



**ADMINISTRATIVE COURT
FROM PARIS**

FRENCH REPUBLIC

N ° 1909737/9

ETHICAL SECURITY ACTION ASSOCIATION
REPUBLICAN '

IN THE NAME OF THE FRENCH PEOPLE

Mr. Wurtz
President of the Court

The summary judge

Order of 13 May 2019

Considering the following procedure:

By a request registered on May 7, 2019, the association "Action Sécurité Ethique republican "asks the judge of summary proceedings, on the basis of article L. 521-1 of the code of administrative justice:

1 °) to suspend the execution of the implicit decision of rejection born of the silence kept by the Prime Minister at his request, received on March 2, 2019, for the suspension of licenses to export war material and similar material to countries involved in the war in Yemen.

2 °) to charge the State the sum of 2,500 euros in application of article L. 761-1 of the code of administrative justice.

Having regard to the other documents in the file.

Considering the code of administrative justice.

The president of the court appointed Mr. Wurtz to rule on the requests for interim relief.

Considering the following:

1. Under the terms of Article L. 521-1 of the Code of Administrative Justice: "*When an administrative decision, even of rejection, is the subject of a request for annulment or reformation, the summary judge, seized of a request to this effect, may order the suspension the execution of this decision, or some of its effects, when the urgency justifies it and that there is a specific means of creating, in the state of the investigation, a serious doubt as to the legality of the decision ...*" Under the terms of Article L. 522-3 of the same code: "*When the request is not of an urgent nature or when it appears manifest, in view of the requests, that this does not come under the jurisdiction of the administrative jurisdiction, that it is inadmissible or that it is ill-founded, the summary judge may reject it by a*

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reasoned order without there being any need to apply the first two paragraphs of Article L. 522-1. "

2. Urgency justifies the suspension of an administrative act when the execution of this infringes, in a sufficiently serious and immediate manner, a public interest, the applicant's situation or the interests he intends to defend. It belongs to judge in summary proceedings to assess in a concrete, objective and global manner, taking into account the elements provided by the applicant and, where applicable, by the other parties, if the effects of the act



contentious or the merits, the nature of the decision justifying its annulment without waiting for the judgment of

3. To justify the urgency, the association "Republican ethical security action" maintains that the contract signed between the Nexter group and the government of Saudi Arabia in December 2018 provides for the delivery of war materials and, in particular, CAESAR guns from the year 2019 and that a loading of weapons must take place during the night of May 8 to 9, 2019 at the port of Le Havre, final destination of Saudi Arabia.

4. On the one hand, the loading scheduled for May 8 to 9, 2019 has been canceled. On the other hand, the court will normally consider at a hearing in June 2019 the request for the association "Republican ethical security action" tending to the annulment of the decision attacked. Under these conditions, the condition of urgency required by the aforementioned provisions of Article L. 521-1 of the administrative justice code is not fulfilled.

5. It follows from the foregoing that, without, by application of Article L. 522-3 of the Code administrative justice, it is necessary to initiate an adversarial procedure and to hold a hearing, the request of the association "Republican ethical security action" must be rejected.

ORDERS:

Article 1st : The motion is dismissed.

Article 2 : This ordinance will be notified to the association "Action Sécurité Ethique republican ". A copy will be sent to the Prime Minister, the Minister of the Armed Forces and the Minister of Action and Public Accounts.

Done in Paris, May 13, 2019.

The summary judge

Ch. Wurtz

The Republic sends and orders to the Prime Minister, as far as he is concerned, or to all bailiffs to this requirement with regard to common law remedies against the parties private parties, to provide for the execution of this decision.