

Commercial Litigation Client Service Group

From Bryan Cave, Paris

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LIBERALIZATION OF THE PARIS COMMERCIAL COURT'S INTERNATIONAL CHAMBER

The Paris Commercial Court recently announced that as from January 1, 2011, its international chamber¹ will now accept, in appropriate cases, to hear pleadings and to receive exhibits in foreign languages.

While maintaining the principle that the judgment must be written in French, the Paris Commercial Court thus liberalized its procedure on the basis of Article 23 of the French Code of Civil Procedure which provides: "*The judge is not bound to have recourse to an interpreter where he masters the language that the parties speak*" (translation).

Consequently, the Paris Commercial Court, depending on judges composing the panel in each given case, will allow oral pleadings to be conducted and exhibits to be adduced either in French or in English, German or Spanish.

It is logical to suppose that a party wishing to plead or to produce exhibits in a foreign language would first have to verify that the judge(s) fully understands the language in question and then, obtain the consent of the adverse party. However, as of today, no concrete instructions have been issued (nor any specific training provided to the court clerks) in order, as a practical matter, to implement the modifications announced by the Paris Commercial Court. Moreover, to our knowledge, no Commercial Court proceedings have as yet been conducted in a language other than French, and we understand that at least one Paris Commercial Court judge has continued to refuse exhibits which were produced in English.

Thus, at the present time, the Paris Commercial Court's announced liberalization may be considered as inoperative. This notwithstanding however, because it is always difficult to be certain that a foreign language will be perfectly understood in all its nuances and subtleties by all the parties and the judge, we do not recommend that litigants avail themselves of the possibility to use other than the French language before the Paris Commercial Court. The present practice of accompanying each document produced in a foreign language with a French translation appears to be the best way to avoid ambiguity and misunderstanding.

¹ The 3rd chamber of the Paris Commercial Court

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