

Eighteen new judges from the Cour de cassation on a study visit to the CJEU

27/03/2024



A delegation of judges from the Cour de cassation visited the Court of Justice of the European Union (CJEU) on 18 and 19 March 2024. This two-day study visit provided an opportunity to exchange views with their counterparts on preliminary rulings and the concept of equal treatment in European Union law, as well as to get a better understanding of proceedings before the CJEU and the importance of multilingualism in the proceedings.

The visit gave the members of the Cour de cassation the opportunity to discuss subjects of common interest with members of the CJEU, to deepen their knowledge of the organisation and functioning of the CJEU, and to strengthen the links between our two institutions.

The delegation was warmly welcomed by French Advocate General J. Richard de la Tour, former advocate-general at the Cour de cassation. Then, the status and role of the Advocate General was presented to the magistrates by Mrs I. Guyon Renard, Legal Secretary at the Office of Advocate General J. Richard de la Tour. The presentation highlighted the similarities and differences between the role of the Advocate General at the Cour de Cassation and Court of justice, provided an opportunity to discuss case law in this field and also to understand the essential role played by the Advocate General before the Court of justice and to trace the history of this function in the construction of Europe. Such a presentation is extremely useful in light of the transfer of preliminary ruling jurisdiction to the General Court of the

European Union. On this subject, the judges were able to exchange views directly with Judge L. Truchot, who informed them of the areas in which the Court will henceforth rule on references for preliminary rulings. In addition, certain judges will be appointed by their peers as Advocates General to conclude in preliminary ruling cases. These discussions enlightened our judges on the upcoming reforms.

The judges also had the opportunity to discuss the preliminary ruling mechanism. It was pointed out that the referral request will be translated into the 24 official languages and communicated to all interested parties, and that it is recommended, particularly in the context of accelerated or emergency proceedings, to be "proactive", in other words to state succinctly one's point of view on the answer to be given to the questions raised. This recommendation is in line with the conclusions of the « *Relations with the CJEU* », working group that was held at the Cour de cassation and which produced a standard document and provided training by the Court's International Relations Department on the tools for drafting preliminary questions to new arrivals at the Court.

The judges then attended a hearing in the case C-240/23, *Herbia kräuterparadies II*, on organic production and the labelling of organic products. This was followed by explanations from the Deputy Registrar, M.A. Gaudissart, which allowed the judges to understand the procedure before the CJEU and the importance of translation as a safeguard in an institution that respects multilingualism. On the same subject, Ms A. Schneider presented the role of the Judgment Reviewer at the Office of President of the Court, a function that is essential for maintaining French as a working language at the CJEU.



Mr T. Silhol, Legal Secretary at the Office of Advocate General Mr. Pikamaä, also explained the concept of equal treatment in European Union law and related litigation. The presentation also gave the opportunity to discuss the application of the Charter of Fundamental Rights in employment law cases and to exchange views on the subject. This presentation generated a great deal of interest among the magistrates of the Cour de cassation, in particular those belonging to the Social chamber.

Lastly, during the two-day study visit, other key topics were discussed, such as the issue of anonymisation before the CJEU, the Charter of Fundamental Rights, the issue of the European Union's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms, the filming of Grand Chamber hearings accessible on a delayed basis, and a presentation of the research tools available on the Curia website.

Finally, the judges were given a tour of the headquarters, which placed the premises in the context of the history of European integration, giving the course both a legal and cultural dimension.

This study visit, which takes place once a year, helps new judges to take up their term office, and enhances their understanding of the issues involved in relations with the CJEU. It is part of the drive to strengthen dialogue between judges, a main priority of First President Christophe Soulard's international strategy.

Europe

International

union européenne