



**MINISTÈRE
DE L'EUROPE
ET DES AFFAIRES
ÉTRANGÈRES**

*Liberté
Égalité
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FRANCE **AND INTERNATIONAL DISPUTE SETTLEMENT**

LEGAL MEMORANDUM

France is a leader in the settlement of international disputes thanks to its legal ecosystem resulting from its long academic and legal tradition, activity of its international companies and major role in international arbitration. Its independent and effective institutions and its very culturally diverse legal population that is open to the world are what sets it apart.

Independent, highly qualified judges

Parties in an international dispute seek a judge offering all the guarantees for independence, vis-à-vis political power and economic interests, and neutrality when it comes to the nationality of parties. France is one of the countries in the world with an independent and impartial judicial system. This independence of its judiciary is a result of the separation of powers enshrined in the Constitution of 1958, but also the statutory guarantees that protect magistrates from pressures and threats that could influence their rulings. Moreover, the European Convention on Human Rights enshrines impartiality of judges, which designates the absence of bias that should characterize them.

French judicial and legal institutions and personnel receive excellent education and have access to an extensive doctrinal corpus. French magistrates receive high-level initial and continuous training and must adhere to a demanding professional code of ethics which was strengthened in 2016 through the implementation of a mechanism to prevent conflicts of interests.

Effective rules of procedure

French rules of procedure address the needs of international disputes, especially when it comes to the administration of proof, the organization of hearings and the monitoring of the length of trials. They ensure the quality, effectiveness and predictability of dispute settlement.

The French procedure offers, for example, effective means for collecting the necessary evidence for trials in a quick, targeted way and without generating costs of discovery (used in countries with a common law tradition), which requires parties in a trial to disclose all evidence in their possession, whether it be for or against them. It protects trade secrets while ensuring discussion with the parties on the evidence.

The parties are involved by the judge with the organization of the trial which is done with their approval.

Legal directorates

The presence in France of global companies has helped establish teams of international legal experts, representing the diversity of legal cultures. These legal experts provide substance to this ecosystem with their experience in many judicial systems. |

The Paris Bar

The world's oldest bar association brings together 30,000 practicing lawyers from a wide range of backgrounds and who are very open to the world: more than 3,000 belong to a foreign bar association and practice, in addition to French law, other types of law, including common law and OHADA law. |

University

A nine-century tradition of reflection has made French universities one of the most prestigious places of legal thought. Its legal experts are at the origin of civil law, which is the most practiced type of law in the world, and have also contributed decisively to the drafting of European law. |

Paris Court of Appeal

Heir to the great French judicial tradition from the Middle Ages, the Paris Court of Appeal is one of the most respected jurisdictions in the realm of civil law. Ruling on arbitration appeals, it has made a crucial contribution to French arbitration law and is highly reputed worldwide. |

Paris Court of Commerce

Founded in the 16th century to settle commercial disputes, the Paris Court of Commerce is made up of judges who have worked in the business world, and are sensitive to its demands and familiar with economic challenges. |

Paris, a globally diverse city

There are several world-renowned international arbitration centres in Paris and the quality of French law in international arbitration and expertise of the Paris Court of Appeal in appeals against court sentences are major assets of France in the settlement of international disputes.

With the many international companies in Paris come a large community of legal experts working in a globalized environment and often trained in different languages and legal systems. International law firms and a Paris Bar Association with a large portion of foreign lawyers or lawyers who belong to a foreign bar association fully participate in this globally diverse economic activity. Notaries provide their assistance by securing the operations of a very active international clientele. Paris thus has multicultural, multilingual and multiskilled specialists. Thanks to this extensive ecosystem, the French capital can address conflicts involving a wide range of legal systems and languages.

Home to the civil law culture, France has significant outreach on all the continents. The great French authors and French jurisprudence are a source of inspiration and interpretation throughout the world. The Francophonie opens the doors of the French justice system to Francophone companies seeking a judicial system that guarantees effectiveness and independence. France's longstanding commitment to human rights gives its justice system a universal openness.

In addition, since France belongs to the European Union, it automatically ensures the enforcement of decisions handed down in France in the European Union's territory.

International commercial Chambers

The French commercial justice system is an effective system for the world of commerce. Justice is rendered in the first instance by judges from the business realm, who are pragmatic and qualified to fully grasp economic issues. In Courts of Appeal, magistrates have solid commercial law experience and have received high-level training in international commercial law.

In 2018, France strengthened its judicial system so that it could deal with international commercial disputes by establishing an international chamber in the Paris Court of Appeal. This chamber supplements the existing system by adding a second degree of specialized jurisdiction in the international chamber of the Paris Commercial Court, which has proven to be effective for 25 years.

The judges of these two degrees of jurisdiction are chosen for their experience and their skills in international disputes.

The recent adaptation of the proceedings of these international chambers matches the expectations of the global business realm since it allows the use of English, if the parties so wish, in all the steps of the proceedings, the hearings of parties, witnesses and experts and involves the parties in the organization of the proceedings and the definition of the schedule.

From their inception, the international commercial chambers of the Paris Court of Appeal and the Paris Commercial Court have been particularly effective and innovative forums for solving international trade disputes. The existence of these chambers further improves the attractiveness of Paris.

ICC

Located in Paris since its creation in 1919, the International Chamber of Commerce (ICC) has been the world's most important international business association. It is a leader in the drafting of international trade rules and in the dissemination of best practices. Dispute settlement is one of its three areas of actions. |

The development of alternative ways to resolve disputes

Home to the International Chamber of Commerce, Paris is the city with the highest number of arbitrations. This position has been strengthened by the activity of several international centres and the choice of Paris as the headquarters for arbitration under foreign regulations (Organization for Harmonization in Africa of Business Laws, London Court of International Arbitration, etc.). Thanks to this experience, Paris has long had a culture that is conducive to alternative ways of settling disputes.

In addition to arbitration, many mediation centres have been developed and play a significant role in the resolution of commercial conflicts. The practice of international judicial, but especially traditional mediation has developed in a favourable legal and economic environment with the support of French judges.

TO FIND OUT MORE

- **Ministry for Europe and Foreign Affairs**
www.diplomatie.gouv.fr/en/
- **Ministry of Justice**
www.cours-appel.justice.fr/paris/presentation-des-chambres-commerciales-internationales-de-paris-ccip
- **International Chamber of Commerce**
www.icc-france.fr/#
- **JUSCOOP**
A digital platform showcasing French cooperation activities in the legal and judicial fields
www.juscoop.org/

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