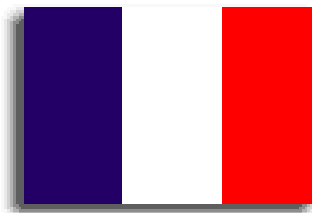




(Map source: Europa)

France



Population: 60 700 000 inhabitants
Surface area: 550 000 Km²
Capital: Paris
Currency: Euro
Official language: French
Form of government: Republic
Membership in the EU: 1958 (Founding member)
Membership in the UIHJ: 1952 (Founding member)

The huissiers de justice

Who are the professional officers charged with the enforcement of court judgments, the service of writs, or with debt collection ?

The judicial officers. They exercise a monopoly on the service of writs and the enforcement of judgments and writs of execution. They are also entitled to formulate legal findings, proceed to the collection of debts and, in certain instances, to valuations and public auction sales of movable goods such as furniture. They likewise make provisions for hearings before the courts.

What is the status of these professional officers ?

The judicial officers are ministerial functionaries, appointed by the Keeper of Seals, the Minister of Justice. Independent professional operators, they have been accorded liberal status. The profession and admission to it are strictly regulated. The judicial officers operate subject to the deontological, disciplinary, and professional rules that govern the profession, for which they are required to take out liability insurance coverage.

How are the judicial officers organised ?

The judicial officers are approximately 3250 in number, of whom 690 women, spread across the whole nation. They may act on their own or under a professional civil partnership. 2280 judicial officers are acting as judicial officers in 1061 companies. 970 judicial officers are acting on their own. They employ a total of approximately 11 000 collaborators.

Barring exceptions, the judicial officers are given a territorial competence that is limited

to jurisdiction over the district of their domicile.

The **Chambre nationale des huissiers de justice** (CNHJ) represents the profession at the national level. Contact :

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How can one join the profession ?

Aside from possessing the French nationality, the candidate must offer proof of an exemplary moral character. The candidate must have a Master degree (4 years of university studies) of law, have completed a trainee's programme of 2 years' duration at the practice of a judicial officer, have followed specialised courses organised by the profession, and have successfully passed a professional examination. The candidate must subsequently find a practice where he can exercise the profession. Except for a few rare instances, the candidate buys the right of representation from his predecessor. He is subsequently appointed by the Minister of Justice, following a meticulous examination of his dossier. There exist a number of training institutions that are recognised on the international plane and that specialise in the continuous training of judicial officers (IFOCH) and their employees (ENP), and in the training of trainees (DFS) and collaborators (ENP).



The enforcement of court judgments

Who is charged with the enforcement of court judgments in France?

Only the judicial officers are entitled to proceed to the enforcement of court judgments, as well as instruments and writs of execution. Only the judicial officers charged with the execution can proceed to the enforcement procedure and to attachment of property.

Can one contact a judicial officer directly to have a court order enforced?

Yes, indeed, one is at liberty to select one's judicial officer, but only the judicial officer possessed of the territorial competence in the district of the execution is entitled to proceed with the enforcement of a judgment.

Is the judicial officer empowered to enforce execution against the entire debtor estate?

The judicial officer may proceed to the enforcement of a judgment against the debtor's movable or immovable estate, tangible and intangible both. He is also entitled to act likewise in the matter of attachment of property.

Is the judicial officer responsible for carrying out the enforcement act?

The judicial officer charged with the execution assumes responsibility for the enforcement act. He is entitled, when the law

so requires, to request the enforcing judge or the Ministry of Public Affairs to issue the authorisations or prescribe the needed measures. Should problems arise in the course of an enforcement procedure, the judicial officer shall draw up a report thereof for the enforcing judge who will hear his observations and make a decision with regards to the debtor who has been heard or has been summoned.

Is it possible for the judicial officer to obtain personal information about the debtor and his estate?

Yes, but this information is limited to the address of the addressee, his banking data, and data on his employer. The judicial officer may further examine the file on real estate property and the file on the registration of engine-powered road vehicles.

Who pays for the judicial officer's intervention costs?

The debtor assumes the costs for the intervention within the context of the enforcement act. In the event that the debtor is insolvent, it is the creditor who must assume the expense. A graduated collection fee is payable by the creditor to the judicial officer on the amounts received or collected. This fee amounts to approximately 303 € for a sum of 5 000 €.

The service of writs

Are judicial officers entitled to proceed to the service of writs?

Yes. The judicial officers hold a monopoly on the service of writs. Barring exceptions, the writs initiating the procedure must be signed by a judicial officer. The judicial officers serve judicial and extra-judicial writs. The judicial officers serve about ten million writs every year.

What are the physical steps involved in serving a writ?

The physical handing-over act to the addressee is carried out by the judicial officer or, in certain instances, by his sworn clerk. It is also possible to hand over a copy of the writ to an individual present at the domicile address, to a caretaker or, by default, to a neighbour. If there is nobody to accept the writ, the document is deposited with the municipal offices. A notice of attempted but failed presentation of the writ is left at the domicile address of the debtor and a letter is sent through the mail to advise the addressee of the presentation of the writ. When the addressee has departed without leaving a forwarding address, the judicial

officer writes up a report on the fruitless search to serve as a temporary slip writ and sends a letter by regular mail and one by registered mail with request for notice of receipt to the debtor's last known address.

What is the force in law of a writ?

The form of the writ served by the judicial officer is of great formality and official character. The judicial officer draws up a report relating the circumstances under which the writ was presented, which avouches the truth of the attestation until proven to be false.

Does the judicial officer's intervention fall within the framework of the Council regulation (EC) N° 1348/2000 of 29 May 2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters?

The judicial officers are transmitting agencies. The National Chamber of Judicial Officers is the receiving agency and has the writs served by the judicial officers that possess the required territorial competence.



Debt collection

Is the judicial officer empowered to proceed to the collection of debts?

Yes. The judicial officer is entitled to proceed to the amicable collection of a debt or to collection of all and any judgment debts. This activity represents approximately 20% of the operations of judicial officers in France.

Is it possible to contact a judicial officer directly for the purpose of collecting a debt?

Yes. One has to contact a judicial officer and hand over the relevant documents. The judicial officer shall take charge of the entire

debt collection. First, he will attempt an amicable settlement. In case of failure, he shall take steps to obtain a writ of execution and will then ensure the enforcement thereof.

How much will it cost a creditor to arrange the collection of a debt?

The debtor assumes the costs for the intervention within the context of the enforcement act. In the event that the debtor is insolvent, it is the creditor who must assume the expense. The judicial officer's fee amounts to approximately 303 € for a sum of 5 000 €.

Other areas of intervention

May the judicial officer arrange for sales by auction?

The judicial officer may proceed to the valuation and the public auction sale of the debtor's personal movable possessions and effects at the location where there are no auctioneers and valuers available. For a number of judicial officers, this represents an important aspect of their tasks.

May the judicial officer engage in formulating legal findings and observations, such as statements of facts?

The judicial officer may be commissioned by the courts to draw up purely material observations and findings, excluding all advice on the consequences in fact or in law that might or could result from them. He may equally proceed to formulate observations of the same type at the request of private individuals. Such findings and observations are very frequent occurrences and, in fact, represent an important activity for the judicial officer.

May the judicial officer represent the parties before the courts?

The judicial officer is entitled to represent the parties before certain courts, for instance, the commercial court, the sub-district court in the matter of garnishee of wages, the enforcing judge, or the agricultural rent tribunal.

Is the judicial officer entitled to offer legal advice?

Yes. The judicial officer possesses the same judicial competences as a lawyer, a notary public, or a magistrate.

Is the judicial officer entitled to engage in other activities?

The judicial officer exercises a personal service function before the courts and tribunals. He may further be legally mandated to act in judicial liquidation proceedings of certain enterprises, this following a special training programme. He may also, following prior authorisation, carry out administrative functions as property manager or insurance agent.

