



France

enforcement system e-manual





**This publication was funded
by the European Union's
Justice Programme
(2014-2020)**

Disclaimer:

The content of this publication represents the views of the authors, only, and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.

WHAT IS ENFORCED



Monetary Claims

01



Non-Monetary Claims

- Handing over movable assets
- Eviction
- Obligations to act, refrain from acting or suffer action

02

WHO ENFORCES



Judicial Officer

- Self-employed, appointed by Ministry of Justice
- Jurisdiction of court of appeal
- Monopoly of:
 - Service of documents
 - Enforcement of court decisions
 - Issuance of enforceable titles, in case of unpaid cheques
- Mission of information and advice
 - Collection of information on debtor and assets through various means
- Obligation to act
- Mandate by creditor required

01



Enforcement Judge

- Decisions on legal issues relating to enforceable titles/enforcement-related disputes
- Authorization of provisional measures/settlement of relevant disputes
- Issuance of compensation claims based on harmful execution/non-execution of measures
- Granting of grace periods
- Pronouncing of penalty payments and liquidation

02

ENFORCEMENT PROCEDURE



Enforceable title

- Acknowledging assessable and due debt and imprinted with enforcement order



Delivery to judicial officer by creditor



Service to debtor by judicial officer



Initiation of enforcement through various methods

→ **Monetary claims**

Attachment of sums of money in the hands of a third person (e.g., bank account)/Attachment on movables (including their sale)/Attachment of vehicles/attachment of intangible assets (e.g., shares)/Attachment of goods in a safe/Attachment of immovable assets

→ **Obligations to act**

Apprehension seizure (repossession of movable goods by owner)/Claiming seizure (immobilization till repossession)

→ **Provisional measures**

Before acquiring enforceable title, aiming to preserve the claim

HOW LONG DOES THE PROCESS LAST



Impossible to predict duration, which depends on various factors:

- Different legal timeframe of each procedure/amount of debt/localisation of debtor's goods/debtor's solvency, attitude and resistance/agreement on payment instalments

HOW MUCH DOES THE PROCESS COST



Regulated activities

- Falling under judicial officer's monopoly
- Regulated tariff
 - Coefficient (0.5 or 1 or 2) depending on the amount claimed
 - Result fee in case of collection of debt, depending on debt's amount

Unregulated activities

- Not falling under judicial officer's monopoly (statement of facts, legal consultations, etc.)
- Free negotiable tariff

Additional fees

- Travel expenses
- Management costs of the case
- VAT
- Disbursements:
expenses advanced by judicial officer in the context of their mission (franking of letters, allowances paid to the police, etc.)

