

**“INJONCTION DE PAYER”**  
**- A SIMPLIFIED PROCEDURE FOR CONSUMERS TO RECOVER DEBT IN FRANCE -**

In France, it is possible to recover money thanks to a simplified judicial proceedings: the “injonction de payer”, which corresponds more or less to the so-called order for payment.

First of all, you have to make an application for the “injonction de payer” to the “Tribunal d’instance” (lowest-level court in French legal system) having jurisdiction for the domicile of the debtor or one of the debtors. Please note that for claims up to 4000 € (1500 € until 28 January 2005) you have to apply to the “Juge de proximité” (lay judge who hears small claims) lodged at the same address.

You can get a standard form on the Internet:

(<http://www.justice.gouv.fr/Formulaires/particuliers/Form12287v01.pdf>,  
<http://www.justice.gouv.fr/Formulaires/particuliers/Form12287v01.pdf> ) or in most of the French Courts (<http://www.justice.gouv.fr/region/consult.php>). You have to enclose all documents backing up your demand, such as the sales contract, the receipt, the correspondence etc.

The court examines the case on the basis of the documentation before it.

**1-** If it considers your claim as legitimate, it pronounces the applied order to pay. This latter will not be issued by the court, you have to employ a bailiff to serve a payment order on the debtor with an instruction to abide by it within a period of six months (please note that the judicial procedure is free of charge, but the bailiff will charge you a fee, which depends on the value of the dispute).

The debtor, who has not been heard so far, has now one month to oppose the injunction.

- If he does that in due time, the court summons both parties to a hearing dealing with a procedure in contentious matters and an ordinary civil action begins. At the end of this civil action, the court will pass a judgment. If the debtor is in a difficult financial situation, the court may grant him an extension of payment deadline of two years maximum.
- If the debtor does not lodge opposition in time, you can, within one month, apply for a writ of execution at the court which issued the order to pay. Hopefully, the debtor will accept to pay his debt, otherwise you can proceed to the execution of your debtor's goods.

**2-** The court may adjudge you, on the basis of its judicial examination, only part of your claim. If you agree with this decision, you employ the bailiff to serve the debtor with a notification. If you don't agree with this decision, you have the possibility to institute ordinary proceedings.

**3-** If the court rejects the remission of the order to pay, because it does not consider it as legitimate, you have no legal remedy against this decision. Nevertheless, you can file a suit against your debtor, if you consider it worth doing.