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## Does the interim procedure exist before the Administrative Court?

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) <sup>↗</sup>

(<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) <sup>↗</sup>

(<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.

Yes, the interim order exists before the administrative court. It is an accelerated procedure which results in a rapid, but provisional decision.

You can use this procedure to ask the administrative judge to take urgent action to preserve your rights or property in the context of a conflict with the administration.

As [referred to the civil judge](https://www.service-public.fr/particuliers/vosdroits/F1378?lang=en) (<https://www.service-public.fr/particuliers/vosdroits/F1378?lang=en>), the administrative summary cannot be used to settle the dispute definitively. A main trial, already under way or to come, must take place to settle the dispute definitively.

There are several types of references:

- Referrals related to the emergency (suspension, freedom, conservatory)
- Referees exempted from the emergency condition (statement, instruction, provision)

## Reference Types

Referee Title	Description	Emergency condition
<u>Referred Suspension</u>	It is a question of asking the judge to oppose the execution of a decision of the administration, pending a judgment on that decision. For example, permit to demolish.	Yes
<u>Referral injunction or "freedom"</u>	It can be used against a government measure that infringes a fundamental freedom. Examples: free movement of persons, freedom of expression or opinion, protection of privacy, freedom of trade and industry.	Yes
<u>Preservation Reference</u> or referred to as "useful measures"	It is a question of asking the judge, even if the administration has not yet taken a decision in a case, to take any useful action. However, this measure must not prevent the execution of an administrative decision already taken.  Example: the interim protection order may allow the administration to provide a document that the applicant needs to assert a right quickly, before the expiry of a statutory period.	Yes
<u>Referenced Finding</u>	This involves having an expert determine the facts that could cause a dispute or change rapidly (e.g.: a cellar flooded by a sewer) before it has even taken legal action	No
<u>Referenced expertise or "instruction"</u>	It is a question of asking the judge for an expert opinion or any other measure that goes beyond the mere finding of facts. Example: obtain expertise on damage that may be caused to a building by neighboring works.	No
<u>Reserve Referred</u>	This is to request an advance on an amount owed by an administration (e.g., social benefit, amounts owed by tax services).  The provision will only be granted if the claimant's rights to the amount are established.	No
Tax Reference	The purpose of the application is to request a payment period in the event of the tax authorities' refusal to grant a stay. It may relate to income or corporate taxes, VAT, etc.	No

In all cases, you can deposit query to the court registry or send it (by mail) RAR preferably). You must indicate "referenced" on the query and on the envelope.

Who shall I contact

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► Administrative Tribunal [↗ \(https://www.conseil-etat.fr/tribunaux-cours/la-carte-des-juridictions-administratives\)](https://www.conseil-etat.fr/tribunaux-cours/la-carte-des-juridictions-administratives)

## Statute and miscellaneous references

- Code of Administrative Justice: Articles L511-1 to L511-2 [↗ \(https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136455&cidTexte=LEGITEXT000006070933\)](https://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006136455&cidTexte=LEGITEXT000006070933)  
*Referee Judge*
- Code of Administrative Justice: Articles L521-1 to L521-4 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006449326&idSectionTA=LEGISCTA000006150399&cidTexte=LEGITEXT000006070933\)](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006449326&idSectionTA=LEGISCTA000006150399&cidTexte=LEGITEXT000006070933)  
*Powers of the Judge of the Referees*
- Code of Administrative Justice: Articles R522-1 to R522-14 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006450004&idSectionTA=LEGISCTA000006150458&cidTexte=LEGITEXT000006070933\)](http://www.legifrance.gouv.fr/affichCode.do?idArticle=LEGIARTI000006450004&idSectionTA=LEGISCTA000006150458&cidTexte=LEGITEXT000006070933)  
*Procedure*
- Code of Administrative Justice: Articles R523-1 to R523-3 [↗ \(http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150459&cidTexte=LEGITEXT000006070933\)](http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150459&cidTexte=LEGITEXT000006070933)  
*Remedies*