

MEETING WITH A JUDGE OF THE COMMERCIAL COURT

Law for companies' safeguard n° 2005 -845, July 26th 2005 ("loi de sauvegarde des entreprises") confersto the President of the court a mission of prevention of companies' failures. Registers of the Registry ("le greffe") provide informations that enable the court to find out about some difficulties companies could be facing (preferential rights and pledges for social or tax services, lack of accounts filing at the registry, loss of half of the invested capital)

On the basis of this information, the President of the Court can call the company manager in. The manager can bring a person or a counsel of his/her choice to the meeting.

The meeting at the Court

The manager comes to the court, with the notice he received, on which a reference number is indicated. This number will appear on the screen at the time of the meeting. The company or the manager's name will never be disclosed.

During the first meeting, the manager and the judge will have a free and informal discussion that will last for 10 to 20 minutes. The manager will explain the company's situation.

The judge will then sum up the company's situation, and inform the manager of his/her duties and liabilities. There may be a discussion concerning possible recovery measures. Depending on the situation of the company, the manager can be called again, or the case can be closed.

If the manager doesn't attend the meeting, in the absence of justification, the court clerk ("le greffier") will draft a minute indicating that the manager did not appear ("procès verbal de carence"), that will be sent to the manager and kept it in the file.

What can justify the summoning?

Legal requirements that are not achieved may justify a summoning of the company's manager before the judge.

Here are the mandatory requirements that need to be achieved:

- You have forgotten to file the annual accounts of your company. Contact the Trade and Companies Register department of the Registry ("le service du RCS du greffe").

[Click here to have more information concerning the filing of annual accounts](#)

- You have paid the company's debts but you have forgotten to strike off your creditors' preferential rights and pledges towards your company.

[Click here to have more information concerning privileges and pledges](#)

- You have forgotten to make an application to register the changes that occurred in your company (new manager, new address, new name...).

Contact the Trade and Companies Register department ("service du RCS") or prepare this formality online with the [online certificate given by the register and free of fees.](#)

To contact the department dealing with the prevention of the companies' difficulties
prevention@greffe-tc-paris.fr