations, or, if these parties are absent or not represented, after their case has been called to the hearing.

Article R776-27

The judgment is rendered at the hearing if the alien is held in detention, by the administrative authority, on the day of the hearing.

Unless a report of the hearing, signed by the judge and the clerk of the court, has been prepared, the judgment will mention the new arguments submitted by the parties at the hearing.

The main body of the judgment, along with the enforcement order envisaged in article R. 751-1, is provided to the parties present at the hearing, on the spot, who acknowledge receipt immediately.

If the sole decision refusing to allow the interested party a certain time within which to leave voluntarily, is set aside, the notification of the judgment will remind the party of his or her obligation to leave French territory within a time limit that will be set by the administrative authority.

Article R776-28

Before the administrative court of appeal, the president of the court formation may exempt the consultant judge, on his or her proposal, from presenting findings to the hearing.

Chapter VII: Disputes concerning refusals to allow asylum-seekers to enter French territory

Article R777-1

When an application is made to have set aside a decision refusing to allow an asylum-seeker to enter French territory, as mentioned in article L. 777-1, the judgment is rendered at the hearing.

The main body of the judgment, along with the enforcement order envisaged in article R. 751-1, is provided to the parties present at the hearing, on the spot, who acknowledge receipt immediately.

Article R777-2

When an alien who has been refused entry to French territory as an asylum-seeker is held in a waiting area located outside the Ile-de-France region, territorial competence is awarded, by way of exception to article R. 312-1, paragraph 1, to the administrative tribunal in whose judicial district the waiting area is located.

Chapter VIII: Disputes concerning the right to housing and town planning disputes

Article R778-1

The following types of application are made, prepared and judged in accordance with the provisions of this code, subject to any special provisions in the Construction and Housing Code and the provisions of this chapter:

1. Applications made by claimants acknowledged by the mediation commission provided for in article L. 441-2-3 of the Construction and Housing Code to have a priority claim, who need to be allocated a home as a matter of urgency, in accordance with part II of the same article, and who have not received an offer of housing that takes account of their needs and capacities, after the deadline mentioned in article R. 441-16-1 of the same code;

2. Applications made by claimants acknowledged by the mediation commission to have a priority claim for housing in a residential facility, an establishment or residence offering temporary accommodation, a sheltered housing unit or an apartment hotel providing social housing, in accordance with the provisions of article L. 441-2-3, parts III or IV, of the Construction and Housing Code, and who have not, after the deadline mentioned in article R. 441-18 of the same code, been accepted in one of these facilities, residences or establishments;

3. Applications made by claimants who, if there is no mediation commission, have applied to the prefect in accordance with article L. 441-2-3-1, part I, paragraph 4, of the Construction and Housing Code and who have not received an offer of housing that takes account of their needs and capacities, after the deadline stipulated in article R. 441-17 of the same code.

Article R778-2

The applications mentioned in article R. 778-1 must be submitted within a period of four months as from the expiry of the time limits stipulated in articles R. 441-16-1, R. 441-17 and R. 441-18 of the Construction and Housing Code. However, this time limit is only binding on the applicant if he or she has been informed, in the notification of the mediation commission's decision, or in the acknowledgement of receipt of the claim that was sent to the prefect, if there is no mediation commission, firstly, of which of the deadlines mentioned in articles R. 441-16-1, R. 441-17 and R.

441-18 of this code applied to his or her claim and, secondly, of the time limit stipulated in this article within which to refer the matter to the administrative tribunal.

On pain of being held inadmissible, applications must be accompanied, unless evidence is produced to show that this is impossible, either by the mediation commission's decision on which the applicant relies, or, if there is no commission, a copy of the claim sent by the applicant to the prefect.

Article R778-3

Judgments are rendered by the president of the administrative tribunal or by the judge appointed for that purpose, who must have the grade of senior judge at least or at least two years' service. Unless there is express information to the contrary in the appointment decision, judges appointed in accordance with article R. 222-13 may also perform these duties.

Article R778-4

The president of the administrative tribunal, or the judge that he or she appoints for this purpose rule, within the time limit stipulated in article L. 441-2-3-1 of the Construction and Housing Code.

Decisions taken further to the preparation of the case are notified to the parties by all means.

The president of the administrative tribunal or the judge that he or she appoints for that purpose may, as soon as the application has been registered, set the date on which the case will be called for hearing, in a decision that replaces the notice of hearing.

The notice of hearing or decision mentioned in the foregoing paragraph will reproduce the provisions of articles R. 731-1, R. 731-2, R. 731-3, R. 732-1 and R. 732-2 explaining that the hearing will take place without any findings from a consultant judge, unless the matter is referred to a collegial formation.

Article R778-5

The judge rules at the conclusion of written or oral proceedings in which both parties are represented.

As soon as he or she receives notification of the application, the prefect sends the administrative tribunal the whole of the case file that has been put together for the preparation of the corresponding claim, both before the departmental mediation commission and in order to put its decision into effect.

The preparatory stage is closed either after the parties or their agents have submitted their oral observations, or, if these parties are absent or not represented, after their case has been called for hearing. However, to enable the parties to submit additional exhibits, the judge may decide to postpone the closure of the preparatory stage to a later date, of which he or she will inform the parties by all means.

The preparations are reopened if the case is adjourned to another hearing.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R778-6

The provisions of articles R. 522-4 R. 522-7, R. 522-9 and R. 522-11 to R. 522-13 apply.

Article R778-7

At the applicant's request, the person who provides the assistance mentioned in article L. 441-2-3-1, part I, paragraph 2, of the Construction and Housing Code may be heard at the hearing.

Article R778-8

When the president of the administrative tribunal or the judge appointed for that purpose notes, either ex officio or on the basis of the applicant's claim, that an order that was made has not been executed, he or she asks for the penalty payment to be paid into the fund provided for in article L. 300-2 of the Construction and Housing Code.

The president of the administrative tribunal or the judge appointed for that purpose may issue an ordinance, under the conditions laid down in book VII, title IV, chapter II of this code, after he or she has invited the parties to submit their observations on the execution of the order that was made.

He or she seeks payment of the penalty payment, on the basis of the period during which the order was not executed, for which the authority is responsible, after the expiry of the time limit stipulated in the judgment. He or she may, in the light of the circumstances of the case, revise the amount due from the State or, exceptionally, find that there are no grounds to seek payment of the penalty payment.

Article R778-9

The judgment in disputes relating to town planning documents and town planning permits are governed by book VI of the Town Planning Code and by this code.

Chapter IX: Other provisions

Section I: Disputes relating to the parking of travellers' mobile homes

Article R779-1

Applications against decisions to give notice to quit the places mentioned in II *bis* of Article 9 of Law no. 2000-614 of 5 July 2000 relating to the reception and housing of travellers, are presented, prepared and judged in accordance with the provisions of this code that apply to applications for decisions to be set aside, subject to the provisions of this chapter.

Article R779-2

Applications must be made within the time limit within which the decision must be enforced stipulated in the decision giving notice to quit. This time limit is not extended by the lodging of a prior administrative appeal.

Article R779-3

The 72 hour time limit allowed the president of the administrative tribunal or his or her delegatee to rule, begins to run at the time when the application is registered at the registry of the tribunal.

Article R779-4

The parties are summoned to the hearing promptly and by all means.

Article R779-5

The judge rules at the conclusion of written or oral proceedings in which both parties are represented. The preparatory stages are closed under the conditions laid down in article R. 613-2, paragraph 2.

Article R779-6

The provisions of articles 522-2, R. 522-4, R. 522-7, R. 522-9 and R. 522-11 to R. 522-13 apply.

Article R779-7

Any appeal must be lodged within one month.

Article R779-8

Judgments are rendered by the president of the administrative tribunal or the judge that he or she appoints for that purpose. Unless there is express information to the contrary in the appointment

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

decision, judges appointed in accordance with article R. 222-13 may also perform these duties.

Section II: Actions against discrimination

Article R779-9

Associations dedicated to combatting discrimination, as stipulated in their constitution, that have been lawfully declared for at least five years, may bring actions before a court of law that arise under Law no. 2008-496 of 27 May 2008, in support of victims of discrimination.

The association must show that it has obtained the written agreement of the person concerned after it has given that person the following information:

1. The nature and purpose of the action envisaged;

2. The fact that the action will be conducted by the association which may itself lodge appeals;

3. The fact that the person concerned may intervene in the proceedings commenced by the association or terminate them, at any time.

Section III: Provisions relating to local referendums and the consultation of voters by territorial authorities

Article R779-10

The judgment of applications relating to the preparation of a list of parties or groups authorised to take part in a campaign in connection with a local referendum or consultation of voters by the authorities of a territorial authority, is governed by the provisions of article 1112-3, paragraph 5, of the Territorial Authorities Code.

Title VIII: Provisions specific to overseas administrative tribunals

Article R781-1

When, in accordance with article L. 781-1, a hearing is held with the assistance of a means of audiovisual communication, the president of the tribunal in which the court formation sits may appoint the chief registrar, a registrar or other employee of the registry of this tribunal to act as deputy clerk of the court. In such case, the original version of the decision is signed by this latter person instead of the clerk of the court. The president may also decide that the execution copies of the decision will be signed and issued by the chief registrar of the tribunal in which the court formation sits.

Article R781-2

The filming and sound recording are undertaken by the employees of the registry or, failing that, by any other public employees, except when the hearing is held in camera.

Article R781-3

The technical features of the means of audiovisual communication used must ensure that the transmission is faithful, accurate and confidential vis-a-vis third parties. They are stipulated by order of the Keeper of the Seals, the Minister of Justice.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Regulatory Part – Council of State decrees

Book VIII: Appeal procedures

Title I: Appeals

Article R811-1

Any party present at proceedings before an administrative tribunal or who was lawfully summoned to attend, may lodge an appeal against any decision rendered in those proceedings, even if that party did not submit any defence.

However, in the types of dispute listed in article R. 222-13, at points 1, 4, 5, 6, 7, 8 and 9, the administrative tribunal rules at first and last instance. This also applies to the disputes referred to at points 2 and 3 of this article, except for appeals including submissions seeking the payment or discharge of sums of an amount greater than the amount stipulated in articles R. 222-14 and R. 222-15. This provision does not impede the application of articles R. 533-1 and R. 541-3.

By way of exception to the provisions of the foregoing paragraph, if there is a link with a dispute that may be appealed, decisions relating to the actions referred to at point 7 may themselves be the subject of an appeal. This also applies to decisions ruling on applications relating to the land tax when they also rule on submissions relating to the business tax, at the request of the same taxpayer, and when the two types of tax are based, in whole or in part, on the value of the same assets assessed in the same year.

The administrative tribunal rules at first and last instance on the applications mentioned in article R. 778-1.

Article R811-1-1

Administrative tribunals rule at first and last instance on appeals against permits to build or demolish a building that is used primarily for residential purposes, or against permits to construct a housing development when the building or development is located in whole or in part in the territory of one of the municipalities mentioned in article 232 of the Tax Code and its implementing decree.

The provisions of this article apply to appeals lodged between 1 December 2013 and 1 December 2018.

Article R811-2

Unless there is a provision to the contrary, any appeal must be lodged within two months. The

time limit runs against any party to the proceedings as from that day on which that party received the notification under the conditions laid down in articles R. 751-3 and R. 751-4.

If the judgment was served by one party on another by a judicial officer, the time limit within which to lodge an appeal runs from the date of service for both parties.

Article R811-3

If the notification of the judgment does not state that the time limit within which to appeal is less than two months, the time limit is two months.

Article R811-4

In Mayotte, French Polynesia, the Wallis and Futuna Islands and New Caledonia, the two month time limit within which to lodge an appeal is increased to three months.

Article R811-5

The additional time limits allowed applicants located at a distance from the court provided for in article R. 421-7, are added to the time limits normally allowed.

However, persons who, in electoral matters, file their application at the prefecture or subprefecture or, in Mayotte, Saint-Barthélemy, Saint-Martin, Saint-Pierre and Miquelon, French Polynesia, the Wallis and Futuna Islands and New Caledonia, at the offices of the State representative, are not allowed any additional time.

Article R811-6

By way of exception to the provisions of article R. 811-2, paragraph 1, the time limit within which to lodge an appeal against an interlocutory judgment, whether it deals with a main issue or not, runs up to the expiry of the time limit within which to lodge an appeal against the judgment that settles the merits of the case definitively.

Article R811-7

Appeals and statements of case filed with the administrative court of appeal must be submitted, on pain of being held inadmissible, by one of the agents mentioned in article R. 431-2.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

When the notification of the decision submitted to an administrative court of appeal does not include the information mentioned in article R. 751-5, paragraph 3, the applicant is invited by the court to correct his or her application under the conditions laid down in articles R. 612-1 and R. 612-2.

However, the following types of case do not require the intervention of a lawyer.

1. Appeals against decisions of administrative tribunals ruling on applications for judicial review on the grounds that an authority has exceeded its powers made by State officials or employees and other public persons or authorities, and by officials or employees of the Bank of France against decisions relating to their personal situation;

2. Disputes relating to petty offences involving damage to public property other than roads mentioned in article L. 774-8.

Applications seeking the enforcement of a decision rendered by an administrative court of appeal or a judgment rendered by an administrative tribunal located in the judicial district of the court of appeal and appealed before that court, may also be brought without the intervention of a lawyer.

Article R811-8

When a special provision stipulates that a lawyer is not required on appeal, the parties may act and represent themselves. They may also be represented:

1. By one of the agents mentioned in article R. 431-2;

2. By an association accredited in accordance with articles L. 141-1, L. 611-1, L. 621-1 or L. 631-1 of the Environment Code, provided the conditions laid down in articles L. 142-3, L. 611-4, L. 621-4 or L. 631-4 of the same code have been fulfilled, and in accordance with the conditions laid down in articles R. 142-1 to R. 142-9, R. 611-10, R. 621-10 and R. 631-10 of the same code.

Article R811-9

The parties may claim legal aid, if necessary.

Article R811-10

Before the administrative court of appeal, the State is not required to be represented by a lawyer, either when it lodges an appeal, or to defend its position, or when it joins existing proceedings. Unless there are provisions to the contrary, before the administrative court of appeal, the ministers concerned submit statements of case and observations prepared in the name of the State.

Ministers may delegate an official to sign on their behalf under the conditions laid down in the regulations in force.

Article R811-10-1

I.- By way of exception to the provisions of article R. 811-10, before the administrative court of appeal, statements of case and observations prepared in the name of the State are submitted by the prefect, when the dispute has arisen from the activities of departments within the prefecture, in the following areas:

1. The entry and stay of aliens in France;

2. The expulsion of foreign nationals;

3. Cases in which the State is held liable for damage caused by assemblies and gatherings;

4. The approval and arming of municipal police officers;

5. Surveillance and security activities, or the transportation of cash;

6. Weapons regulation;

7. Professional drivers and taxi operators;

8. The policing of bars selling drinks;

9. Forced hospitalisation;

10. Formal notices to quit places in accordance with article 9 of Law no. 2000-614 of 5 July 2000 relating to the reception and housing of travellers.

II.- This article applies in the overseas departments and collectivities under the following conditions:

1. Part I, points 7, 8 and 10 do not apply in New Caledonia, French Polynesia and the Wallis and Futuna Islands;

2. Before the administrative court of appeal, statements of case and observations prepared in the name of the State or the collectivity are submitted by the senior administrator of the French Southern and Antarctic Lands when the dispute has arisen from the activities of his or her authority;

3. When these provisions are applied in New Caledonia, French Polynesia, Wallis and Futuna and the French Southern and Antarctic Lands, the reference to the prefect is replaced by a reference to the State representative in the collectivity, and the reference to the departments within the prefecture is replaced by a reference to the departments run by the State in the collectivity.

III.- The Minister for Overseas France is authorised to submit observations in the name of the State, before the administrative court of appeal, in support of statements of case submitted by State representatives in the overseas departments and collectivities.

Article R811-10-3

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

By way of exception to the provisions of article R. 811-10, when an appeal is made to the administrative court of appeal in a case involving a dispute that has arisen from a decision taken by the Director General of the National Centre for the Management of Hospital Practitioners and Senior Managers within the Hospital Public Service, statements of case and observations prepared in the name of the State are submitted by the Director.

Article R811-11

Appeals that fall within the competence of the administrative court of appeal must be filed at the registry of that court.

Article R811-12

Whenever the administrative court of appeal is required to make a ruling within a specific time, further to a special provision, the time limit only runs from the moment when the documents arrive at the court registry.

Article R811-13

Unless there are special provisions to the contrary in this title, the commencement of proceedings before the judge hearing the appeal follows the rules relating to the commencement of proceedings at the first instance laid down in book IV.

The provisions of books VI and VII also apply.

Article R811-14

Appeals do not cause proceedings to be suspended, unless the judge hearing the appeal orders otherwise under the conditions laid down in this title, or unless there are special statutory provisions.

Article R811-15

When an appeal is lodged against a judgment of an administrative tribunal setting aside an administrative decision, the court of appeal may, at the appellant's request, order the execution of the judgment to be stayed, if the arguments relied on by the appellant appear, in the current state of the proceedings, to be serious and sufficient to justify the rejection of the submissions

that sought to have the decision set aside which were accepted in the judgment, apart from the setting aside or amendment of the judgment challenged.

Article R811-16

When an appeal is lodged by a person other than the claimant at the first instance, the court may, at the request of the appellant, order that the execution of the judgment in question be stayed, subject to articles R. 533-2 and R. 541-6, if the execution of the judgment might cause the appellant to definitively lose a sum for which they would not be held liable if their submissions on appeal were accepted.

Article R811-17

In other cases, a stay of execution may be ordered at the request of the applicant if the execution of the decision rendered at the first instance, which has been challenged, might have consequences that would be difficult to remedy, and if the arguments set out in the application appear to be serious in the current state of the proceedings.

Article R811-17-1

On pain of being held inadmissible, submissions seeking a stay of execution of the decision made at the first instance, which has been challenged, in accordance with the provisions of articles R. 811-15 to R. 811-17, must be presented in a separate application from the appeal and must be accompanied by a copy of the appeal.

Article R811-18

The court of appeal may terminate the stay that it ordered, at any time.

Article R811-19

When an administrative court of appeal applies articles R. 811-14 to R. 811-18, its decisions may be appealed on a point of law before the Council of State sitting as a court of cassation, within two weeks of being notified.

Title II: Appeals on points of law to the Council of State sitting as a court of cassation

Chapter I: General provisions

Article R821-1

Unless there is a provision to the contrary, any appeal on points of law to the Council of State sitting as a court of cassation must be lodged within two months.

If the notification of the decision does not state that the time limit within which to appeal on points of law is less than two months, the time limit is two months.

Article R821-2

Article R. 811-5 applies to appeals on points of law to the Council of State sitting as a court of cassation.

Article R821-3

Appeals of this type must be brought by a lawyer who is authorised to appear before the Council of State and the Court of Cassation, except with respect to appeals against decisions of the Central Committee on Public Assistance (*commission centrale d'aide sociale*) and of pensions tribunals (*juridictions de pension*).

Article R821-5

At the request of the author of the appeal, the court formation may order a stay of execution of the decision that was rendered at the last instance, if this decision might have consequences that would be difficult to remedy, and if the arguments relied upon appear, in the current state of the proceedings, to be serious and sufficient to justify setting aside the solution adopted by the court dealing with the merits, and setting aside the decision that was rendered at the last instance.

The stay that had been granted may be terminated by a court formation at any time.

Article R821-5-1

On pain of being held inadmissible, submissions seeking a stay of execution of the court decision challenged, in accordance with article R. 821-5, must be presented in an application that is separate from the appeal on points of law to the Council of State sitting as a court of cassation, and must be accompanied by a copy of this appeal.

Article R821-6

Unless there are special provisions to the contrary in this title, the commencement of proceedings before the court hearing the appeal on points of law follows the rules relating to the commencement of proceedings before the Council of State laid down in book IV.

The provisions of books VI and VII also apply.

Chapter II: Admission procedure

Article R822-1

Appeals on points of law submitted to the Council of State are allocated among the subdivisions in accordance with the conditions laid down in article R. 611-20.

Article R822-2

If it appears that the appeal might not be admitted, the President of the subdivision sends the case file to the consultant judge in order to have it added to the court list. The appellant or their agent is informed of the date of the sitting.

Otherwise, the President of the subdivision decides that the appeal will be examined under the ordinary conditions. The appellant or their agent is informed of this decision.

Article R822-3

If the court refuses admission, this decision is notified to the appellant or their agent. This is only likely with regard to appeals seeking to have a clerical error corrected and appeals seeking to have a decision revised on the grounds of error of fact or law (*recours en révision*).

When the court formation does not refuse the appeal, the case is prepared under the ordinary conditions. The appellant or their agent is informed.

Article R822-4

When the submissions made in respect of an appeal on points of law are accompanied by submissions seeking a stay of execution, the President of the subdivision may, where appropriate, dismiss these latter submissions without examining them. Otherwise the submissions seeking a stay of execution are examined by the subdivision under the ordinary conditions.

Article R822-5

If the appeal is withdrawn before it is admitted, or if the appellant is deemed to have withdrawn in accordance with article R. 611-22, the President of the subdivision takes formal note of the withdrawal by ordinance.

If an appeal ceases to have any purpose before its admission, the President of the subdivision may find, by ordinance, that there is no longer any reason to rule on this case

When the appeal is inadmissible because it has not been brought with the assistance of a lawyer or because it is marred by an element that is clearly inadmissible, which is unlikely to be remedied in the course of the proceedings, the President of the subdivision may decide, by ordinance, not to admit it.

When it is clear that no serious argument has been advanced, the President of the subdivision may also decide, by ordinance, not to admit:

1. Appeals on points of law that form part of a series which, without requiring a fresh assessment or definition of the facts, present for judgment in law, issues identical to issues that the Council of State, ruling in contentious proceedings, has already decided together in a single decision, or examined together in a single opinion rendered in accordance with article L. 113-1;

2. Appeals on points of law against orders issued in accordance with article R. 222-1;

3. Appeals on points of law against orders issued in accordance with articles L. 521-1, L. 521-3, L. 521-4, L. 522-3, R. 541-1 and against orders dismissing claims brought on the basis of book V, title V, chapter 1.

Article R822-5-1

Ten days at least before the issue of an ordinance taken on the basis of points 1, 2 or 3 of article R. 822-5, the appellant or their agent is informed of this possibility, either by e-mail or by ordinary post.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R822-6

The provisions of article R. 611-7 do not apply to the procedure governing the admission of appeals on points of law.

Title III: Other applications and appeals

Chapter I: Objections

Article R831-1

Any person that, having been found liable by an administrative court of appeal or the Council of State, failed to submit a defence in the proper form, may make a formal objection to the decision rendered in absentia, unless it was rendered in inter partes proceedings with a party with the same interests as the party in default.

Article R831-2

The objection does not cause the decision to be suspended, unless an order is made to the contrary.

It must be brought within a period of two months as from the day on which notice was given of the decision rendered in absentia.

Article R831-3

The provisions of article R. 811-5 apply to objections.

Article R831-4

Unless contrary provisions are stipulated in this chapter, the filing of an objection follows the rules relating to the lodging of appeal proceedings or the lodging of an appeal on points of law stipulated in this book, titles I and II.

The provisions of books 6 and 7 also apply.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R831-5

The decision admitting the objection returns the parties to the situation they were in before, as appropriate.

Article R831-6

Objections may not be made against judgments and orders issued by administrative tribunals.

Chapter II: Application to have a decision set aside by a third party that is adversely affected by that decision (*tierce opposition*)

Article R832-1

Any third party whose interests are adversely affected by a decision may make an application to have that decision set aside, on condition that neither that party nor the persons that it represents were present or properly called to the proceedings that produced the judgment in question.

Article R832-2

The person to whom the decision was notified or on whom it was served under the conditions laid down in article R. 751-3 must bring an application of this type within a period of two months from the date of the notification or service.

Article R832-3

Before the administrative tribunals of Mayotte, French Polynesia, Mata-Utu and New Caledonia, the time limit within which to bring an application of this type is increased to three months.

Article R832-4

The provisions of article R. 811-5 apply to applications to have a decision set aside by a third party that is adversely affected by that decision.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R832-5

Unless there are special provisions to the contrary in this chapter, the filing of an application of this type follows the rules relating to the commencement of proceedings laid down in book IV.

The provisions of books VI and VII also apply.

Chapter III: Appeals seeking to have a clerical error corrected

Article R833-1

When a decision of an administrative court of appeal or the Council of State is marred by a clerical error that might have had an influence on the judgment of the case, the party concerned may lodge an appeal seeking to have the decision rectified, before the court by which it was rendered.

Appeals of this type must be lodged following the same formalities as the initial application. Appeals of this type must be lodged within a period of two months, which runs from the day on which the decision whose rectification is sought was notified or served.

The provisions of books VI and VII apply.

Article R833-2

The provisions of article R. 811-5 apply to appeals seeking to have a clerical error corrected.

Chapter IV: Appeals seeking to have a decision revised on the grounds of error of fact or law

Article R834-1

Appeals may only be lodged against a decision of the Council of State rendered in inter partes proceedings, seeking to have it revised on the grounds of error of fact or law, in three cases:

1. If it was rendered on the basis of forged documents;

2. If the party was found liable because they failed to produce a decisive document that had been retained by the opposing party;

3. If the decision was made without taking account of the provisions of this code relating to the composition of the court formation, the holding of hearings and the form and delivery of the decision.

Article R834-2

Appeals of this type must be lodged within the same time limit and are admitted in the same way as objections to decisions rendered in absentia.

In the cases referred to in points 1. and 2. of the foregoing article, the time limit only runs as from the day on which the party became aware of the reason for the revision on which the appeal is based.

Article R834-3

Appeals of this type are presented with the assistance of a lawyer who is authorised to appear before the Council of State, even if the decision challenged related to an appeal that did not have to be made with the assistance of a lawyer of this type.

Article R834-4

When a ruling has been made on a first appeal of this type against a decision rendered in inter partes proceedings, a second appeal of this type against the same decision is not admissible.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Regulatory Part – Council of State decrees

Book IX: The enforcement of decisions

Title I: Principles

Article R911-1

When a public corporation has been held liable under the conditions laid down in article L. 911-9, the provisions of Decree no. 2008-479 of 20 May 2008 apply.

Title II: Provisions applicable to administrative tribunals and administrative courts of appeal

Article R921-1

When an application is made to an administrative tribunal asking it to order measures required to ensure that a definitive judgment of that tribunal is enforced, accompanied, as necessary, with an order requiring the party at fault to pay a periodic penalty, per day of non-compliance, if they fail to comply with those measures, the application may not be presented before the expiry of a three month period from the notification of the judgment, unless the administrative authority has explicitly refused to enforce it. However, when the applicant is seeking a decision ordering an urgent measure, the application may be made immediately.

In the event that the tribunal has, in the judgment whose enforcement is sought, specified a time limit within which the administrative authority must take the enforcement measures that it has ordered, the application may only be made on the expiry of this time limit.

The same time limit applies to applications made to an administrative court of appeal either with regard to the execution of a decision of that court, or with regard to the enforcement of a judgment rendered by an administrative tribunal located in the judicial district of the court, which has been the subject of an appeal to the court.

Article R921-2

In the event that a claim sent to an administrative authority seeking the enforcement of a decision of an administrative tribunal or administrative court of appeal has been rejected, only an express decision will trigger the time limits within which to lodge a judicial appeal.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R921-3

The time limit within which to lodge a judicial appeal against an express administrative decision that refuses to take the measures necessary to enforce a decision of an administrative tribunal or administrative court of appeal is interrupted by a request for enforcement, submitted in accordance with article R. 921-1, until the notification of the decision that rules on this request.

Article R921-4

As stated in articles R. 431-3, R. 431-11 and R. 811-7, applications seeking the enforcement of a court judgment or decision may be submitted without the assistance of a lawyer.

Article R921-5

When considering an application for enforcement upon the basis of article L. 911-4, the president of an administrative court of appeal or administrative tribunal, or the reporting judge appointed to perform that duty, takes all the steps that he or she considers to be useful in order to ensure that the judgment or decision in question is enforced.

When the president considers that the judgment has been enforced or that the application is without foundation, he or she decides to take no further action and informs the applicant of this decision.

Article R921-6

If the president considers it necessary to order enforcement measures through the court, particularly to make a penalty payment order against the party in default, or when the applicant seeks enforcement within one month following notification of the decision to take no further action in accordance with the final paragraph of the foregoing article and, in any event, on the expiry of the six month period as from the date on which the application was filed with the court, the president of the court or tribunal orders court proceedings to be opened. This ordinance may not be appealed against. The case is prepared and judged as a matter of urgency. When the party in default is required to make a penalty payment, the court formation determines the date on which this penalty will come into effect.

Article R921-7

When, on the due date of the penalty payment which has been imposed by an administrative tribunal or administrative court of appeal, this court finds, either ex officio or further to an application made by the interested party, that the enforcement measures that the tribunal or court had stipulated have not been applied, it seeks the payment by virtue of the penalty payment under the conditions laid down in articles L. 911-6 to L. 911-8.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

When payment of the penalty payment is sought, a copy of the judgment or decision imposing this penalty and the decision seeking payment is sent to the public prosecutor at the Budget and Finance Disciplinary Court (*Cour de discipline budgétaire et financière*).

Article R921-8

At each year end, the president of each administrative tribunal and each administrative court of appeal reports to the President of the Report and Studies Division of the Council of State on the difficulties encountered in enforcing judgments that have been referred to them. Where necessary, the matter is mentioned in the Council of State's annual report.

Title III: Provisions applicable to the Council of State

Article R931-1

When an administrative court has set aside an administrative decision, on the grounds that the authority exceeded its powers, or, in full jurisdiction proceedings, has rejected all or some of the submissions presented in defence by a public authority, the authority concerned is entitled to ask the Council of State to explain how the court decision will be enforced.

When an application of this type is made, a reporting judge is appointed who operates, in dealings with the authority concerned, under the authority of the President of the Report and Studies Division. On the basis of a decision by the President of the Report and Studies Division, the question may be referred to the committee mentioned in article R. 931-6, for its opinion. Where necessary, the matter is mentioned in the Council of State's annual report.

Article R931-2

The parties concerned may inform the Report and Studies Division of the Council of State the difficulties that they have encountered in order to have the decision rendered by the Council of State or by a special administrative court enforced.

Applications for assistance with the enforcement of a decision may only be submitted after the expiry of the three-month period from the date on which the court decision was notified, unless the administrative authority has explicitly refused to enforce it.

In the case of decisions ordering an urgent measure, applications may be submitted immediately to the Report and Studies Division.

If the decision whose enforcement is sought specifies a time limit within which the administrative authority must take the enforcement measures ordered in the decision, the

application may only be made on the expiry of this time limit.

The President of the Report and Studies Division appoints a reporting judge from within the division. This individual may carry out all the steps that he or she considers to be useful in order to ensure the enforcement of the court decision that was the subject of the application. The case may be referred to the committee mentioned in article R. 931-6, for its opinion, on the basis of a decision by the President of the Report and Studies Division.

Where necessary, the matter is mentioned in the Council of State's annual report.

In the event that a claim sent to an administrative authority seeking the enforcement of a decision of an administrative court has been rejected, only an express decision will trigger the time limits within which to lodge a judicial appeal.

Article R931-3

The Council of State may be asked to make a penalty payment order against the authority in default, in order to ensure that a decision rendered by the Council of State or by a special administrative court is executed.

Applications of this type may only be made after the expiry of a six month-period from the date on which the court decision was notified, unless the administrative authority has explicitly refused to enforce it.

However, if the decision whose enforcement is sought specifies a time limit within which the administrative authority must take the enforcement measures ordered in the decision, the application may only be made on the expiry of this time limit.

Article R931-4

When the President of the Litigation Division exercises the powers provided for in article L. 911-5, final paragraph, he or she issues a reasoned ordinance.

Article R931-5

Applications presented on the basis of article R. 931-3 asking the Council of State to impose a penalty payment order, may be made without the assistance of a lawyer authorised to appear before the Council of State.

This also applies to requests for assistance with the enforcement of a decision rendered by an administrative court submitted on the basis of article R. 931-2.

Article R931-6

Cases brought on the basis of article R. 931-3 or submitted to the Council of State in accordance with article L. 911-4, when they include a request for a penalty payment order to be imposed, are registered at the registry of the Litigation Division and, subject to the provisions of article R. 931-4, allocated to a subdivision of the Litigation Division. Except in cases in which the court may make a ruling on an application without a preparatory stage, and in cases in which the urgency of the situation makes this impossible, the subdivision of the Litigation Division sends the case file to the Report and Studies Division of the Council of State.

This division may carry out all the steps that it considers to be useful, in non-judicial proceedings, in order to ensure the enforcement of the court decision that was the subject of the application. The President of the Report and Studies Division appoints a reporting judge from within the division.

On the basis of a decision by the President of the Report and Studies Division, the case may be referred, for an opinion, to a select committee, made up of the President and Deputy President of the Report and Studies Division, the reporting judge and three members of the Council of State, including a President of a subdivision of the Litigation Division.

When the case has been examined by the Report and Studies Division, the President of this division sends the President of the Litigation Division a note explaining the context of the case in terms of both fact and law, describing the actions taken by the division and, if the matter was referred to the select committee, indicating the composition of the committee that considered the case and the significance of the opinion rendered. The note may describe the division's understanding of the results of the actions it has taken.

The exhibits submitted to the Report and Studies Division and the note prepared by this division are appended to the case file, which is sent back to the competent subdivision within the Litigation Division.

This subdivision is responsible for the preparation of the case, in accordance with the provisions governing proceedings before the Council of State ruling in contentious matters.

Article R931-7

When enforcement difficulties have been notified to the Report and Studies Division, on the basis of article R. 931-2, the President of this division may refer the matter to the President of the Litigation Division in order to commence a penalty payment procedure, ex officio. On the basis of a decision by the President of the Report and Studies Division, the case may first be referred to the select committee mentioned in article R. 931-6, for its opinion. The referral is accompanied by a note explaining the proposal of the President of the Report and Studies Division. If the case was referred to the select committee, the note explains this and also gives the composition of the committee that considered the case, and explains the significance of the opinion rendered.

The note of the President of the Report and Studies Division is appended to the case file.

The President of the Litigation Division orders the proceedings to be opened by ordinance.

The ordinance is registered at the secretariat of the Litigation Division and notified to the parties. The case is prepared and judged as a matter of urgency.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance

Article R931-7-1

When the Council of State, ruling in contentious proceedings, has imposed a penalty payment order upon the party in default, the competent subdivision sends the case file to the Report and Studies Division.

When, on the due date of the penalty payment order made by the Council of State, the Report and Studies Division finds, ex officio or further to an application made by the interested party, that the enforcement measures stipulated have not been taken, it informs the Litigation Division of this fact, which rules on the amount to be paid by virtue of the penalty payment. The provisions of the last three paragraphs of article R. 931-6 apply.

Article R931-8

When payment of the penalty payment is sought, a copy of the decision imposing this penalty and the decision seeking payment is sent to the public prosecutor at the Budget Disciplinary Court.

Article R931-9

The time limit within which to lodge a judicial appeal against an express administrative decision that refuses to take the measures necessary to enforce a decision of an administrative court is interrupted by a request for the imposition of a penalty payment until the notification of the decision that rules on this request.

Most recent version of the text 3 October 2013 - Document generated 11 November 2013 - Copyright (C) 2007-2008 Legifrance