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Can a decision of the administrative judge be opposed?

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

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.

Yes, in a few rare situations, you can ask the administrative judge to retry the case.

Opposition is possible only for decisions of the Council of State. The decisions of administrative tribunals and administrative appeal courts are not affected.

The opposition procedure is only possible in the following situations, where the judge has taken his decision *default* ::

- You were not present at the hearing (for good reason) and were unable to comment or defend yourself
- No other person with the same interest as you in the matter was able to comment at the hearing
- In the case of written proceedings without the obligation to appear at the hearing, you did not indicate specifically in your query what you're asking the judge.

The opposition proceedings shall not be suspensive: it shall not prevent the execution of the decision. However, you can ask the judge to stay of execution..

The time limit for opposition shall be **2 months** from notification of the contested decision.

The approach to be followed is identical to that of an appeal to the Council of State (<https://www.service-public.fr/particuliers/vosdroits/F2495?lang=en>) ..

Statute and miscellaneous references

Code of Administrative Justice: Articles R831-1 to R831-6 (<http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150501&cidTexte=LEGITEXT000006070933>)

- <http://www.legifrance.gouv.fr/affichCode.do?idSectionTA=LEGISCTA000006150501&cidTexte=LEGITEXT000006070933>

FAQ

Can an administrative court decision be reviewed? (<https://www.service-public.fr/particuliers/vosdroits/F1510?lang=en>)

- [lang=en](https://www.service-public.fr/particuliers/vosdroits/F1510?lang=en))