

Conference of the Heads of the Supreme Courts of the European Union Member States

16/02/2022



As part of the French presidency of the Council of the European Union, the Constitutional Council, the Council of State and the Court of cassation will organize on Monday 21 February 2022 a conference of the Heads of the Supreme Courts of the European Union Member States, dedicated to the role of judges in upholding the rule of law in Europe.

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While the Court of Justice of the European Union will celebrate this year its 70th anniversary, the conference will provide a timely occasion to pay tribute to the role of the Court of justice as well as to the dialogue between judges in the European integration and in the promotion and protection of the Member States' common values.

Multifaceted health and terrorist crises have led the European Union States to take restrictive measures in respect of fundamental rights and freedoms. National courts have ruled on the compatibility of these restrictions with constitutional and conventional law requirements.

Furthermore, some voices have called for lowering the protection level ensured by the rule of law, questioning its legal, political and economic basis. In some parts of Europe, the rule of law is threatened.

Facing this situation, the European Union and its Member States cannot remain indifferent. It is their common responsibility to ensure the respect of the rule of law, at the core of the European integration. National courts, and more specifically national supreme courts, play a decisive role in this regard.

The conference, which will gather the Heads of the European Union Supreme Courts, will be held **on Monday 21 February 2022 at the Constitutional Council, the Council of State and the Court of cassation**, and structured around three segments including plenary opening and closing sessions, in the presence of Mr. Koen Lenaerts, President of the Court of Justice of the European Union, Mr. Robert Spano, President of the European Court of Human Rights, Mr. Didier Reynders, EU Commissioner for Justice, as well as Mr. Eric Dupond-Moretti, Minister of Justice. Three thematic workshops will also be organized, simultaneously, at the Constitutional Council, the Council of State and the Court of cassation on various topics such as the courts facing new public health, technological and environmental challenges, judge and time and the protection of fundamental rights and the challenges of the articulation of national law and European laws.

Plenary opening and closing sessions will be broadcasted live in French only on the website of the Court of cassation (<https://www.courdecassation.fr>), the Council of State (<https://conseil-etat.fr>) and the Constitutional Council (<https://www.conseil-constitutionnel.fr>).

To know more:

- [Program](#)
- [Presentation note of the Constitutional Council's workshop \(FR/EN\)](#)
- [Presentation note of the Council of State's workshop \(FR/EN\)](#)
- [Presentation note of the Court of cassation's workshop \(FR/EN\)](#)

Key figures: 24 European Union Member States represented

42 Supreme Courts represented

2 European courts represented: the Court of Justice of the European Union and the European Court of Human Rights

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Interviews

Chantal Arens, President of the Court of cassation

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Together with the Constitutional Council and the Council of State, we are very glad to have been able to organize this conference, which gathered all supreme constitutional, administrative and judicial courts within the European Union.

Glad because after two years of health crisis, it is the first time we meet again. The key subject of the exchanges was the rule of law in Europe. Diverse workshops were organized, namely at the Court of cassation which focused on the rule of law and fundamental rights in Europe. I particularly noted the spirit of unity and solidarity among European courts. Even though we have different legal traditions, we are all going towards the same direction: the protection of the rule of law and democracy.

François Molins, General prosecutor of the Court of cassation

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I think it was a useful day, which highlighted the role of judges in upholding the rule of law. The judge's role is to guarantee the effectiveness of a set of norms, in which he-she has an essential position by applying both national and European law.

This conference was the occasion to share, to exchange, but mainly to share a vision structured around two main ideas: participate in the European construction by strengthening the rule of law and consolidate fundamental rights. At the outset, citizens from all Member States are the first beneficiaries.

Laurent Fabius, President of the Constitutionnal Council

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I think the conference was interesting, firstly due to the topic at stake: the rule of law is the very foundation of the European Union. The conference also enabled exchanges among us and responded to the need to express

solidary towards what is happening in some Eastern European countries. It is also a current topic and I wish to thank all the participants and the Court of cassation and the Council of State, which organized all this together with us, as well as the French presidency of the Council of the European Union. I fully agree with what Ms. Chantal Arens, First President, said. We need to continue these exchanges and I am here calling upon other countries to convene another meeting next year, keeping in mind that the rule of law is the core foundation of what we are doing in Europe.

Didier-Roland Tabuteau, Vice-President of the Council of State

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I think that it was an extremely valuable conference because it demonstrates the complementarity of the supreme courts in Europe in implementing EU law. I think that it also highlights that the dialogue between judges is a confident reality, which allows the law to progress in Europe. I believe that the theme of the consolidation of the rule of law is extremely interesting. It was an opportunity to recall that the separation of powers, the principle of the hierarchy of norms and the guarantee of fundamental rights are at the heart of the organization of law in Europe. Furthermore, we were able to address issues as concrete as the intervention of the judge in what was called the "short term", the intervention in the emergency and then also the role of the judge regarding long-term issues or the evolving climate issues. I think that the whole conference showed that the reflection on the rule of law was also a question about the "union" of law and that is a very good thing.

Robert Spano, President of the European Court of Human Rights

Didier Reynders, European Commissioner for Justice

[Read the transcript](#)

First of all, I was very impressed by the interest of the Presidents of the Supreme Courts or Constitutional Courts, who are the highest magistrates in Europe, in this day. We saw that they were very concerned about the situation of the rule of law today, not only in the world but in Europe, in specific situations. I think that today's discussion gave the opportunity to address not only all the issues we may have in a Member State, but also, for example, general issues such as the evolving case law in the field of environmental law or the crisis that we are still going through today, the Covid-19 pandemic. How the highest courts have been able to play a role in providing a framework for government decisions? So it was good to see the interest shown by the participants and the conclusions that emerged.



Conférence des chefs des Cours suprêmes des États membres de l'Union européenne

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Member States of the European Union*

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