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Proceedings before the Administrative Court



Verified 27 mars 2019 - Directorate of Legal and Administrative Information (Prime Minister), Ministry of Justice

Additional cases ? [Referral \(https://www.service-public.fr/particuliers/vosdroits/F2478\)](https://www.service-public.fr/particuliers/vosdroits/F2478) / [Query Deposit \(https://www.service-public.fr/particuliers/vosdroits/F2026\)](https://www.service-public.fr/particuliers/vosdroits/F2026)

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)  (<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)  (<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.

Before the administrative court, the judge directs the investigation and decides on the measures necessary to resolve the dispute. The procedure is written (the arguments are exchanged by written submissions called briefs) and adversarial (each party has knowledge of the opposing party's arguments). Oral observations may, however, be made at the hearing.

Folder Instruction

Instruction begins as soon as transplant has saved query..



The president of the court shall appoint a rapporteur magistrate to monitor the investigation.

The training is based on memoirs writings presenting, in a contradictory manner, the arguments of the 2 parties: the applicant and defendant (the administration under attack).


The initiating motion shall be communicated to the contested administration, which shall submit defense observations. These comments shall be sent to the applicant for a reply.

Several magistrates are studying the case. When the investigation is completed, it is entered in a trial session.

The parties may submit their written submissions until the date fixed by the order closing the hearing. In the absence of an order, they have up to 3 clear days (day that lasts from 0h to 24h) before the hearing. This period shall apply without taking into account public holidays, Saturdays and Sundays.

 **Please note :** If you are not represented by a lawyer and have [filed your request \(https://www.service-public.fr/particuliers/vosdroits/F2026?lang=en\)](https://www.service-public.fr/particuliers/vosdroits/F2026?lang=en) via [telephony Citizen Telephony](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) , the jurisdiction exchanges with you through this application.

Date of hearing

The date of the hearing shall be communicated to each party by registered letter with AR (or via [telephony Citizen Telephony](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)) at least 7 days before the hearing. In the event of an emergency, the time limit may be reduced to 2 days.


Conduct of the hearing

The rapporteur recalls the content of the request and the exchanges of memories.

Except for certain disputes, the public rapporteur present its findings to the judges and propose the most appropriate solution.

The Chairperson shall ask the parties or their counsel whether they have oral observations to make. However, they cannot develop new arguments in relation to written submissions filed prior to the hearing.

At the end of the hearing, the matter is taken under advisement.

 **Please note** : the presence of the parties (applicant and the administration concerned) is not mandatory but is recommended.

Deliberation and judgment

The judges debate outside the presence of the public rapporteur and the parties.

They make their decision in public hearing within about 15 days.

The reasoned judgment is notified parties by registered letter with AR (or via [telephony Citizen Telephony](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)).

Remedy

The letter of notification of the judgment shall indicate the time limits and the means of appeal.


In certain cases (e.g. disputes relating to the contribution to the public audiovisual media), the court shall decide first and last resort. The judgment cannot be appealed. However, **an appeal in cassation** (<https://www.service-public.fr/particuliers/vosdroits/F2496?lang=en>) before the Council of State is possible.


For other disputes, **administrative court of appeal** (<https://www.service-public.fr/particuliers/vosdroits/F2494?lang=en>) can be entered (or in some cases **Council of State** (<https://www.service-public.fr/particuliers/vosdroits/F2495?lang=en>)) for cancelation or modification within 2 months.

Early end of trial

Non-place


The plaintiff may terminate his trial if he obtains the satisfaction of the administration before the judgment. In such a case, the court shall decide not to give judgment.

The applicant must notify the court registry as soon as possible (in writing or by [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) if you are not represented by a lawyer and have used this service to file your application).







 **Warning** : the decision must not have been applied, even partially.

Discontinuance


The plaintiff may waive his trial for any other reason. In this case, the court shall take note of his withdrawal.

The applicant must notify the court registry as soon as possible (in writing or by [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) if you are not represented by a lawyer and have used this service to file your application).

Statute and miscellaneous references

- Code of Administrative Justice: items R611-1 to R611-8-1  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165720&cidTexte=LEGITEXT000006070933>)
Communication of request and memories
- Code of Administrative Justice: Articles R611-8-6 to R611-8-9  (<https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000036782051>)
Provisions specific to electronic communication
- Code of Administrative Justice: Articles R611-9 to R611-15-1  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165721&cidTexte=LEGITEXT000006070933>)
TA: appointment of rapporteur, deadline for submission of briefs and closing of hearings
- Code of Administrative Justice: Articles R613-1 to R613-4  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006165724&cidTexte=LEGITEXT000006070933>)
TA and CAA: closing statement
- Code of Administrative Justice: Articles R711-1 to R711-4  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150484&cidTexte=LEGITEXT000006070933>)
TA and CAA: notice of hearing
- Code of Administrative Justice: Articles R732-1 to R732-2  (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150486&cidTexte=LEGITEXT000006070933>)
TA and CAA: hearing and deliberation

For more information, please contact

- How is the investigation conducted before an administrative court?  (<http://www.conseil-etat.fr/Conseil-d-Etat/Demarches-Procedures/L-examen-des-requetes-et-l-audience/Comment-se-deroule-l-instruction>)
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
 - **Remedies - electronic proceedings before administrative courts** [↗](https://www.telerecours.fr/) (https://www.telerecours.fr/)
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