

CODE OF CIVIL PROCEDURE

CHAPTER V

LITIGATION IN RELATION TO CONCLUSION OF CERTAIN PROJECT

Articles 1441-1 to

CONTRATS

1441-3

Article 1441-1

(Decree n°92-964 of 7 September 1992, Article 1, Official Journal of 11 September 1992)

Any person empowered to bring a review action, in the manner prescribed under the first sub-article of Article 11-1 of the Act no. 91-3 of 3 January 1991 relating to transparency and to the legality of procedures of procurement contracts and subjecting the conclusion of certain contracts to some rules of advertising and of competition, must, if he intends to bring such action, put first on default notice the corporate body, which is bound by the rules of advertising and of competition to which the conclusion of the contract is subjected to, comply with the same.

In case of refusal or silence within a time-limit of ten days, the originator of the default notice may bring his case to the president of the competent court or his delegate, who will rule upon the matter within a time-limit of twenty days.

Article 1441-2

(Decree n°92-964 of 7 September 1992, Article 1, Official Journal of 11 September 1992)

Article 1441-1 will apply to the Public Prosecutor in the case provided for under the second sub-article of Article 11-1 of the Act n°. 91-3 of 3 January 1991.

Article 1441-3

(Decree n°92-964 of 7 September 1992, Article 1, Official Journal of 11 September 1992)

The decision of the president of the court to whom the case is referred or of his delegate may be subjected to an appeal in cassation within fifteen days of its notification.

CHAPTER VI

OUT-OF-COURT SETTLEMENT

Article 1441-4

Article 1441-4

(Decree n°98-1231 of 28 December 1998, Article 30, Official Journal of 30 December 1998 into force 1 March 1998)

The president of the High Court, to whom the case is referred, by way of petition, by a party to the out-of-court settlement, will confer a writ of execution to the deed submitted to him.

**BOOK IV
ARBITRATION**

**Articles 1442 to
1507**

TITLE I

ARBITRATION AGREEMENTS

Articles 1442 to 1459

CHAPTER I

ARBITRATION CLAUSE

Articles 1442 to 1446

Article 1442

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An arbitration clause is an agreement whereby the parties to a contract commit themselves to refer to arbitration the disputes that their contract may give rise to.

Article 1443

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An arbitration clause must, under penalty of nullity, be stipulated in writing in the main agreement or in a document to which the latter refers.

Under the same sanction, the arbitration clause must, either designate the arbitrator or arbitrators, or provide for the terms and conditions of their designation.

Article 1444

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

If, once a dispute has arisen, the constitution of the arbitration tribunal encounters a difficulty coming from one of the parties or the implementation of the terms and conditions of designation, the president of the High Court designates the arbitrator or arbitrators.

However, the president of the Commercial Court carries out said designation if the agreement has explicitly stipulated it.

Where the arbitration clause is either, on the face of it, null or insufficient to allow for the constitution of an arbitration tribunal, the president will record the same and declare that there is no need for designation (of arbitrators).

Article 1445

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Disputes may be referred to an arbitration tribunal either jointly by the parties or by the first mover.

Article 1446

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

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Where it is null, the arbitration clause will be deemed unwritten.

CHAPTER II COMPROMISE

Articles 1447 to 1450

Article 1447

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

A compromise is an agreement whereby the parties to a dispute submit to arbitration composed of one or more persons.

Article 1448

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The compromise must, under penalty of nullity, determine the subject-matter of the dispute.

Under the same sanction, it must designate the arbitrator or arbitrators, or provide for the terms and conditions for their appointment.

The compromise will become void where an arbitrator that it designates declines the assignment entrusted upon him.

Article 1449

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The compromise is recorded in writing. It may be incorporated in the minutes signed by the arbitrator or the parties.

Article 1450

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The parties have the right to refer their dispute to an out-of-court settlement even where they are engaged in an already instituted proceeding before another court.

CHAPTER III COMMON RULES

Articles 1451 to 1459

Article 1451

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The assignment of the arbitrator may only be entrusted upon a natural person; the latter must enjoy the full exercise of his civil rights.

If the arbitration agreement appoints a corporate entity, the latter may exercise the powers only of organizing the arbitration.

Article 1452

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The constitution of the arbitration tribunal will be completed only if the arbitrator or arbitrators accept the assignment entrusted upon them.

The arbitrator, who is aware of a ground for his recusal, must inform the parties. In that case, he may accept his assignment only upon the approval of the parties.

Article 1453

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitration tribunal consists of one or more arbitrators in odd numbers.

Article 1454

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where the parties designate arbitrators in even numbers, the arbitration tribunal will be completed by an additional arbitrator chosen either in accordance with the expectations of the parties, or in the absence of such expectations, by the appointed arbitrators, or in default of an agreement between the latter, by the president of the High Court.

Article 1455

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where a natural person or corporate entity is entrusted to organise the arbitration, the task of arbitration will be entrusted to one or more arbitrators approved by all parties.

In default of agreement, the person or entity entrusted to organise the arbitration will invite each party to designate an arbitrator and will designate, if necessary, the arbitrator necessary to complete the arbitration tribunal. The person will be appointed where the parties fail to designate an arbitrator, the latter or entity entrusted to organise the arbitration.

The arbitration tribunal may also directly be constituted in accordance with the terms and conditions provided for under the preceding sub-article.

The person or entity entrusted to organise the arbitration may stipulate that the arbitration tribunal will pronounce only a draft award and that if one party contests said draft; the matter will be submitted to a second arbitration tribunal. In the latter event, the person or entity entrusted to organise the arbitration will designate the members of the second (arbitration) tribunal. Each party has the right to get one of the appointed arbitrators replaced.

Article 1456

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

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If the arbitration agreement does not specify the time-limit, the assignment of the arbitrators will last only for a period of six months to be reckoned as of the date on which the last of them accepted the said assignment.

The legal or contractual time-limit may be extended either by virtue of the agreement of the parties, or, at the request of one of them or of the arbitration tribunal, by the president of the High Court, or in the case referred to under Article 1444, sub-article 2, by the president of the Commercial Court.

Article 1457

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

In the case referred to under Articles 1444, 1454, 1456 and 1463, the president of the court, to whom the case is referred, as in a matter of summary interlocutory procedure, by a party or by the arbitration tribunal, will rule upon it by way of an order not open to any review action.

However, this order may be subject to appeal where the president declares against the appointment of arbitrators in view of the grounds referred to under Article 1444 (sub-article 3). The appeal is brought, managed and determined as in an appellate plea against jurisdiction.

The competent president is that of the court designated in the arbitration agreement or, in default thereof, the one in whose jurisdiction the agreement has located the arbitration proceeding. Where the agreement is silent upon the same, the competent president will be that of the court of the place where one or more respondents to the interlocutory action live(s), or where the respondent does not live in France, the court of the place where the plaintiff dwells.

Article 1458

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where a dispute, referred to an arbitration tribunal pursuant to an arbitration agreement, is brought before a court of law of the State, the latter must decline jurisdiction.

Where the case has not yet been brought before arbitration tribunal, the court must also decline jurisdiction save where the arbitration agreement is manifestly null.

In both cases, the court may not raise sua sponte its lack of jurisdiction.

Article 1459

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Any provision or agreement contrary to the rules herein laid down is deemed unwritten.

TITLE II

ARBITRATION PROCEEDING

Articles 1460 to 1468

Article 1460

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitrators settle the arbitration proceeding without being bound by the rules governing courts, save where the parties have decided otherwise as stipulated in the arbitration agreement.

However, the governing principles of proceedings provided for under Articles 4 to 10, 11 (sub-article 1) and 13 to 21 (of this code) apply always to arbitration proceeding.

Where a party has in his possession some evidence, the arbitrator may enjoin him to produce the same.

Article 1461

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Case management processes and minutes will be executed by all the arbitrators if the compromise does not give them powers to commission one of them.

Third parties are heard without an oath being administered.

Article 1462

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An arbitrator must undertake his assignment until its completion.

An arbitrator may not be revoked save on a unanimous consent of the parties.

Article 1463

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An arbitrator may not withdraw himself nor be recused save for a ground of recusal that has become apparent or has occurred after his designation.

Difficulties relating to the implementation of this Article are brought before the president of the competent court.

Article 1464

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitration proceeding is interrupted, subject to a specific agreement between the parties:

- 1° by the revocation, death or impediment of an arbitrator as well as his loss of the full exercise of his civil rights;
- 2° by the withdrawal or recusal of an arbitrator;
- 3° by the lapsing of the time-limit for arbitration.

Article 1465

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The discontinuance of an arbitration proceeding is governed by the provisions of Articles 369 to 376.

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Article 1466

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

If, before an arbitrator, one of the parties has challenged the principle or scope of the powers of the arbitrator, the latter must rule upon the validity and limits of his nomination.

Article 1467

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Unless otherwise agreed, an arbitrator has the power to determine the subsidiary interlocutory issues in relation to the verification of writings or of forgery in accordance with the provisions of Articles 287 to 294 and of Article 299.

Where there is a plea of forgery, Article 313 will apply before the arbitrator. The time-limit for arbitration runs from the day on which the subsidiary interlocutory plea has been determined.

Article 1468

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitrator determines the date on which the matter will be deliberated.

After that date, no claim may be brought or no ground may be raised. No observation may be submitted nor any document be produced, save at the request of the arbitrator.

TITLE III

ARBITRAL AWARD

Articles 1469 to 1480

Article 1469

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The deliberation of arbitrators takes place in camera.

Article 1470

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award is pronounced by way of majority voting.

Article 1471

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award must recite summarily the respective claims of the parties and their grounds.

The ruling must be well-reasoned.

Article 1472

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award contains the following particulars:

- the name of arbitrators who pronounced it;
- the date;
- the venue where it was given;
- the surname, first names and denomination of parties, as well as their domicile or head office;
- if necessary, the name of advocates or any person who represented or assisted the parties.

Article 1473

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

All the arbitrators must sign the arbitral award.

However, if a minority among them has refused to sign it, the others will refer to that and the award will bear the same value as if all the arbitrators have signed it.

Article 1474

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An arbitrator determines a dispute in accordance with the rules of law, save where, in the arbitration agreement, the parties assigned him as an amicable compounder.

Article 1475

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An award removes the contention, which it has determined, from the arbitrator.

The arbitrator has nevertheless the power to interpret the award, to correct clerical errors and omissions that affect it and to complete it where he has omitted a ruling on an issue raised. Articles 461 to 463 apply. If an arbitration tribunal may not meet again, such power will appertain to the court that would have otherwise been competent in default of arbitration.

Article 1476

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award, from the moment that it has been given, will become res judicata with respect to the dispute that it has determined.

Article 1477

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

(Decree n° 92-755 of 31 July 1992, Article 305, Official Journal of 5 August 1992)

The arbitral award may not be subjected to a compulsory enforcement save by virtue of an exequatur pronounced

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by the High Court in whose jurisdiction the award was given.

To this end, the minutes of the award, together with a copy of the arbitration agreement, will be lodged by one of the arbitrators or by the party who brings the action first to the clerk's office of the court.

Article 1478

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The exequatur will be appended on the minutes of the arbitral award.

The judgment disallowing the exequatur must be reasoned.

Article 1479

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Rules governing interim enforcement of judgments apply to arbitral awards.

On appeal or review action to vacate, the first president (of the court of appeal) or the judge having the management of the matter as soon as the matter is referred to him, may grant the exequatur to the arbitral award supported with a certificate of interim enforcement. He may also order the interim enforcement in the manner prescribed under Articles 525 and 526; his decision amounts to exequatur.

Article 1480

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The provisions of Articles 1471 (sub-article 2), 1472 with respect to the names of arbitrators and the date of the award, and 1473 are laid down under penalty of nullity.

TITLE IV

MEANS OF REVIEW

Articles 1481 to 1491

Article 1481

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award will not be subject to a motion to set aside and an appeal in cassation.

It may be impugned by a third party motion to set aside before the court that would otherwise have been competent in default of arbitration, subject to the provisions of Article 588 (sub-article 1).

Article 1482

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award is subject to appeal save where the parties have renounced to an appeal in the arbitration agreement. However, it is not subject to appeal where the arbitrator is assigned to decide as amicable compounder, save where the parties have expressly set aside this right in the arbitration agreement.

Article 1483

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where, following the distinction drawn under Article 1482, the parties have not abandoned the right to appeal or they have expressly conserved for themselves this right in the arbitration agreement, only an appeal will lie, whether it intends to reverse or vacate the arbitral award. The appeal judge will determine the matter as an amicable compounder where the arbitrator has this assignment.

Article 1484

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where, following the distinctions drawn under Article 1482, the parties have abandoned their right to appeal, or where they have not expressly conserved for themselves this right in the arbitration agreement, a review action to vacate the deed termed arbitral award may nevertheless be brought albeit contrary stipulations to the same.

This action is available only in the following cases:

- 1° if the arbitrator has ruled upon the matter without an arbitration agreement or upon a void lapsed agreement;
- 2° if the arbitration tribunal has been unlawfully constituted or a sole arbitrator unlawfully designated;
- 3° if the arbitrator has ruled upon the matter contrary to the assignment given to him;
- 4° if the adversarial principle has not been respected;
- 5° in all cases of nullity referred to under Article 1480;
- 6° if the arbitrator has infringed a rule of public interest.

Article 1485

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where a court to which the review action to vacate is brought vacates an arbitral award, it will rule upon the merits of the case within the confines of the assignment of the arbitrator, save where a contrary intention of all the parties concerned.

Article 1486

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The appeal and the review action to vacate will be brought before the court of appeal in whose jurisdiction the arbitral award was given.

These review actions are admissible as soon as the award has been given; they will cease to be so if they have not been brought within the month of the service of the award bearing the exequatur order.

The time-limit to bring these review actions suspends the enforcement of the arbitral award. Likewise, the review

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action brought within the time-limit suspends (the enforcement of the arbitral award).

Article 1487

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

(Decree n°2004-1420 of 23 December 2004, Article 1 II, Official Journal of 29 December 2004, in force on the 1st January 2005)

The appeal and the review action to vacate are brought, managed and determined according to rules governing the procedure of contentious matters before the court of appeal.

N.B. Decree 2004-1420, 2004-12-23, Article 4: These provisions apply to review actions directed against decisions pronounced as of the 1 January 2005.

Article 1488

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The judgment granting the exequatur order is not subject to any review action.

However, an appeal or review action to vacate an award amounts as of right, within the confines of the cognisance of the court of appeal, a review action against the order of the judge who has given the exequatur order or removal of the case from this judge.

Article 1489

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The judgment disallowing exequatur may be impugned by appeal action until the end of a one-month time-limit to be reckoned from its service. In the latter event, the court of appeal examines, at the request of the parties, the grounds that the latter would have otherwise raised against the arbitral award, by way of appeal or review action to vacate as the case may be.

Article 1490

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The dismissal of the appeal or the review action to vacate will give exequatur to the clauses that are affected by the revision of the court (of appeal).

Article 1491

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

A review action is available against the arbitral award in the cases and under the conditions provided for with respect to judgments.

It (the review action) is brought before the court of appeal that would have otherwise been competent to examine the other review actions against the award.

TITLE V

INTERNATIONAL ARBITRATION

Articles 1492 to 1497

Article 1492

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An international arbitration is the one that concerns interests of international trade.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 55.

Article 1493

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Directly or by way of reference to a resolution by arbitration, the arbitration agreement may designate the arbitrator (s) or provide for the terms and conditions of their appointment.

If, for arbitration proceedings held in France or those to which the parties have chosen to apply the French law of procedure, the convening of the arbitration tribunal encounters difficulties, the first mover may, unless otherwise agreed, bring his case to the president of the High Court of Paris according to the terms and conditions laid down under Article 1457.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 55.

Article 1494

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitration agreement may, directly or by way of reference to a resolution by arbitration, lay down the procedure to be followed in the course of the arbitration proceeding; it may also bring the latter under the law applicable to procedural matters that it determines.

Where the agreement is silent, the arbitrator will settle the procedure, to the extent that the same is necessary, either directly or by way of reference to a law or to a regulation of arbitration.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 55.

Article 1495

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

Where an international arbitration is submitted to French law, the provisions of titles I, II and III of this Book will

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apply only in default of specific agreements and subject to Articles 1493 and 1494.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 55.

Article 1496

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitrator determines the dispute according to rules of law that the parties have chosen; in default of such a choice, in accordance with rules he deems appropriate.

He takes into account all customs in commercial activities.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 55.

Article 1497

(Decree n°81-500 of 12 May 1981, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitrator will decide as an amicable compounder if the agreement between the parties gives him this assignment.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 55.

TITLE VI

RECOGNITION, COMPULSORY ENFORCEMENT AND MEANS OF REVIEW IN

Articles 1498 to 1507

RELATION TO ARBITRAL AWARDS GIVEN ABROAD OR IN MATTERS OF INTERNATIONAL ARBITRATION

CHAPTER I

RECOGNITION AND COMPULSORY ENFORCEMENT IN RELATION TO

Articles 1498 to 1500

ARBITRAL AWARDS GIVEN ABROAD OR IN MATTERS OF INTERNATIONAL ARBITRATION

Article 1498

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981 in force on 1 January 1982)

Arbitral awards are recognized in France where the party who relies upon it has established their existence and if this recognition is not manifestly contrary to public international order.

Under the same conditions, they are declared enforceable in France by the judge for enforcement (of court decisions).

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1499

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The existence of an arbitral award is established by the production of the original with the arbitration agreement or copies of the same that satisfy the conditions required for their authenticity.

If those documents are not drawn up in the French language, a party will produce a certified translation by a translator registered on the list of experts.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1500

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The provisions of Articles 1476 to 1479 will apply.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

CHAPTER II

MEANS OF REVIEW IN RELATION TO ARBITRAL AWARDS GIVEN ABROAD OR

Articles 1501 to 1507

IN MATTERS OF INTERNATIONAL ARBITRATION

Article 1501

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The decision disallowing the recognition or enforcement of an award is subject to appeal.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1502

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(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

An appeal against the decision, which grants recognition or enforcement, will be available only in the following cases:

1° if the arbitrator has ruled upon the matter without an arbitration agreement or based on a void and lapsed agreement;

2° if the arbitration tribunal has been unlawfully constituted or the sole arbitrator has been unlawfully designated;

3° if the arbitrator has ruled upon the matter contrary to the assignment given to him;

4° if the adversarial principle has not been respected;

5° if the recognition or enforcement is contrary to public international order.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1503

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The appeal referred to under Articles 1501 and 1502 is brought before the court of appeal to which the judge who ruled upon the matter belongs. It may be brought until the end of a one-month of the time-limit to be reckoned from the service of the decision of the judge.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1504

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The arbitral award given in France in matters of international arbitration may be the subject-matter of a review action to vacate in the case provided for under Article 1502.

The judgment allowing the enforcement of this award is subject to a review action. However, the review action to vacate amounts as of right, within the confines of the action brought to the court of appeal, a review action against the judgment of the judge allowing execution or removal of the case from this judge.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1505

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The review action to vacate referred to under Article 1504 is brought before the court of appeal in whose jurisdiction the award was given. This action is admissible as soon as the award has been given; it will cease to be admissible if this right has not been exercised within the month of the service of the award declared enforceable.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1506

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The time-limit to bring a review action as referred to under Articles 1501, 1502 and 1504 suspends the execution of the arbitral award. Likewise, the review action brought within this time-limit suspends (also the execution of the award).

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

Article 1507

(Decree n°81-500 of 12 May 1981, Articles 5 and 52, Official Journal of 14 May 1981, amendment JORF of 21 May 1981)

The provisions of Title IV of this Book, save those of sub-article 1 of Article 1487 and of Article 1490, will not apply to means of review.

These provisions apply only to arbitration agreements entered into as of the 14th May of 1981, D. n°81-500, 12 May 1981, Article 56.

BOOK VI PROVISIONS APPLICABLE TO MAYOTTE

Articles 1508 to 1511

Article 1508

(Inserted by Decree n°2004-1234 of 20 November 2004, Article 1, Official Journal of 21 November 2004)

This Code applies to Mayotte under the terms defined under this Book.

N.B. Decree 2004-1234 2004-11-20, Article 5: The decree n°2004-1234 applies to proceedings initiated and enforcement steps taken as of the 1st of January 2005.