

## France



### What is the basis of law in France?

There is a civil law legal system in France. Laws are generally codified, however judges have the duty to interpret the law and the decisions of the higher courts have some influence (non-binding) on the inferior courts. France is one of 28 member states of the European Union (EU) and is therefore also subject to EU legislation.

The court structure of France consists of two main branches - judicial and administrative. The judicial branch (*ordre judiciaire*), deals with criminal and civil litigation while the administrative branch (*ordre administratif*) supervises the government and deals with administrative law issues.

Following the merging of the profession in 2011 all French lawyers are now known as *avocats*.

### How is the legal profession regulated?

The pieces of legislation regulating the legal profession are:

- Law 71-1130 of 31 December 1971; and
- decree n° 91-1197 of 27 November 1991 as modified by Law no. 2011-94 of 25 January 25 2011 and Law no.2011-331 of 28 March 2011.

### What is the professional representative body or bodies?

Representation and regulation of the legal profession in France is conducted by the 181 "*barreaux*" (local bar associations). Registration with a *barreau* is mandatory to be able to practice law in France.

The *Conseil National des Barreaux* (National Council of Bars) is the overarching national body for all French bars and is responsible for:

- representation of the profession of *avocat* in France and abroad;
- harmonisation of rules and regulations for the profession of *avocat*; and
- professional training for *avocats*.

### Which body is responsible for professional regulation?

The 181 *barreaux* under the overarching national body - The *Conseil National des Barreaux* is responsible for professional regulation.

### What rules govern fly-in/fly-out practice?

Fly-in/fly-out practice is permitted in France only for lawyers of countries which have concluded bilateral conventions with France allowing practice in this form. Australia does **not** have such an agreement at this stage.

### What rules govern foreign legal consultants?

There are no express rules governing foreign legal consultants (FLCs).

Foreign lawyers are permitted to provide legal advice in France regarding their home country law and international law.

Under the Schengen agreement non-European Economic Area (EEA) nationals may receive a visa to conduct business for a single visit of 90 days or on multiple visits over a 180 day period provided that no single visit is longer than 90 days.

There is nothing which prevents foreign lawyers from participating in the conduct of arbitration or mediation in France. However, foreign lawyers are not able to appear in court.

### What rules govern foreign lawyer admissions?

In order to practice as a local lawyer in France a lawyer must be a member of the French Bar. The provisions of Article 11 of the Law of 31 December 1971 and Article 100 of the Decree of 27 November 1991 allow foreign lawyers to be registered in a French Bar after passing an examination of French law.

A foreign lawyer must apply to the President of the *Conseil National des Barreaux* to attend an examination. When successful, the candidate is allowed to take the exam at a training centre through either the *École de formation des barreaux* (EFB, Paris) or the *Haute école des avocats conseils* (HEDAC, Versailles). Each organisation holds a single session of examinations per year: March-April for EFB and November for HEDAC. The registration fee was €900 as at 1 January 2013.

### What forms of commercial associations are permitted between foreign and local lawyers and law practices?

Foreign (non-EU) law firms are not permitted to establish in France under their own name; enter into partnership with a French lawyer; or to hire a French lawyer.

### Further inquires

[Conseil National des Barreaux \(National Council of Bars\)](#)

[French-Australian Lawyers Society](#)

[Law Council of Australia](#)



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