The estoppel recognised as a principle of French procedural law

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The estoppel recognised as a principle of French procedural law is a legal doctrine that is deeply rooted in French law, particularly in the realm of civil litigation. It is a concept that has been evolving over time, reflecting the changing nature of legal systems and the need for flexibility in resolving disputes.

On 27 November 2011, the Cassation of Paris was wrong in accepting the plea of inadmissibility – according to which the claim of Nergeco against Gewiss France was clearly not inadmissible. Despite this important decision, this principle still remains in French law a principle in gestation. (which also seems to be a rather protean concept)? Despite this important decision, this principle still remains in French law a principle in gestation. The French Court of Appeal has decided to refer this case to the Supreme Court of France, which has the competence to address the scope of the estoppel in French procedural law.

The estoppel is a principle of procedural law that is based on the idea that a person, having through their actions, or statements, or the omission of actions or statements, caused another person to rely on their representations or actions, is precluded from contradicting them in a subsequent legal action.

The principle of estoppel is widely recognized in common law systems and has been adopted to varying extents in civil law systems. In France, the estoppel principle has been recognized as a normative principle of French procedural law, but its scope and application remain somewhat unclear. Some will probably criticise this evolution (see already N. Dupont, "...). Such a formal and symbolic recognition of a judicial estoppel by the French administrative system, has refused to recognise such a principle, CE, avis, 1 April 2010, Docket No. 334465, par. 14).

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