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- **General increase in attacks against the legal profession and the rule of law**

For several months now, French lawyers have been facing a resurgence of attacks, fuelled by a political climate that is undermining the foundations of the rule of law. Statements by public figures, such as that made by the Minister of the Interior in September 2024 in the *Journal du Dimanche*, questioning the inviolability of the rule of law, illustrate this worrying trend ("the rule of law is neither inviolable nor sacred").

Lawyers, as officers of the court and effective guarantors of the rights of the defence, find themselves on the front line, often equated with their clients and targeted by hate campaigns, death threats and even physical violence. Social media plays a decisive role in amplifying these phenomena by facilitating the dissemination of extremely violent content, with lists of lawyers to be eliminated, accompanied by shocking images disseminated or relayed by far-right supporters. Between the two rounds of the July 2024 legislative elections, a far-right website, *Réseau-libre*, published a "(very partial) list of lawyers to be eliminated", containing 98 names, accompanied by extremely violent comments calling for these lawyers, described as "seditious", to be "sent to a ditch or a stadium". These events took place in an electoral context of very high political tension. The President of the Paris Bar immediately referred the matter to the Paris Public Prosecutor to report these particularly serious threats, before subsequently being added to the list himself. In January 2025, the media outlet *Frontières* once again published the identities of some 60 lawyers, accusing them of being "accomplices" of undocumented migrants seeking residence permits. This publication illustrates a worrying assimilation between lawyers and their clients, contrary to the fundamental principles of defence and the rule of law. Another example is the violent attack on the President of the National Bar Council (CNB) on a French news channel following an institutional position on the refusal of access by the defence to the "safe deposit box" provided for in a bill (now law) aimed at freeing France from the trap of drug trafficking.

Since then, several hate campaigns, including death threats, calls for rape and racist insults, have multiplied, significantly undermining the mental health of the colleagues who are the targets of these attacks. In addition, professional secrecy, a pillar of the profession, is also under threat, as evidenced by the recent wiretapping cases involving Nicolas Sarkozy and his lawyer, as well as several recent decisions by the Criminal Chamber of the Court of Cassation dated 11 March 2025, restricting professional secrecy to defence activities and excluding advisory activities.

- **European Convention on the Protection of the Legal Profession**

This Council of Europe convention has been open for signature since 14 May 2025 and represents a major step forward. It aims to guarantee the independence of lawyers, the confidentiality of their exchanges with their clients, and their protection against threats. This universal instrument responds to the erosion of the rule of law and the growing threats to lawyers (intimidation, political interference, restrictions, violence). It aims to guarantee their essential role in defending justice, human rights and the rule of law. This <sup>first</sup>international instrument binding on signatory states, specifically dedicated to lawyers and supported by the French Bar, establishes a monitoring mechanism (GRAVO) to assess its implementation and intervene in cases of serious violations. Both the French Bar and the CCBE are actively working to promote it internationally.

- **US extraterritorial sanctions: dangers and consequences**

On 6 February 2025, President Trump signed an executive order imposing visa restrictions and financial sanctions on individuals who assist the International Criminal Court (ICC) in investigating US citizens and allies of the United States. This executive order sanctions anyone directly involved in the ICC's efforts to investigate, arrest, detain or prosecute a "protected person" without the consent of the country of which that person is a national. Sanctions may also be applied to those who have materially assisted, sponsored or supported the Court's activities financially, materially or technologically.

The first set of sanctions specifically targeted ICC Prosecutor Karim Khan. On 20 August 2025, new sanctions designations were issued by the US administration against ICC judges Kimberly Prost (Canada) and Nicolas Guillou (France), as well as deputy

prosecutors Nazhat Shameem Khan (Fiji) and Mame Mandiaye Niang (Senegal). The consequences are significant, as no US-based company is now allowed to contract with them. In addition, more and more European companies, fearing indirect sanctions, are also refusing to provide services to the individuals targeted.

On 23 December 2025, the United States also banned five European figures promoting digital regulation and the fight against disinformation and online hate speech from entering the country. Frenchman Thierry Breton, former European Commissioner behind the *Digital Services Act* (DSA), is one of the figures targeted by the United States. These sanctions constitute unacceptable attacks on the rule of law, international justice and European regulation. The French Bar strongly condemns this pressure and calls on France, the States Parties to the ICC and the European Union to mobilise all possible means of action to oppose these sanctions.

- **Law No. 2025-532 of 13 June 2025 aimed at freeing France from the trap of drug trafficking**

On 13 June 2025, the law aimed at "freeing France from the trap of drug trafficking" was enacted in France. This law is the result of lengthy parliamentary debates, but also of several months of intense mobilisation by the French Bar Association. As soon as the bill was tabled in July 2024, we expressed serious concerns because certain provisions directly threatened the rights of the defence and the balance of criminal justice. The Bar fought to reaffirm the importance of respecting the rights of the defence and the adversarial principle. Our profession reiterated the cardinal principle of professional independence: lawyers, as officers of the court, are not facilitators of criminal activity but, on the contrary, guarantors of individual freedoms and the rights of the defence. It is important to emphasise that the profession's mobilisation has borne fruit and demonstrates the effectiveness of the collective action taken by the CNB and the Paris Bar to defend both fundamental rights and the conditions under which we practise our profession. To assist lawyers in applying this new law, the CNB has produced a *Vademecum*. This document explains the changes introduced by the text, which go far beyond the scope of drug trafficking alone.

- **Reform of civil appeal proceedings: draft RIVAGE decree**

On 13 October 2025, the profession was consulted on a draft decree entitled "RIVAGE" (rationalising appeal proceedings to ensure their efficiency), which aims to reform civil appeal proceedings through the following measures:

- Raising the threshold for appeals from €5,000 to €10,000 in most civil courts (judicial courts, commercial courts, labour courts, etc.);
- The abolition of the right of appeal for certain decisions, in particular those of the family court judge on maintenance obligations and for commercial leases with an annual rent of less than €15,000;
- A filtering of appeals with the introduction of a mechanism allowing the president of the chamber to declare an appeal manifestly inadmissible, without adversarial debate;
- Extension of the mandatory prior attempt at amicable settlement under Article 750-1 of the Code of Civil Procedure: The threshold would also be raised from €5,000 to €10,000 for the prior attempt at conciliation or mediation.

The announced reform would apply to proceedings brought on or after 1 June 2026 (except for the prior amicable attempt, which would apply on 1 September 2026). Our courts immediately denounced this as a major restriction of the right of appeal, depriving many litigants of an effective remedy. These measures would particularly affect the most disadvantaged litigants, who would be deprived of access to the Court of Appeal for amounts that are significant to them. From a procedural point of view, such a reform also has adverse effects, with the risk of congestion in the courts of first instance, as parties are encouraged to artificially increase their claims in order to exceed the appeal threshold, but also a potential increase in appeals to the Court of Cassation for "small claims" and the creation of new litigation. Furthermore, the proposed filtering mechanism, which is inspired by administrative litigation, undermines the adversarial principle and the right to a fair trial. Nor does the draft specify what is meant by a manifestly inadmissible appeal, which would be left to the discretion of the courts of appeal, without any real regulation. Following opposition from the French Bar Association and a consultation meeting held with the Minister of Justice on this draft decree on 4 December 2025, the Minister of Justice announced the extension of the initial consultation period, which will now continue until spring 2026.

#### **New contribution for legal aid: a barrier to access to justice**

The issue of funding legal aid is a recurring topic in public debate. The Government is considering introducing a €50 stamp duty for each case brought before a court or industrial tribunal, the proceeds of which would be used to fund legal aid. This measure would undermine the principle of free access to justice and the law, particularly for the most vulnerable litigants. The previous similar measure — a €35 contribution introduced in 2011 and then abolished in 2013 — led to a significant drop in the number of cases brought before the courts, by up to 13% in certain areas of litigation (labour, family, payment orders), mainly affecting

people on low incomes who were excluded from legal aid. This observation remains a major argument for the CNB's refusal. However, the CPAJ project has resurfaced, based on a contested analysis that alleges the previous mechanism had no impact — an analysis that is contradicted by official evaluations published in 2014. In a report dated 12 September 2025, the CNB reiterates its categorical opposition to any measure that could restrict access to the courts. It highlights the proven negative effects of the previous system, reaffirms the principles of free justice and equal access to the law, and insists on the State's responsibility to fully fund legal aid, a fundamental guarantee of the rule of law. The revenue section of the Finance Act is considered to have been adopted since 23 January 2026 due to the rejection of the two motions of censure (the Act has not yet been published in its current form). Thus, the principle of the contribution is now established.

- **Decree No. 2024-1225 of 30 December 2024: contribution to finance economic justice**

On 1 January 2025, twelve commercial courts became economic activity courts ("TAE") on an experimental basis pursuant to Law No. 2023-1059 on justice programming of 20 November 2023. Parties initiating legal proceedings before an economic activities court may be liable for the economic justice contribution introduced on an experimental basis by Decree No. 2024-1225 of 30 December 2024. This contribution may amount to up to 5% of the total amount claimed at the time the proceedings are brought, but may not exceed €100,000. The French Bar Association is challenging this violation of the principle of free access to justice. In a state governed by the rule of law, all litigants, including legal entities, must have unhindered access to the courts. The CNB and six bar associations, including Paris, have lodged an appeal against this decree with the Council of State. In a decision dated 12 December 2025, the Council of State referred a priority question of constitutionality on the grounds of potential infringements of the right to effective judicial remedy, the principle of equality before the law and equality before public charges.

- **Simplification: restriction of the right of access to the courts in environmental matters**

The executive branch is continuing its work of simplification, which is certainly commendable, but is being carried out to the detriment of environmental guarantees provided for in the Environment Charter, which has constitutional status. r restrictions on access to the courts in environmental matters are continuing. The draft law on simplification in economic life thus provides for the right to appeal against a planning permission to be reserved solely for associations created one year prior to the application for permission. This bill also provides for the extension of the list of industrial projects that may be classified as "projects of major national interest" benefiting from advance recognition of compelling reasons of major interest, which exempt them from any prior environmental assessment. Under the guise of simplification measures, these changes represent a step backwards in terms of access to justice, public information on environmental matters and public participation in the decision-making process, which are guaranteed by the Aarhus Convention ratified by France and the European Union. The Law of 26 November 2025 on the simplification of urban planning and housing law also restricted the right to appeal against a planning permission to only those natural or legal persons who had taken part in the prior public inquiry or electronic consultation. This law also provided for a derogation regime for appeals for annulment against a decision refusing the occupation or use of land, or an application for the annulment or reversal of a court decision concerning that decision.

- **Sustainability: revision of the CSRD and CS3D directives**

As part of the omnibus package presented on 26 February 2025 by the European Commission, the directive of 14 April 2025 postponed the application of the sustainability report for wave 2 and 3 companies that are not currently subject to it by two years. This directive was transposed into domestic law by a law of 30 April 2025 known as the DDADUE law. Subsequently, a recommendation for voluntary sustainability reporting for small and medium-sized enterprises was adopted on 30 July 2025 by the Commission (VSME standards). Finally, on 16 December 2025, the European Parliament adopted a directive revising the CSRD and CS3D directives, in particular to reduce the burden on companies in line with the recommendations of the Draghi report of September 2024 on the future of European competitiveness. It is expected to be published shortly in the OJEU. The ESRS (sustainability standards) established by EFRAG are also in the process of being simplified.

- **Right of access for the president of the bar: lobbying by the profession to extend it to the European level**

The right of the president of the bar to visit places of deprivation of liberty remains a priority issue. A decision by the Constitutional Council in April 2025 highlighted inequalities in access to this right, leading the CNB to adopt a resolution for its extension and protection. A symposium organised in Strasbourg on 18 December 2025, in partnership with the European Committee for the Prevention of Torture (CPT), the French section of the International Prison Observatory (OIP), and in association with Cimade, highlighted the importance of this right as a tool for transparency and the defence of the dignity of detainees. The French Bar Association intends to work towards its implementation at European level.

- **Criminal policy reform: S.U.R.E. bill**

On 3 September 2025, the profession took part in a consultation organised by the Directorate of Criminal Affairs and Pardons (DAGC) as part of the drafting of the S.U.R.E. bill (aimed at ensuring useful, rapid and effective sanctions). During this exchange, the profession expressed its opposition to certain provisions contained in this draft bill. The S.U.R.E. bill aims to restore the credibility and speed of the criminal justice system with several key measures to which lawyers are opposed, including:

- Automatic and rapid enforcement of sentences (end of mandatory sentence adjustments, possibility of imposing very short fixed sentences, generalisation of committal orders);
- Tightening of the pre-trial detention regime: introduction of the criterion of disturbance to public order;
- Reduction in the complexity of the sentencing scale (introduction of minimum sentences and refocusing on four types of penalties);
- Reform of the criminal courts through the creation of a "restorative criminal justice" procedure for recognised crimes (equivalent to a criminal CRPC) and through the strengthening and expansion of the departmental criminal courts (CCD), including in appeal and for repeat offences, with longer time limits for appearances and binding force given to the preparatory meeting.
- "Rationalisation of the processing of applications for annulment before the Investigation Chamber" to prevent "*the pronouncement of dilatory annulments and relieve the Investigation Chambers by reducing the time limits for filing applications for annulment, making it easier for the president of the Investigation Chamber to rule alone.*"

Following statements by the Minister of Justice expressing his desire to see the profession involved in this reform project, a second phase of consultation will be launched by the DAGC in February, which should enable the profession to be consulted and to raise its concerns on issues relating to prison regulation and the protection of lawyers' professional secrecy.

- **LCBFT: opinion of the Council of State of 23 January 2025**

On 23 January 2025, the Council of State, referred to by the Government, issued an opinion that broadly interprets Article L. 561-15 of the Monetary and Financial Code (CMF), considering that "*the reporting obligation applies both to sums obtained through the commission of an offence punishable by a custodial sentence of more than one year, regardless of the nature of the offence, and to transactions involving such sums, which may, where applicable, constitute money laundering.*"

The legal profession has challenged the interpretation of this opinion by TRACFIN, which it claims is contrary to European law. The CNB and the Paris Bar Association consider that this opinion, delivered without adversarial debate by the administrative division of the Council of State under Article L. 112-2 of the Code of Administrative Justice, cannot be applied to the legal profession, insofar as it disregards the specific rules of liability applicable to the profession, as provided for in Article L. 561-3 of the CMF, as well as the fundamental guarantees attached to professional secrecy.

The CNB and the Paris Bar Association maintain that the Council of State's interpretation is not enforceable against the legal profession, as the declaration of suspicion remains, in this respect, the exception defined by Regulation 2024/1624 and European Union case law on professional secrecy. A solicitor cannot therefore be required to report suspicions of money laundering or underlying offences except in connection with and in the course of a transaction falling within the scope of the activities designated in Article 3 of EU Regulation 1624-2024 for which their assistance is sought.

It should be noted that the legal profession in France is strongly committed to the fight against money laundering and terrorist financing. However, the CNB and the Paris Bar Association have denounced attempts to broaden the scope of the reporting obligation.