

## STATEMENT

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

#### The role of judges in upholding the rule of law in Europe

As part of the French presidency of the Council of the European Union, a conference of the Heads of the Supreme Courts of the European Union Member States was held on Monday 21 February 2022, co-organized by the Constitutional Council, the Council of State and the Court of cassation.

The conference was dedicated to the role of judges in upholding the rule of law in Europe.

The event gathered about 100 participants, representing 24 Member States and 48 Supreme Courts.

Ms. Chantal Arens, First President of the Court of cassation, Mr. François Molins, Prosecutor-General of the Court of cassation, Mr. Laurent Fabius, President of the Constitutional Council, Mr. Didier-Roland Tabuteau, Vice-President of the Council of State, Mr. Koen Lenaerts, President of the Court of Justice of the European Union and Mr. Robert Spano, President of the European Court of Human Rights opened this day of exchanges by a plenary opening session at the Court of cassation.

Three workshops were then organized, simultaneously, at the three high courts.

#### **New challenges**

At the Constitutional Council, the workshop, themed “Courts faced with new public health, technological and environmental challenges”, gave the occasion to present, through dialogue and experience-sharing, common issues and differences in approach.

On which expertise can the judge rely? How to consider the spatial and time components of health, technological and environmental challenges? What is the role of judges in settling the new issues raised by these challenges?

#### **Relationship with time**

Taking the time necessary to judge properly and judging in a timely manner; being able to manage urgency while ruling with regard to long-term prospects...

The workshop organized by the Council of State, named “Judge and time: judge of the moment and judge of the long term” focused on the following question: “What is the relationship between the judge and time?”

#### **Articulation of norms**

The workshop of the Court of cassation focused on “The protection of fundamental rights: the challenges of the articulation of national law and European laws”.

Within the European system for the protection of fundamental rights, national judges hold a central place. It is up to them, on the one hand, to ensure effective respect for these rights guaranteed in national constitutions, and on the other hand, to exercise their office as ordinary judges under the European Union law and the Convention for the Protection of Human Rights and Fundamental Freedoms in application of the principle of subsidiarity.

While in Europe, normative pluralism tends to strengthen the protection of fundamental rights, it also contributes to the complexity of the law and carries with it the risk of its fragmentation.

This workshop was the occasion to shed light on the existing interweaving mechanisms between national law and European norms.

Following these workshops, Mr. Didier Reynders, EU Commissioner for Justice, and Mr. Eric Dupond-Moretti, Minister of Justice, concluded the conference.