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France: New Decree to Promote Amicable Dispute Resolution

Dispute Resolution



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On July 18, 2025, a sweeping new decree was issued, fundamentally reorganizing and advancing the framework for amicable dispute resolution under the French Code of Civil Procedure. The objective is to provide a clearer, more flexible, and more efficient approach to settling civil disputes in France. While recourse to litigation remains necessary in certain instances, adversarial proceedings are no longer intended to be the default method.

The decree will enter into force on September 1, 2025. The most notable innovations are summarized below:

1 Recodification of Amicable Dispute Resolution Provisions

Recent incremental reforms had rendered the French civil procedure provisions governing alternative dispute resolution increasingly fragmented and difficult to navigate. The decree now comprehensively streamlines and systematizes these provisions: all regulations concerning amicable dispute resolution are consolidated and harmonized in Book V of the Code de procédure civile.

2 A New Role for the Courts: Collaborative Rather Than Merely Adjudicative

For the first time, Article 21 of the Code de procédure civile establishes a wholly new principle: French judges are not limited to rendering decisions in contentious cases. They are now mandated to actively collaborate with the parties in determining the most appropriate means of resolving their dispute, be it through mediation, conciliation, an out-of-court settlement, or a judicial ruling.

[3] Party Autonomy in Shaping the Proceedings

Parties are now empowered to organize the conduct of proceedings independently. By agreement, they may specify which legal issues are to be resolved, how briefs and submissions will be exchanged, and how facts are to be presented. This consensual framework for procedural conduct has priority over the classical court-driven litigation process. The judge, however, remains involved and may intervene as needed, such as in urgent matters or where interim measures are necessary.

[4] Preference for Joint Expert Appointments

The decree expressly permits the parties to jointly appoint an expert. In case of disputes involving the expert's appointment or fees, a designated "juge d'appui" (supporting judge) will be competent to resolve the matter. Notably, joint expert reports will now have the same evidentiary value as those ordered by the court. Furthermore, the appointed expert is authorized to actively assist the parties in working toward a settlement.

[5] Expanded Judicial Conciliation Powers

Judicial conciliation was previously confined to matters in dispute up to €10,000. Going forward, the court may order conciliation proceedings regardless of the value in controversy and for the entire scope of the dispute, both in written and expedited proceedings.

[6] Extension of the Amicable Settlement Hearing (ARA)

The Audience de Règlement Amiable (ARA), the judicial settlement conference, was formerly restricted to courts of first instance and written proceedings. The decree now extends the ARA to all civil and commercial courts of all instances, including appellate courts (except labor courts), offering a court-facilitated, cost-free, and non-adversarial settlement process.

[7] Enhanced Judicial Duty to Steer Parties Toward Amicable Resolution

Judges are now required to advise parties on the most suitable avenue for resolving their dispute. They may, at any time, order the parties to participate in mediation or conciliation so that parties are aware of extrajudicial dispute resolution options. A party who unjustifiably refuses to comply with such an order may be subject to a fine of up to €10,000. Importantly, this is an informational requirement only, after consultation, it remains the parties' decision whether to pursue amicable resolution.

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[8] Uniform Enforceability of Settlement Agreements

The mechanisms for making out-of-court settlements enforceable have been standardized: settlements may now be rendered enforceable either by obtaining judicial confirmation or by having them formally recorded in an official instrument.

Conclusion

The new decree marks a decisive step forward in promoting alternative dispute resolution in France. It brings increased clarity, practical utility, and flexibility for attorneys and parties navigating French civil litigation. Contentious litigation is now relegated to an exception, while sustainable and amicable solutions are prioritized.

For questions or detailed advice regarding French civil procedure or amicable dispute resolution, the team at Qivive is ready to assist.

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2025-07-23

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