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Appeal before the administrative judge

Verified 21 avril 2020 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

i Proceedings before administrative courts

From 20 November 2020, the administrative courts may amend the rules of procedure applicable to the cases they are handling, in order to allow them to continue their activities during the state of health emergency. Changes may include:

- Possibility for courts to communicate with parties by any means
- Conduct of the hearing by audiovisual means of telecommunication or by electronic means
- Possibility for judges to participate in the hearing remotely
- Use of the procedure without an interim hearing
- Recourse to proceedings without hearing in certain cases in disputes relating to the right to lodging
- Exemption from reading of urgent decisions in the case of expulsion of aliens

These possibilities for amending the rules of procedure are provided for in [Order No. 2020-1402 of 18 November 2020](#) 

(<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042532802>) and [decree n°2020-1406 of 18 november 2020](#) 

(<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042532878>) .. They will cease on the day of the end of the state of health emergency, that is, February 16, 2021.

To refer the matter to the administrative judge, you must act within the time limit and file the appeal with the competent court. You do not have to take a lawyer unless the dispute is about a sum of money or a contract with a public authority or agency. You must attach to your application the administrative decision you are challenging, as well as all supporting documents.

Terms

You can apply to the administrative court when you have a dispute with the administration. But your appeal will only be examined if [the conditions for referral to the administrative court](#) (<https://www.service-public.fr/particuliers/vosdroits/F2478?lang=en>) are filled. The case must fall within the jurisdiction of the administrative justice system and there must be no obligation to file an administrative appeal beforehand.

If these conditions are met, you can file your appeal within the time limits: the date on which the court registers the application is taken into account (not the date of sending). However, if the decision you are challenging does not mention the time limits for appeal, you cannot be accused of acting outside the time limit. Finally, you must attach to the appeal a copy of the decision of the administration you are challenging.

Where can I appeal?

The rules vary depending on whether the appeal is to be filed before the administrative court or a specialized court.

General case

The competent administrative tribunal shall be the one in the jurisdiction (territory) in which the administration which took the contested decision is situated.

Who shall I contact

- [Administrative Tribunal](#)  (<https://www.conseil-etat.fr/tribunaux-cours/la-carte-des-juridictions-administratives>)

However, the jurisdiction of the competent administrative court is different in the following cases:

Dispute Subject	Place of competent court
Property (land consolidation, town planning, expropriation, building permits, etc.)	Court where the property is located
Administrative policing measure (e.g., operating license)	Court where you reside on the date of the measure
Professional activity	Court where the activity in dispute is located
Public contract or administrative contract	Court where the contract is performed
<u>Staff pension</u>	The court in which the public person to whom you report at the time of your retirement is located
<u>Civil service labor conflict</u>	Court where you are assigned at the date of the contested decision (where the author of the decision is if it concerns several agents)
Claim	Court where the act which caused the damage occurred
Recognition of certain qualities (e.g., veteran status)	Court where you reside

Specific disputes (decrees, visas, military pensions, etc.)

In some cases, the competent court is either a specific administrative court or another specialized court.

Dispute type	Competent court
Minister's order and regulation	Council of State
Decision of a national administrative authority (Cnil ()) for example	Council of State
Regional and European elections	Council of State
Deliberation of an Overseas Departmental or Regional Council or Overseas Community	Council of State
<u>Visa for entry into France</u>	Nantes Administrative Court
<u>Naturalization</u>	Nantes Administrative Court
Disputes before several administrative tribunals	Administrative Tribunal of Paris
Disputes not under any identifiable administrative tribunal	Administrative Tribunal of Paris
Social welfare	Departmental or Central Social Assistance Commission
Military invalidity pension	Departmental Court of Military Invalidity Pensions and War Victims
<u>Granting of refugee status</u>	National Court of the Right to Asylum
Compensation for returnees	Commission on the Litigation of Compensation for Overseas Returnees

Who shall I contact

- [Council of State](http://www.conseil-etat.fr/Conseil-d-Etat/Contacts-Informations-pratiques) [↗](http://www.conseil-etat.fr/Conseil-d-Etat/Contacts-Informations-pratiques) (<http://www.conseil-etat.fr/Conseil-d-Etat/Contacts-Informations-pratiques>)
- [Nantes Administrative Court](http://nantes.tribunal-administratif.fr/Informations-pratiques/Acces-et-coordonnees) [↗](http://nantes.tribunal-administratif.fr/Informations-pratiques/Acces-et-coordonnees) (<http://nantes.tribunal-administratif.fr/Informations-pratiques/Acces-et-coordonnees>)
- [Administrative Tribunal of Paris](http://paris.tribunal-administratif.fr/Informations-pratiques/Acces-et-coordonnees) [↗](http://paris.tribunal-administratif.fr/Informations-pratiques/Acces-et-coordonnees) (<http://paris.tribunal-administratif.fr/Informations-pratiques/Acces-et-coordonnees>)
- [Central Social Assistance Commission \(CCAS\)](https://lannuaire.service-public.fr/institutions-juridictions/juridiction_170511) (https://lannuaire.service-public.fr/institutions-juridictions/juridiction_170511)
- [National Court of Asylum \(CNDAs\)](http://www.cnda.fr/Informations-pratiques/Acces-et-contacts) [↗](http://www.cnda.fr/Informations-pratiques/Acces-et-contacts) (<http://www.cnda.fr/Informations-pratiques/Acces-et-contacts>)

⚠ Warning : disputes with social security are not the responsibility of the administrative judge and are tried by specific instances (<https://www.service-public.fr/particuliers/vosdroits/N561?lang=en>).

Representation by a lawyer

Administrative Tribunal

The use of a lawyer is mandatory if a sum of money or a contract is involved.

However, representation by a lawyer is not **not required** for the following disputes:

- Contraventions on the road (for example, unauthorized installation of parasols on the beach)
- Direct contributions, turnover taxes and similar taxes
- Individual decisions concerning public officials
- Pensions, benefits, allowances or rights granted for social assistance, housing or for workers deprived of employment, reserved employment and compensation for returnees
- Decisions of a territorial authority or public institution under

- Application for enforcement of a final judgment

To finance the lawyer's fees, you can apply to benefit from [legal aid](https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en) (https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en)..

Who shall I contact

- [Lawyer](https://www.cnb.avocat.fr/annuaire-des-avocats-de-france)  (https://www.cnb.avocat.fr/annuaire-des-avocats-de-france)

Council of State

The use of a lawyer in the Council of State is compulsory **except in the following cases** ::

- Request for excess of authority against an act of an administrative authority
- Electoral disputes
- [Appeal in cassation against a decision on pension and social assistance](https://www.service-public.fr/particuliers/vosdroits/F2496?lang=en) (https://www.service-public.fr/particuliers/vosdroits/F2496?lang=en)

Who shall I contact

- [Lawyer at the Council of State or the Court of Cassation](http://www.ordre-avocats-cassation.fr/ordre/avocats)  (http://www.ordre-avocats-cassation.fr/ordre/avocats)

How do I file the appeal?

General case

You can submit your request via the remote service *Remedies* citizens.

 [Citizen's Remedies \(appeal to the administrative judge\)](#)

Council of State

Go to
online service 
(https://citoyens.telerecours.fr/#/authentication)

The query may also be filed with or addressed to [transplant by courier preferably with RAR](#) ().

Specific courts (CCAS, CNDA, National Court of Asylum, etc.)

The query may be filed or addressed to the [transplant by courier preferably with RAR](#) ().

 **Please note** : if you are represented by a lawyer, they must use the application [Remedies](https://www.telerecours.fr/)  (https://www.telerecours.fr/) to submit your query.

Folder Contents

Electronic folder

If the appeal is filed via the Telemedicine Citizen Remedies service, consult the [brochure explaining the procedure to be followed and the documents to be provided](https://www.conseil-etat.fr/Media/contenu-froid/documents/fiches-pratiques-de-la-ja/fiche_13_trc_web)  (https://www.conseil-etat.fr/Media/contenu-froid/documents/fiches-pratiques-de-la-ja/fiche_13_trc_web) ..

 [Citizen's Remedies \(appeal to the administrative judge\)](#)

Council of State

Go to
online service 
(https://citoyens.telerecours.fr/#/authentication)

Paper Folder

Your file must contain the following documents and copies:

Folder Composition

Folder Parts	Number of copies
Query	1 copy
Decision under appeal or a copy of the request addressed to the administration with the acknowledgement of receipt when the administration has failed to reply (<u>implied decision</u>)	1 copy
All relevant supporting documents to be produced unless their number, volume or characteristics prevent such production	1 copy
Detailed inventory of supporting documents	
In the event that the law provides that the judge shall decide without submitting certain documents for debate: memory explaining the reasons for refusing to transmit to the other parties	The submission shall be forwarded to the other parties
Where the refusal to provide documents is the subject of the dispute: separate statement explaining the reasons for transmission to other parties	The submission shall be forwarded to the other parties

The request is written in French on free paper. It can be handwritten (perfectly readable) or, preferably, typed.

The query must include the following information:

- ▶ Name, signature and address of parties
- ▶ Statement of facts
- ▶ Statement of pleas (legal arguments). You must show that the act under attack is illegal.
- ▶ Statement of findings (what you ask the judge). For example, annulment of the contested decision, award of damages, etc. In the case of a claim for compensation, the amount must be precise and detailed.

If you dispute several decisions, you must file a motion by deed.

If more than one person makes the same application without a lawyer, they must appoint a single representative. Otherwise, the court shall address the first named person.

In the State Council, if it is impossible to provide a copy of the attachments because of their number, volume or characteristics, the attachments shall be communicated to the Dispute Secretariat or the Prefecture.

▲ Warning : the notification the lodging of the application to the author of the decision and to the holder of the authorization shall be compulsory for the following remedies: planning certificate (<https://www.service-public.fr/particuliers/vosdroits/F1633?lang=en>), decision not to oppose prior declaration (<https://www.service-public.fr/particuliers/vosdroits/F17578?lang=en>) provided for in the planning code, permit to build (<https://www.service-public.fr/particuliers/vosdroits/F1986?lang=en>), develop (<https://www.service-public.fr/particuliers/vosdroits/F17665?lang=en>) or demolish (<https://www.service-public.fr/particuliers/vosdroits/F17669?lang=en>).. Notification must be made within 15 free days following the filing of the application by registered letter with AR ()

Effect of appeal

The fact of bringing the matter before the administrative court does not prevent the contested decision from having effect.

To avoid serious, irreversible or irreparable effects, you can ask the judge to take a precautionary interim measure as a matter of urgency, through a referral procedure (<https://www.service-public.fr/particuliers/vosdroits/F2548?lang=en>)..

Statute and miscellaneous references

- Code of Administrative Justice: Articles R411-1 to R411-6 [↗](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006449919&idSectionTA=LEGISCTA000006150450&cidTexte=LEGITEXT000006070933) (<http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006449919&idSectionTA=LEGISCTA000006150450&cidTexte=LEGITEXT000006070933>)
Query Overview
- Code of Administrative Justice: Articles R412-1 to R412-3 [↗](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006449929&idSectionTA=LEGISCTA000006150451&cidTexte=LEGITEXT000006070933) (<http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006449929&idSectionTA=LEGISCTA000006150451&cidTexte=LEGITEXT000006070933>)
Query attachments
- Code of Administrative Justice: Articles R413-1 to R413-6 [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150452&cidTexte=LEGITEXT000006070933) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150452&cidTexte=LEGITEXT000006070933>)
Query Deposit

- **Code of Administrative Justice: Articles R414-6 to R414-11** [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000036781245&cidTexte=LEGITEXT000006070933) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000036781245&cidTexte=LEGITEXT000006070933>)
Citizen telemetry
- **Code of Administrative Justice: sections R431-1 to R431-10-1** [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150453&cidTexte=LEGITEXT000006070933) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150453&cidTexte=LEGITEXT000006070933>)
Representation of the parties before the Administrative Court
- **Code of Administrative Justice: Articles R312-6 to R312-19** [↗](https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006165713/) (<https://www.legifrance.gouv.fr/codes/id/LEGISCTA000006165713/>)
Exceptions to territorial jurisdiction
- **Social Action and Family Code: Articles L 134-1 to L 134-10** [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157564&cidTexte=LEGITEXT000006074069) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006157564&cidTexte=LEGITEXT000006074069>)
Appeal before the departmental or central social welfare committee
- **Code on the entry and residence of aliens and the right to asylum: Articles L 733-1 to L 733-5** [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147818&cidTexte=LEGITEXT000006070158) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006147818&cidTexte=LEGITEXT000006070158>)
Action before the National Court of the Right to Asylum
- **Code of Military Invalidation Pensions and War Victims: Articles L 711-1 to L 711-7** [↗](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000031710417&cidTexte=LEGITEXT000006074068) (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000031710417&cidTexte=LEGITEXT000006074068>)
Appeals before the departmental court for military invalidity pensions and war victims
- **Order of 2 May 2018 on the technical characteristics of the telephony service known as "Citizen's Reminders"** [↗](https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036877008) (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036877008>)

Online services and forms

- **Citizen's Remedies (appeal to the administrative judge)** (<https://www.service-public.fr/particuliers/vosdroits/R50694?lang=en>)
Online service

For more information, please contact

- **Why administrative justice?** [↗](http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procdures/Decouvrir-la-justice-administrative-et-son-organisation/Pourquoi-une-justice-administrative) (<http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procdures/Decouvrir-la-justice-administrative-et-son-organisation/Pourquoi-une-justice-administrative>)
Council of State
- **Allocation of powers within the administrative court** [↗](http://www.conseil-etat.fr/Tribunaux-Cours/Organisation/Repartition-des-competences-au-sein-de-la-jurisdiction-administrative) (<http://www.conseil-etat.fr/Tribunaux-Cours/Organisation/Repartition-des-competences-au-sein-de-la-jurisdiction-administrative>)
Council of State
- **Citizen telemetry** [↗](https://www.conseil-etat.fr/Media/contenu-froid/documents/fiches-pratiques-de-la-ja/fiche_13_trc_web) (https://www.conseil-etat.fr/Media/contenu-froid/documents/fiches-pratiques-de-la-ja/fiche_13_trc_web)
Council of State