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Le site officiel de l'administration française

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Conditions for referral to the Administrative Judge

Verified 17 February 2021 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

Proceedings before administrative courts

Since 20 November 2020, the administrative courts may amend the rules of procedure applicable to the cases they deal with, to allow them to continue their activity 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 or electronic means of telecommunication
- Possibility for judges to participate in the hearing remotely
- Use of the procedure without an interim hearing
- Use of the procedure without a hearing in certain cases for disputes relating to the right to lodging
- Exemption from reading of decisions rendered in an emergency 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 No. 2020-1406 of 18 November 2020

(<https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042532878>)

. They shall cease on the day of the end

of the health emergency, i.e. on the 1st June 2021.

The administrative court is responsible for settling disputes involving the administration. However, some of these disputes fall under the jurisdiction of the civil courts. Before you refer the matter to an administrative judge, you must ensure that the case falls within the jurisdiction of the administrative judge. You should also check whether or not a mandatory prior administrative appeal is provided. Finally, the appeal must be against a decision of the administration and must be brought within the time limit.

Administrative Dispute

administrative tribunal or the Council of State([https://www.service-public.fr/particuliers/vosdroits/F2026?](https://www.service-public.fr/particuliers/vosdroits/F2026?lang=en)

Before entering [lang=en](https://www.service-public.fr/particuliers/vosdroits/F2026?lang=en))

, you have to check

that the dispute is within the jurisdiction of the administrative justice. Certain disputes involving the administration fall within the jurisdiction of the said courts (civil, social or criminal).

stop database (<http://www.tribunal->

For this purpose, it may be useful to consult [conflicts.fr/decisions.html](http://www.tribunal-decisions.fr/decisions.html))

of the Dispute Tribunal. It is this jurisdiction

that adjudicates conflicts of jurisdiction between administrative and judicial jurisdictions.

It is important to do this because the error of referral can be very detrimental to you. Indeed, if you enter the administrative jurisdiction in error, it can be divested to a judicial jurisdiction, but this is not an obligation.

Before any recourse, you can also try to reach an amicable agreement

with the help of a mediator ([https://www.service-public.fr/particuliers/vosdroits/F34480?](https://www.service-public.fr/particuliers/vosdroits/F34480?lang=en)

[lang=en](https://www.service-public.fr/particuliers/vosdroits/F34480?lang=en))

public service ([https://www.service-public.fr/particuliers/vosdroits/F34528?](https://www.service-public.fr/particuliers/vosdroits/F34528?lang=en)

In several disputes ([lang=en](https://www.service-public.fr/particuliers/vosdroits/F34528?lang=en))

, social assistance, housing and removal from

the list of job seekers), the prior mediation procedure has been mandatory since 1st April 2018. and until November 18, 2020.

Compulsory prior administrative appeal (Rapo)

Mandatory prior administrative appeal (Rapo) is a remedy that is sometimes imposed before the administrative judge is brought before the court. This appeal shall be addressed to the administration to enable it, if it considers it justified, to take a new decision without the intervention of the judge. In cases where such an appeal is provided for, it constitutes a compulsory prerequisite for referral to the administrative judge.

The Rapo applies in particular to the following areas:

- Tax disputes (for example, tax base)

- Access to administrative documents (<https://www.service-public.fr/particuliers/vosdroits/F2467?lang=en>)
- Access to regulated professions (example: College of Physicians)
- Military civil service: appeal to the military appeal board
- Litigation of foreigners (e.g., refusal of visas)

The rules applicable (time limits for referral, collegial instance of appeal, adversarial procedure) are different according to the Rapo. The decision of the authority you are challenging indicates the means and time limits by which the appeal may be exercised.

Need for a decision

You can challenge any decision of the administration regardless of the author (state, department, municipality, hospital) or the content.

On the other hand, it is not possible to attack the mere opinions, information, projects or statements of intent made by a government.

If you feel that you are being harmed by the administration's behaviour, you must apply to the administration for a decision (for example, a claim for compensation, cessation of a disorder, access to a right).

The relevant authority will acknowledge receipt of your request and provide you with the following information:

- Response times
- Time after which you may consider your application to be implicitly refused or accepted
- Remedies and deadlines

The administration will then have to make its decision within the time limit, either by express decision or by implicit decision (<https://www.service-public.fr/particuliers/vosdroits/F32388?lang=en>) of rejection or acceptance.

Cost

You don't have to pay to make the call.

But if you take a lawyer, you have to pay his fees. Depending on your income, you may be entitled to legal aid (<https://www.service-public.fr/particuliers/vosdroits/F18074?lang=en>)

Timeouts

To challenge an administration decision, you must act within the time limits. If you don't, your query shall be rejected.

The appeal period is extended if you do ^{benefit from a} grace or hierarchy (<https://www.service-public.fr/particuliers/vosdroits/F2474?lang=en>)

General case

The time limit for appeal against a decision of the administration is **2 months** (deadline) from its advertising.

The period shall run from the time when:

the decision has been published if it is a regulatory act,

the decision is posted (building permit, for example),

the decision was notified if it is an individual act. The notification shall specify the time limits and remedies. If this is not the case, these deadlines are not yours opposites for an indicative period of one year, adjustable on a case-by-case basis by the administrative judge.

Overseas

If you reside overseas and have to appeal to a court sitting in a metropolis or if you reside in a metropolis and have to appeal to a court sitting overseas, the time limit for appeal against an act is **3 months** from its advertising.

The period shall run from the time when:

the decision has been published if it is a regulatory act,

the decision is posted (building permit, for example),

the decision was notified, if it is an individual act. The notification shall specify the time limits and remedies. If this is not the case, these deadlines are not yours opposites for an indicative period of one year, adjustable on a case-by-case basis by the administrative judge.

From abroad

If you reside abroad and have to appeal to a court sitting in France, the time limit for appealing against an act is **4 months** from its advertising.

The period shall run from the time when:

the decision has been published if it is a regulatory act,

the decision is posted (building permit, for example),

the decision was notified, if it is an individual act. The notification shall specify the time limits and remedies. If this is not the case, these deadlines are not yours opposites for an indicative period of one year, adjustable on a case-by-case basis by the administrative judge.

Please note

If the contested administrative decision is the result of the administration's silence on your application (implicit decision), the period is 2 months from the date of rejection.

The time limit may be different for certain appeals (e.g. 5 days for municipal elections). You must therefore read carefully the contested decision which sets out the remedies and the time limits applicable.

Statute and miscellaneous references

Code of Administrative Justice: items R421-1 to R421-7 ([http://www.legifrance.gouv.fr/affichCode.do?](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136478&cidTexte=LEGITEXT000006070933)

- [idSectionTA=LEGISCTA000006136478&cidTexte=LEGITEXT000006070933](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136478&cidTexte=LEGITEXT000006070933))
Timeouts

Decree No. 2018-101 of 16 February 2018 experimenting with a compulsory prior mediation procedure in civil service disputes and social disputes

- (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036608557>)

Decision of 6 March 2018 on the experimentation of compulsory mediation in certain social disputes

- (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000036681532>)

Council of State - Judgement No. 387763 of 13 July 2016 on the impossibility of bringing legal proceedings beyond a reasonable time

- (<https://www.legifrance.gouv.fr/affichJuriAdmin.do?idTexte=CETATEXT000032892416>)

FAQ

What is administrative mediation? (<https://www.service-public.fr/particuliers/vosdroits/F34480>?)

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Additional topics

Taking legal action against the administration (<https://www.service-public.fr/particuliers/vosdroits/N560>?)

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Why administrative justice? (<http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procdures/Decouvrir-la-justice-administrative-et-son-organisation/Pourquoi-une-justice-administrative>)

- organisation/Pourquoi-une-justice-administrative)
Council of State

Distribution of powers within the administrative jurisdiction (<http://www.conseil-etat.fr/Tribunaux-Cours/Organisation/Repartition-des-competences-au-sein-de-la-jurisdiction-administrative>)

- competences-au-sein-de-la-jurisdiction-administrative)
Council of State

In what situations is the use of a lawyer mandatory? (<http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procdures/L-avocat-et-l-aide-juridictionnelle/Dans-quelles-situations-le-recours-a-un-avocat-est-il-obligatoire>)

- juridictionnelle/Dans-quelles-situations-le-recours-a-un-avocat-est-il-obligatoire)
Council of State

The latest decisions of the Dispute Tribunal (<http://www.tribunal-conflits.fr/decisions.html>)

- conflits.fr/decisions.html)
Dispute Tribunal