

Annual Colloquium of the Network of the Presidents of the Supreme Judicial Courts of the European Union

16/11/2023



From 9 to 11 November 2023, the First President took part in the annual colloquium of the Network of the Presidents of the Supreme Judicial Courts of the European Union, which was held in Vienna, Austria, at the invitation of Elisabeth Lovrek, President of the Austrian Supreme Court. He was also elected at the Network's Board.

The Network of the Presidents of the Supreme Judicial Courts of the European Union was set up in 2004 at the initiative of First President Guy Canivet. It brings together the heads of the supreme courts of the European Union states once or twice a year, thereby helping to strengthen the relations between the Cour de cassation and its counterparts in the European Union. Topics of common or emerging interest are addressed through the exchange of best practice and comparative law.

The first working session thus focused on the divergences in case law within the Supreme Courts and the methods used to remedy them. These issues appear to be essential as they relate to the imperatives imposed on the supreme courts, particularly in terms of predictability and legal certainty. The rapporteur for this working session was Ms Beatrijs

Deconinck, First President of the Belgian Court of Cassation, whose Court is also made up of several chambers (three), which provided a rich source of reflection for the *Cour de Cassation*. The conclusions of her study identify the need for communication of previous case law and forums for exchange between supreme court judges, in addition to recourse to 'enlarged chambers' (mixed or plenary chambers at the *Cour de Cassation*). Particularly innovative mechanisms were also highlighted, such as the introduction in Croatia, on the model of the supranational courts, of the rereading of decisions (uniformity check) once the judgment has been drafted.

The second working session, moderated by President Dineke de Groot, President of the Supreme Court of the Netherlands, focused on the issue of fundamental rights in judicial decisions. These discussions provided an opportunity to take stock of the different European traditions in terms of incorporating European conventions and decisions into the domestic legal order, and to address the issue of the Area of Freedom, Security and Justice. The active participation of President Siofra O'Leary, President of the European Court of Human Rights, and President Koen Lenaerts, President of the Court of Justice of the European Union, was invaluable and reaffirmed each participant's commitment to the European rule of law. The session also provided an opportunity to reiterate the growing role of comparative law for the supreme courts, particularly under the impetus of the direct effect of supranational court decisions.

Finally, the annual meeting ended with a session on a particularly topical issue: the impact of artificial intelligence on the work of the courts and the administration of justice. The Chief Justice of the Supreme Court of Ireland, Donal O'Donnell, provided a comparative overview of the use or planned use of AI in European jurisdictions. He also recalled the shared concerns of the judicial world in this area. Six supreme courts have already made use of artificial intelligence, including the French *Cour de Cassation*, which is leading the way in this area, through its use of artificial intelligence to anonymise and pseudonymise decisions posted online, and its ambition to use AI at the appeal referral stage.

This high-level meeting also saw the holding of the Network's General Assembly, and with it the election of First President Christophe Soulard to the Network's Board, alongside President Limperg of the German Federal Court, President De Groot of the Dutch High Court and President Cassano of the Italian Supreme Court of Cassation. The *Cour de Cassation* is already developing 'enhanced cooperation' with these three supreme courts. This election will provide even firmer support for the Network's work and give impetus to new projects aimed at strengthening dialogue between judges and anticipating mutual challenges. It is part of the international strategy sought by the First President.