GIACCARDI

INFORMATION #2 Principality of Monaco • Organisation

The Justice System of the Principality of Monaco

Courts of first instance	Competences
Justice de paix (Justice of the peace) Juge de paix (Judge of the peace)	 Claims of up to € 4 600 Disputes concerning the election of employee representatives Seals procedure Payment orders Personal and possessory actions
Tribunal de simple police (Police Court)	 Attachment of wages, earnings and arrears Criminal offences that constitute infringements and that are punishable by a maximum imprisonment of six days and / or a fine of less than € 600



Tribunal de première instance (Court of first instance)	
Tribunal de première instance (Court of first instance)	• Civil and commercial cases which, because of their nature or value, fall outside the jurisdiction of the Justice of the Peace
	Lawsuits relating to bankruptcy
	• Ordinary Court in administrative matters: cases other than those which are expressly reserved to the Supreme Court or another Court by the Constitution or Law (responsibility of State and public authorities)
	• Expropriation procedures for a property that is, according to Law, necessary for performance of a work in the public interest, and other related claims
	 Lawsuits relating to the Prince's domain
Tribunal correctionnel (Criminal Court)	 Minor offences where closely connected with a more serious offence
	 Violations of the law categorized as criminal offences and that are punishable by a maximum imprisonment of five years and a maximum fine of € 90 000
	 Crimes committed by minors (who are not being prosecuted at the same time as adults)
Juge d'instruction (Investigating Judge)	 Investigation of criminal offences, establishment of the circumstances in which the offence was committed and identification of the alleged perpetrators
	• If there is sufficient evidence against the parties concerned, charging them and sending them before the Court which will hear the case
Juge tutélaire (Tutelary Judge)	• Protection of minors and incapacitated adults
(,)	Adoptions
	 In case of divorce or separation: exercise of parental authority, visitation rights, residence, contributions to the care and education of the child



Juge chargé des accidents du travail (Judge for the accidents at work)	• Disputes between the victim of an accident at work, that person's representatives and legal beneficiaries, and the employer's insurance company or the employer itself
Juge conciliateur en matière de divorce ou de séparation de corps (Conciliation Judge in divorce or separation proceedings)	 Conciliation If this approach is unsuccessful, the Judge issues a non-conciliation order and authorizes the plaintiff to file for divorce or separation before the Court of First Instance
Juge des requêtes (Motions Judge)	• Order issued on application, i.e. without the other party having been heard
Juge des référés (Judge for the imposition of interim measures)	• Provisional measures in urgent cases, in all matters
Juge de l'application des peines (Judge for the execution of criminal sentences)	• Follow-up of the execution of criminal sentences
Juge-commissaire en matière de faillite (Bankruptcy Judge)	• Follow-up of the (collective) insolvency proceedings for the wiping up of debts
Juge chargé du contrôle des expertises (Judge responsible for overseeing expert reports)	 Follow-up and control of expert processes decided by the Motions Judge or the Court of First Instance
Tribunal du travail (Labour Court)	
Tribunal du travail (Labour Court)	 Disputes concerning the execution or breach of employment contracts
Juge des référés (Judge for the imposition of interim measures)	 Provisional and protective measures in urgent cases in individual labour conflict situations



Cour supérieure d'arbitrage (High Court of Arbitration)	Collective labour disputes
Commission arbitrale des loyers (Arbitration Commission for rents)	• Disputes between tenants and landlords concerning the amount of rent payable in respect of leases or the renewal of leases for certain premises for residential use built or completed before 1 September 1947
Commission arbitrale des loyers commerciaux (Arbitration Commission on commercial leases)	• Disputes between tenants and landlords concerning the conditions for the renewal and review of commercial leases
Tribunal criminel (Criminal Court)	 Crimes committed by adults Crimes committed by minors with the participation of an adult

Juridictions d'appel Courts of Appeal	Competences
Tribunal de première instance (Court of First Instance)	
Tribunal de première instance (Court of First Instance)	• Appeal against judgments rendered at first instance by the Justice of the Peace
	 Appeal against arbitration awards in civil and commercial matters
	• Appeal against judgments which are expressly reserved to the Court of First Instance by law
Tribunal correctionnel (Criminal Court)	• Appeal against judgments rendered by the Police Court



Cour d'appel (Court of Appeal) Court of Appeal)	 Appeal against judgments rendered at first instance by: the Court of First Instance (Tribunal de première instance) the labour Court (Tribunal du travail) the Arbitration Commission for rents (Commission arbitrale des loyers) the Arbitration Commission on commercial leases (Commission arbitrale des loyers commerciaux) the Criminal Court (Tribunal correctionnel)
Chambre du conseil de la Cour d'appel (Council Chamber of the Court of Appeal)	 Appeal against orders rendered by the Motions Judge (Juge des requêtes), the Tutelary Judge (Juge tutélaire) and the Investigating Judge (Juge d'instruction) Appeal against judgments rendered by the Council Chamber of the Court of First Instance

Juridiction de cassation et de révision (Court of Cassation and Review)	Competences
Cour de révision (Court of Review)	 Appeal against judgments rendered by the Court of First Instance ruling in appeal Appeal against judgments rendered by the Court of Appeal on all matters Appeal against judgments rendered by the Judge of the Peace
	• Appeal against judgments rendered by the Criminal Court (Tribunal correctionnel) ruling in appeal



Juridiction constitutionnelle et administrative suprême Constitutional and Administrative Supreme Court	Competences
Tribunal suprême (Supreme Court)	• Application for annulment, rulings on validity and indemnification of infringements of the rights and freedoms set forth in the Title III of the Constitution
	• Application for annulment of ultra vires administrative decision
	 Application for interpretation, rulings on validity of decisions of administrative bodies and sovereign orders implementing laws