



INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Surname: BOUGATSOS

First name: Dionysios

Nationality: Greek

Seniority: 11 years in total (Master of Requests at the Greek Council of State since 2023)

Identification of the internship

Host jurisdiction/institution: Council of State of France

Town/city: Paris

Country: France

Dates of the internship : from 6 to 17 November 2023

SUMMARY

This report presents the programme of the 2-week internship at the French Council of State (I). During my stay, I attended sittings and deliberations of the Sixth Chamber of the Administrative Claims Division, the Combined Sixth and Fifth Chambers, the Interior Division, the General Assembly and the Court of Jurisdictional Disputes. I also attended the first conference of the annual study (on the fundamentals of sovereignty). I also had the opportunity to talk to a number of members of the Council of State about issues of my choosing. In addition, visits were organised to the Constitutional Council, the Court of Cassation and the National Assembly. These activities enabled me to learn about the organisation, system and functions of the French Council of State (II), as well as to delve more deeply into the recent and very important environmental case-law of the Council of State, the Constitutional Council and the administrative courts. Environmental law is therefore the particular aspect of French law presented in the third chapter (III). The report is completed with the comparative law aspect (IV), the European aspect of the internship (V), 'good practices' within the court visited (VI) and the benefits derived from the internship (VII). The organisation of the internship was exemplary, as was the welcome, so I have no suggestions to make (VIII).



REPORT

I. Internship programme

Monday 6 November 2023

Council of State

- Reception in the Hall of Honour
- Meeting with a Councillor of State, Delegate for International Relations
Theme: The international action of the Council of State

Court of Jurisdictional Disputes

- Hearing of the Court of Jurisdictional Disputes - Deliberations

Tuesday 7 November 2023

Constitutional Council

- Presentation of the Constitutional Council
- Hearing on an application for a priority preliminary ruling on the issue of constitutionality

Council of State

- Meeting with a rapporteur of the Ninth Chamber
Theme: Presentation of the role of the rapporteur in an administrative claims chamber
- Meeting with a rapporteur of the First Chamber
Theme: Presentation of the role of the public rapporteur

Wednesday 8 November 2023

Council of State

- Meeting with a rapporteur of the Sixth Chamber
Theme: Environmental law
- Judgment session of the Combined Sixth/Fifth Chambers of the Administrative Claims Division (panel of nine judges – Article R.122-15 of the Code of Administrative Justice - Deliberations

Thursday 9 November 2023

Council of State

- Meeting with the President of the Sixth Administrative Claims Chamber
- Judgment session of the Sixth Chamber of the Administrative Claims Division (panel of three judges – Article R.122-14 of the Code of Administrative Justice - CJA) - Deliberations
- General Assembly:
 - a) Finances Division, Interior Division, Public Works Division, Administrative Issues Division: Bill containing various provisions for adapting to European Union law in the fields of economics, finance, ecological transition, criminal law, social law and agriculture.

b) Interior Division: Bill to combat sectarian-based violence.

Friday 10 November 2023

Court of Cassation

- Reception - Presentation of the Court
Heritage tour

Council of State

- Meeting with the President of the Report and Studies Division

Monday 13 November 2023

Council of State

- Meeting with an assessor of the Administrative Claims Division
Theme: Civil liberties and fundamental rights
- Meeting with a Councillor of State, Secretary General of the Council of State
Theme: Managing the Council of State and administrative jurisdiction

Tuesday 14 November 2023

Council of State

- Meeting with the President of the Interior Division
- Appraisal session of the Interior Division
- First conference of the annual study: The fundamentals of sovereignty.
Speeches by the Vice President of the Council of State, the President of the Report and Studies Division of the Council of State and three guests: the President of the Constitutional Council, the Governor of the Banque de France and a former Supreme Allied Commander Transformation at NATO, former Chief of Staff of the French Air and Space Force

Wednesday 15 November 2023

National Assembly

- Reception - Presentation of the missions of the National Assembly
Heritage tour

Council of State

- Appraisal session of the Sixth Administrative Claims Chamber

Thursday 16 November 2023

Council of State

- Meeting with a Councillor of State, Delegate for the Enforcement of Judgments
Theme: Presentation of the enforcement of judgments
- Meeting with a rapporteur of the Administrative Claims Division
Theme: Presentation of the role of the public rapporteur in a consultative division
- Meeting with a deputy general rapporteur
Theme: Presentation of the preparation of studies and reports
- Meeting with a rapporteur of the Fifth Chamber of the Administrative Claims Division
Theme: Applications for a priority preliminary ruling on the issue of constitutionality

Friday 17 November 2023

Council of State

- Reception of the judges of the European Court of Human Rights:
 - Presentation of the Council of State
 - Heritage tour of the Palais-Royal

II. The host institution

1) Functions

The Council of State has two main functions: On the one hand, it settles disputes between citizens, companies and associations and administrations. As the supreme court of the administrative system, it acts either as a court of first and last instance or as a court of appeal or cassation. On the other hand, it has an advisory function with regard to bills, orders and decrees, and can also examine proposed legislation. It proposes improvements to Government and Parliament to make laws and regulations more secure before they are passed or come into force. Its role is to guarantee the legal security of draft texts submitted to it. It ensures compliance with the Constitution, European law and national law. It issues advisory opinions and does not comment on the political choices of the Government or MPs.

In addition to these functions, the Council of State has other missions: a) to prepare studies on questions of law and public policy, b) to rule on the need to refer applications for a priority preliminary ruling on the issue of constitutionality to the Constitutional Council, c) to submit a report to the President of the Republic on the activities of the administrative jurisdiction. Within this framework, it proposes reforms to improve the organisation and operation of the administration.

Finally, the Council of State manages the 42 administrative tribunals, the nine administrative courts of appeal and the National Court of Asylum. It is responsible for managing the body of administrative magistrates. It is assisted in this task by the High Council of Administrative Tribunals and Administrative Courts of Appeal.

2) Divisions

The Council of State is divided into several divisions:

- an Administrative Claims Division, which judges disputes between citizens and the administration, divided into 10 chambers,
- six administrative divisions, including:
 - five consultative divisions, which are responsible for examining bills, orders and decrees: a) the Interior Division, b) the Finances Division, c) the Public Works Division, d) the Welfare and Social Security Division, the Administrative Issues Division, and

- a Report and Studies Division, which is responsible for: a) preparing studies on legal issues, the annual report of the Council of State and the administrative courts, b) the enforcement of court decisions and c) the Council of State's relations with foreign courts.

The panels of judges are as follows:

- For straightforward cases that do not raise any particular legal difficulties, three judges (the 'chamber sitting alone'), comprising the president of the chamber, one of his two assessors and the rapporteur.
- Cases involving legal difficulties are heard by two 'combined chambers' of nine Councillors of State.
- The most complex cases are heard by the Administrative Claims Division, which is the panel that hears cases that raise a new legal issue or challenge a legal solution (case-law) adopted by the same panel in the past. This panel is made up of 15 Councillors of State: the President of the Administrative Claims Division, the three deputy presidents, the 10 chamber presidents and the rapporteur for the case.
- The Administrative Claims Assembly is the most formal panel of the Council of State, where exceptionally important cases are heard: the decision handed down may have far-reaching legal implications or call into question a legal solution adopted by the Administrative Claims Assembly in the past. The Administrative Claims Assembly is made up of 17 Councillors of State: the Vice President of the Council of State, the President of the Administrative Claims Division, the five presidents of the advisory divisions and the President of the Report and Studies Division, the three deputy presidents of the Administrative Claims Division, the President of the Chamber on whose report the case is being heard or, in certain cases, the President of the Chamber to which the case was initially assigned, the four longest-serving chamber presidents and the rapporteur for the case. When an appeal is brought before the Litigation Assembly against an act taken after an advisory opinion of the Council of State, the president of the administrative department that had to deliberate on this opinion does not sit. He is then replaced by one of the deputy presidents of the other administrative divisions.
- The interim relief judge is often a single judge, who gives a ruling within a few hours or a few days of the hearing. Depending on the difficulty of the case, it may be referred to a (collegiate) panel of three interim relief judges.

The public rapporteur (formerly known as the 'government commissioner') takes part in the public hearing by presenting the case (circumstances, applicable law, case-law, etc.) and expressing his opinion, but does not take part in the deliberations.

3) Members

The Council of State has 300 members, two thirds of whom work within the Council and one third outside it.

The Council of State is made up of: 1) the Vice President; 2) the division presidents; 3) Councillors of State in ordinary service; 4) Councillors of State in extraordinary service; 5) masters of requests; 6) masters of requests in extraordinary service; 7) auditors (CJA L121-2).

The members of the Council of State form a body of civil servants divided into several grades: auditors, masters of requests and Councillors of State. Promotion from one grade to another is based on seniority. The only exceptions to this rule are appointments to specific posts within the Council of State (Vice President, division president, public rapporteur, etc.).

a) Auditors

Auditors are appointed by order of the Vice-Chairman of the Council of State to perform advisory and jurisdictional functions for a non-renewable term of 3 years. They are appointed, on the advice of an advisory committee, from among the members of the corps of State administrators and comparable corps or employment categories, the list of which is set by decree in the Council of State, with at least 2 years' actual public service in this capacity (L133-5).

During the first 2 years, the auditor acts as rapporteur in 1 of the 10 chambers of the Administrative Claims Division: a) he examines applications and appeals lodged with the Council of State; b) he drafts an analysis of the case file and a draft decision; c) he participates in the appraisal and judgment sessions with the right to vote. In the third year, the auditor switches to the mixed system. At the same time, he is assigned as rapporteur in an administrative division.

At the end of the 3-year secondment period, the auditors recruited may be integrated into the body of members of the Council of State, at the grade of master of requests, on the recommendation of an integration committee.

b) Masters of requests

Masters of requests are appointed by decree (L133-4). Three quarters are recruited from among the auditors and one quarter through the external recruitment procedure. Some of the appointments in the external round are reserved for members of the administrative tribunals and administrative courts of appeal, on the recommendation of the Vice President of the Council of State.

Masters of requests in extraordinary service are recruited for a period of 4 years from among 'civil servants belonging to a body recruited through the National Institute of Public Service, magistrates of the judiciary, university professors and lecturers, administrators of parliamentary assemblies, civil servants or military officials of the State, the local civil service or the hospital civil service belonging to comparable bodies or employment categories, contract agents under public law and European Union civil servants of comparable level'. Persons whose particular qualifications and expertise are useful to the activities and missions of the Council of State may also be appointed as masters of requests in extraordinary service (L.133-9). The candidates sought have between 4 and 8 years' experience. After 4 years of actual public service in this capacity, masters of requests in extraordinary service may be integrated into the corps of members of the Council of State at the grade of master of requests, after passing before the Integration Committee. Senior civil servants with more than 8 years' seniority are recruited via the new 'Action publique' route, launched by the Order of 2 June 2021. In both cases, the Council of State looks for candidates with a wide range of backgrounds, professional expertise in a field of public policy relevant to the Council of State and proven experience in administration or in the field of public law. Candidates must also have strong

adaptability, work and organisational skills, be rigorous in their analysis and reasoning and have a strong interest in the law. The ability to take part in collegiate deliberations and to work as part of a team is also required. As of 1 April 2023, there were 24 masters of requests in extraordinary service at the Council of State. They come from a variety of backgrounds (for example, government administrators from different ministries, administrators from parliamentary assemblies, judicial magistrates, a lawyer). Masters of requests in extraordinary service are both judges of administrative disputes and government advisors and are subject to the same obligations as members of the Council of State.

Masters of requests in extraordinary service who have served for a period of 4 years, provided that they are at least 35 years of age and have 10 years' actual public service, may be appointed to the grade of master of requests on the recommendation of a committee (L133-12). At least one master of requests is appointed each year from among the former or current masters of requests in extraordinary service who have served in this capacity for 4 years.

c) Councillors of State

Councillors of State in ordinary service are appointed by decree of the Council of Ministers, on the recommendation of the Keeper of the Seals, the Minister for Justice (L133-5).

Councillors of State in extraordinary service are appointed by decree of the Council of Ministers, on recommendation of the Keeper of the Seals, the Minister for Justice, to carry out advisory or judicial functions. They are appointed for a term of 5 years, which may not be renewed before 2 years have elapsed. On the one hand, those appointed to carry out consultative functions are chosen from among individuals qualified in the various fields of national activity. They are appointed after consulting the Vice President of the Council of State. They only sit in the administrative divisions and may not be assigned to the Administrative Claims Division. They sit on the General Assembly and may be called upon to attend meetings of other administrative bodies. On the other hand, Councillors of State in extraordinary service appointed to exercise judicial functions are chosen from among persons whose competence and activity in the field of law make them particularly qualified to carry out these duties. They must meet the conditions governing the rights and obligations of civil servants and have at least 25 years' professional experience. They are appointed on the recommendation of a committee chaired by the Vice-Chairman of the Council of State and composed of an equal number of qualified individuals and members of the Council of State. These Councillors of State only sit in the Administrative Claims Division and cannot be assigned to administrative panels. They are subject to the same obligations as Councillors of State in ordinary service.

Lastly, Article L.133-3-1 of the Code of Administrative Justice, resulting from Order No 2021-702 of 2 June 2021 - Article 7, provides for the appointment each year of at least one person to the rank of Councillor of State whose skills and activities in the field of law or public action make him particularly qualified to carry out these duties. This appointment is made on the recommendation of the Vice-Chairman of the Council of State after consulting the Integration Committee.

d) Division presidents

Division presidents are appointed by decree of the Council of Ministers, on the recommendation of the Keeper of the Seals, the Minister for Justice, and are chosen from among the Councillors of State in ordinary service (L133-2).

e) The Vice President

The Presidency of the Council of State is held by the Vice President (L121-1). The Vice President is appointed by decree of the Council of Ministers, on the recommendation of the Keeper of the Seals, the Minister for Justice. He is chosen from among the division presidents or Councillors of State in ordinary service (L133-1).

III. One aspect of the law of the host country: Environmental law

The recent case-law of the French courts on environmental law is particularly important and at the same time very interesting. The Constitutional Council extended the scope of the right to the environment and recognised the constitutional value of the ability of future generations to satisfy their own needs and the preservation of their freedom of choice. The Council of State confirmed the public utility of the Cigéo project, which involves the reversible deep geological disposal of radioactive waste, and ruled that the impact study and the measures planned were sufficient. In addition, the Council of State called on the government to take all necessary measures to achieve the objective of reducing greenhouse gas emissions (Grande-Synthe cases) and once again ordered the State to pay penalty payments for exceeding concentrations of nitrogen dioxide in two urban areas in France, in the light of the European directive on air quality (Friends of the Earth cases). In addition, the Council of State recognised that the right to the environment can be invoked in freedom summary proceedings and, in another decision, annulled the dissolution of an environmental group (Les Soulèvements de la Terre), ruling that this dissolution did not constitute an appropriate, necessary and proportionate measure. Lastly, the Administrative Tribunal of Paris, in ruling on the 'Case of the Century', directed the French government to make good the consequences of its failure to combat climate change, and ordered that the greenhouse gas emissions cap set by the first carbon budget (2015-2018) be offset by 31 December 2022 at the latest. These decisions are presented below¹.

1) Recent case-law of the Constitutional Council

a) Broad interpretation of the scope of the right to the environment

In Decision No 2022-843 DC of 12 August 2022 on the constitutionality of the law introducing emergency measures to protect purchasing power, the Constitutional Council clarified the scope of Article 1 of the Charter of the Environment and extended the scope of the right to the environment.

¹ For the presentation of case-law, extracts are used, either from press releases or from the decisions themselves.

When the Constitutional Council was asked to rule on the law introducing emergency measures to protect purchasing power, it did so in unprecedented terms, through reservations of interpretation based on the Charter of the Environment, regarding the implementation of provisions concerning the deployment of a floating LNG terminal and certain electricity generation facilities using fossil fuels. It based itself on the Charter of the Environment, and in particular on certain provisions of its preamble (fundamental interests and the ability of future generations) and Article 1 (the right to the environment), taking the view, through a reservation of interpretation formulated in unprecedented terms, that the Charter of the Environment ensures and reinforces the indirect authority of certain clauses of the preamble. According to the decision, 'it follows [...] from the preamble of the Charter of the Environment that the preservation of the environment must be sought in the same way as the other fundamental interests of the Nation and that the choices intended to meet the needs of the present must not compromise the ability of future generations to meet their own needs.' (Constitutional Council, 12 August 2022, law introducing emergency measures to protect purchasing power, No 2022-843 DC).

It should also be noted that, according to the case-law of the Constitutional Council, when amending previous texts or repealing them and substituting other provisions where necessary, the legislator may not deprive of legal guarantees the right to live in a balanced environment that respects health, as enshrined in Article 1 of the Charter of the Environment. Limitations imposed by the legislator on the exercise of this right must be linked to constitutional requirements or justified on grounds of public interest and be proportionate to the objective pursued (Constitutional Council 10 Dec. 2020, No 2020-809 DC § 13 and 14; Const. Council 13 May 2022, France nature environnement and others, No 2022-991 QPC § 5 and 6; Const. Council 12 August 2022, No 2022-843 DC § 3; Const. Council 9 March 2023, No 2023-848 DC § 23; Const. Council 21 June 2023, No 2023-851 DC § 25; § 68 and § 69)².

b) The ability of future generations to meet their own needs and the preservation of their freedom of choice: corresponds to an obligation of constitutional value for the legislator (case of reversible deep geological disposal of radioactive waste – Cigéo project)

In a recent and extremely important decision, the Constitutional Council ruled that it follows from Article 1 of the Charter of the Environment (which has constitutional value: Const. Council 29 Dec. 2009, No 2009-599 DC § 79; CE, ass., 3 Oct. 2008, Mun. of Annecy, No 297931) clarified by the seventh paragraph of its preamble that, when adopting measures likely to cause serious and lasting damage to a balanced environment that respects health, the legislator must ensure that choices made to meet the needs of the present do not compromise the ability of future generations and other peoples to meet their own needs, while preserving their freedom of choice in this regard³. Limitations imposed by the legislator on the exercise of the right to live in a balanced environment that respects health must be linked to constitutional requirements or justified on grounds of public interest and proportionate to the objective pursued.

² See Charter of the Environment, in *Code constitutionnel et des droits fondamentaux*, Annotated, Dalloz, 2023, p. 519-524; M. Prieur, *Droit de l'environnement*, Dalloz, 2019, p. 57-89.

³ See M. Prieur, *Droit de l'environnement*, Dalloz, 2019, p. 88-89, D. Roman, *La cause des droits – Écologie, progrès social et droits humains*, Dalloz, 2021, p. 122-131.

The Council of State referred to the Constitutional Council an application for a priority preliminary ruling on the issue of the constitutionality concerning the conformity with the rights and freedoms guaranteed by the Constitution of Article L.542-10-1 of the Environment Code, as amended by the law specifying the terms and conditions for the creation of a reversible deep geological repository for high-level and intermediate-level long-lived radioactive waste (see the decisions of the Council of State below). Article L.542-10-1 of the Environment Code sets out the rules applicable to the creation and operation of a deep geological repository for radioactive waste. The contested provisions of this article stipulate that the storage of radioactive waste in such a repository is subject to a requirement of reversibility, implemented according to precise procedures and for a minimum period of time.

In the light of the constitutional framework thus defined, the Constitutional Council noted that, by allowing radioactive waste to be stored in an underground facility, the contested provisions are likely to cause serious and lasting harm to the environment, given the hazardous nature and lifespan of the waste.

However, in the first place, it is clear from the preparatory work that, in adopting those provisions, the legislator wanted, on the one hand, to ensure that radioactive waste could be stored in conditions that would protect the environment and health against the long-term risks of disseminating radioactive substances and, on the other hand, that the burden of managing this waste would not be shifted onto future generations alone. In so doing, the legislator sought to pursue the constitutional objectives of protecting the environment and protecting human health. It is not for the Constitutional Council to consider whether the objectives set by the legislator could have been achieved by other means, provided that the methods chosen by the law are not manifestly inappropriate in the light of current scientific and technical knowledge.

Secondly, it follows from the very terms of Article L.542-1 of the Environmental Code that the management of radioactive waste must respect the protection of human health, safety and the environment and that the implementation of the means necessary for the final disposal of radioactive waste must prevent or limit the burdens that will be borne by future generations.

The Constitutional Council noted that, to this end, Article L.542-10-1 of that same Code provides for the creation and operation of a deep geological repository for radioactive waste to be subject to various safeguards designed to ensure compliance with these requirements.

On the one hand, the deep geological disposal of such waste must guarantee that successive generations will be able either to continue with the construction and operation of the successive disposal units, or to reassess the choices made previously and develop management solutions. This reversibility is achieved through progressive construction, adaptability of the design and flexibility in the operation of the repository, and includes the possibility of retrieving packages of waste that have already been stored in a manner and for a period that is consistent with the strategy for operating and closing the repository.

In addition, the creation of a deep geological repository for radioactive waste is subject to a specific authorisation procedure. The application for authorisation must relate to a geological stratum that has been studied in an underground laboratory. The submission of this application must be preceded by a public debate based on a dossier produced by the National Agency for the Management of Radioactive Waste. The application must also

give rise to a report from the National Commission, an opinion from the Nuclear Safety Authority and the opinion of the local authorities concerned. It is then forwarded to the Parliamentary Office for the Assessment of Scientific and Technological Options, which assesses it and reports on its work to the relevant committees of the National Assembly and the Senate. When the application for authorisation is examined, the safety of the repository is assessed in terms of the various stages of its management, including its definitive closure. The authorisation granted then sets the minimum period for which, as a precaution, the reversibility of the repository must be ensured, which may not be less than one hundred years.

In addition, authorisation for commissioning is limited to a pilot phase, which should enable the reversibility and safety of the facility to be demonstrated, in particular through a programme of in situ tests. All waste packages must remain easily retrievable during this phase, which includes retrieval tests.

The results of the pilot phase are the subject of a report by the National Agency for the Management of Radioactive Waste, submitted to the same authorities and public bodies as those involved in the authorisation procedure. After the presentation of a bill adapting the conditions for the reversibility of the repository, the Nuclear Safety Authority will issue authorisation for the facility to be fully commissioned, provided that the reversibility of the repository is guaranteed under the conditions laid down by law.

Finally, only a law can authorise the definitive closure of the repository, which consists of the completion of all operations and improvements, including those that will remain necessary to allow any interventions required to control the risks and inconveniences that the facility presents for public safety, health and hygiene or the protection of nature and the environment, after the definitive closure and in the longer term.

Lastly, public participation is ensured throughout the operation of the repository by the updating of a master plan for its operation every 5 years, in consultation with all stakeholders and the public.

For all these reasons, the Constitutional Council concluded that, taking these guarantees into account, the contested provisions do not infringe the requirements of Article 1 of the Charter of the Environment as interpreted in the light of the seventh paragraph of its preamble. It therefore declared them compliant with the Constitution (Constitutional Council, 27 October 2023, Meuse nature environnement and others, No 2023-1066 QPC).

2) Recent case-law of the Council of State

a) The case of reversible deep geological disposal of radioactive waste (Cigéo project)

Following the application for a priority preliminary ruling on the issue of constitutionality submitted by the Council of State (decision No 467370 of 2 August 2023) and the decision of the Constitutional Council (see above), the case of reversible deep geological disposal of radioactive waste (the Cigéo project) was brought before the Council of State again⁴. The decision was published on 1 December 2023.

⁴ I had the opportunity to attend the public session and the deliberations of the Combined Sixth/Fifth Chambers in this case (on 8 November 2023).

The Cigéo project (geological industrial repository) implemented by the National Agency for the Management of Radioactive Waste (ANDRA) involves the disposal of French high-level and intermediate-level long-lived radioactive waste at a depth of 500 metres in a stable, impermeable clay rock (known as callovo-oxfordian). Operation of the repository will begin with a pilot industrial phase to demonstrate its safety. At the end of this phase, legislation will be required to authorise the continued operation of the repository. The legislator has stipulated that the reversibility of this facility must be guaranteed for a period of at least 100 years, during which time the radioactive waste packages stored in the repository must be able to be retrieved⁵.

In two decrees dated 6 July 2022, the Government declared the Cigéo centre to be in the public interest and included the project on the list of operations of national interest that can derogate from common-law town planning rules. Several associations have asked the Council of State to annul these two decrees. These texts represent the first stage in the implementation of the project, which will require subsequent authorisations when the storage centre is created, and then prior to its commissioning.

A number of environmental associations have appealed to the Council of State to overturn the inclusion of the Cigéo deep disposal site for radioactive waste on the list of operations of national interest and the declaration of public interest for this project, which is planned for the Meuse and Haute-Marne regions.

Firstly, the Council of State ruled that the inclusion of the Cigéo project on the list of operations of national interest was legal and that the procedure for declaring the project to be in the public interest had been followed, since the public had been able to find out about the project and submit comments. The public enquiry file was sufficiently comprehensive, particularly with regard to the feasibility of the project, and was based on numerous scientific studies carried out, in particular in the underground laboratory built in 2000 in the municipality of Bure (Meuse), to determine how to store radioactive waste without risk to health and the environment.

With regard to the elements relating to the cost of the project, the Council of State noted that the file should include, as was the case, an assessment of the expenses relating to the creation of the repository, and not those relating to its operation, as the declaration of public utility only concerned the works for the creation of the repository. It also considered that the impact study on the siting of the repository was sufficient. ANDRA's 'safety options file' attached to the impact study, which explored various scenarios for ensuring the safety of the site, took into account all the hypotheses concerning the vulnerability of the project to the risks of accidents or disasters.

Secondly, the Council of State ruled that the measures designed to avoid the impact of Cigéo on the environment and health were sufficient. It was clear from the file submitted to the judges that the risks identified by the applicants (fire from bitumen waste, emission of toxic chemicals, etc.) and their consequences had been identified. According to the Council of State's decision, the measures planned to avoid, reduce and compensate for the significant negative effects of the Cigéo repository on the environment and human health are sufficient.

In addition, basing itself in particular on the decision of the Constitutional Council, which ruled that the law providing for the Cigéo project complies with the Constitution and in

⁵ For radioactive waste see M. Prieur, *Droit de l'environnement*, Dalloz, 2019, p. 917-925.

particular with the principle according to which the legislator, when adopting measures likely to affect the environment, must ensure that the choices made to meet the needs of the present do not compromise the ability of future generations to meet their own needs, the Council of State ruled that the requirement for the reversibility of radioactive waste storage provided for by the law has been respected. The dossier stipulates that the reversibility of radioactive waste disposal will be tested by means of waste package retrieval tests during the pilot industrial phase, first on mock-up packages before the start of disposal operations, then under real conditions. These tests should make it possible to confirm the results of the safety studies and respond to the recommendation of the environmental authority to carry out full-scale tests before the repository is put into operation.

Finally, the Council of State ruled that the public utility of the Cigéo project had been confirmed. First of all, it noted that several laws since 1991 (the 1991, 2006 and 2016 laws) had established the principle of deep disposal of highly radioactive waste in order to provide a permanent solution for managing this waste over the very long term, guaranteeing a high level of environmental and health protection. The French legislator had therefore opted for deep geological disposal, rather than surface disposal, for high-level and intermediate-level long-lived nuclear waste produced in France. In its decision of October 2023, the Constitutional Council noted that this choice by the legislator pursued two objectives: to ensure that radioactive waste would be 'stored in conditions that would protect the environment and health against the long-term risks of disseminating radioactive substances' and to ensure that 'the burden of managing this waste would not be shifted onto future generations alone'. Within this legal framework, and after weighing up the advantages and disadvantages, particularly in terms of cost, the Council of State confirmed that the Cigéo project was in the public interest (CE, decision of 1 December 2023, No 467331, 467370, Meuse Nature Environnement and others).

b) Greenhouse gas emissions: the Government must take new measures and submit an initial assessment by the end of the year (Grande-Synthe cases)

In 2020, the Council of State ruled for the first time on a case concerning compliance with commitments to reduce greenhouse gas emissions⁶. The municipality of Grande-Synthe referred the matter to the Council of State following the Government's refusal of its request for additional measures to meet the targets set out in the Paris Agreement. The high court ruled firstly that the application by the municipality, a coastal municipality particularly exposed to the effects of climate change, was admissible, while rejecting the application insofar as it sought the annulment of implicit decisions refusing to take legislative measures, as this was a matter that did not fall within the jurisdiction of the administrative courts. In essence, the Council of State noted that although France had committed to reducing its emissions by 40 % by 2030, in recent years it had regularly exceeded the emissions ceilings it had set itself, and that the Decree of 21 April 2020 had postponed most of the reduction efforts until after 2020. Before giving a final ruling on the application, the Council of State asked the Government to justify, within 3 months, that its refusal to take additional measures was compatible with compliance with the reduction path chosen

⁶ For air pollution and the fight against climate change, see M. Prieur, *Droit de l'environnement*, Dalloz, 2019, p. 761-804.

to achieve the targets set for 2030 (CE, decision of 19 November 2020, No 427301, Municipality of Grande-Synthe – case known as 'Grande-Synthe 1').

To achieve the Paris Agreement reduction target of 40 % below 1990 levels, the Government adopted a trajectory extending over four periods (2015-2018, 2019-2023, 2024-2028 and 2029-2033), each with its own reduction targets. In a second decision on this case, the Council of State noted that the level of emissions measured in 2019 complied with the annual target set for the period 2019-2023. However, the 0.9 % fall in emissions observed appears limited compared with the reduction targets set for the previous period (2015-2018), which were 1.9 % per year, and compared with the targets set for the next period (2024-2028), which are 3 % per year. Provisional data for 2020 show a significant fall in emissions. However, this reduction is largely due to the effects of containment on activity and, as noted by the High Council on Climate Change (HCC), must be regarded as 'temporary' and 'subject to rebounds'. It does not, on its own, guarantee that the trajectory set to achieve the 2030 objectives can be respected. Secondly, the Council of State noted that the national strategy envisages a 12 % reduction in emissions for the period 2024-2028, compared with only 6 % between 2019 and 2023. It believes that it is clear from the various elements submitted, in particular the opinions published between 2019 and 2021 by the General Council for the Environment and Sustainable Development (CGEDD), the Economic, Social and Environmental Council (CESE) and the HCC, that this 12 % reduction target cannot be achieved unless new measures are adopted in the short term. The Council of State also noted that the agreement between the European Parliament and the Council of the European Union in April 2021 raised the target for reducing greenhouse gas emissions from 40 % to 55 % below 1990 levels. Lastly, the Council of State noted that the Government admits that the measures currently in force will not enable it to achieve the target of reducing greenhouse gas emissions by 40% by 2030, since it is relying on the measures set out in the 'climate and resilience' bill to achieve this objective. In the absence of additional measures in force today that would make it possible to comply with the trajectory for reducing greenhouse gas emissions, the Council of State decided: a) to annul the implicit refusal to take any useful measures that would make it possible to bend the curve of greenhouse gas emissions produced on national territory in order to ensure its compatibility with the objectives for reducing greenhouse gas emissions set out in Article L.100-4 of the Energy Code and in Annex I to Regulation (EU) 2018/842 of 30 May 2018, and b) to enjoin the Prime Minister and the government to take all necessary measures before 31 March 2022 to achieve the target set out in the Paris Agreement (CE, decision of 1 July 2021, No 427301, Municipality of Grande-Synthe – case known as 'Grande-Synthe 2').

In 2023, when the matter was again referred to it by the town of Grande-Synthe and a number of associations, the Council of State ruled that, although additional measures had been taken and reflected the Government's determination to implement the decision, there was still no sufficiently credible guarantee that the trajectory for reducing greenhouse gas emissions could actually be met. For that reason, the Council of State ordered the Government to take new measures by 30 June 2024, and to submit a progress report by 31 December 2023 detailing these measures and their effectiveness.

The Council of State specified the methods by which it will determine whether the decision of 1 July 2021 has been correctly implemented. It must examine whether the measures taken by the Government, or which can still be adopted to produce effects in a sufficiently short time frame, will allow the curve of greenhouse gas emissions to be compatible with

achieving the targets set for 2030. To that end, it must examine whether the interim targets have been met, and whether the measures adopted or announced are likely to reduce greenhouse gas emissions or, on the contrary, are likely to increase them. Lastly, it will take into account the observed or foreseeable effects of these various measures and, more broadly, the effectiveness of the public policies put in place, in the light of the evaluation methods available, in particular the opinions issued by experts, including the High Council for Climate.

Subject to confirmation of the 2021 and 2022 data, the data published by the Technical Reference Centre for Air Pollution and Climate Change (CITEPA) show that so far the 2019-2023 targets, corresponding to an average reduction in emissions of 1.9 % per year, could be met. However, beyond this average, the decreases in annual emissions vary greatly: -1.9 % in 2019, then -9.6 % in 2020. Furthermore, the provisional data available show that emissions will rise again in 2021 (+6.4 %) before falling again in 2022 (-2.5 %), despite a particularly small fall in the first 9 months of the year. The Council of State noted that there is uncertainty as to whether these results are linked to actions by the Government or to the specific context of recent years, characterised by sharp falls in activity (2020, with the COVID-19 pandemic and two lockdowns) and then the energy crisis (2022 with the war in Ukraine).

The information put forward by the Government shows that a number of measures have indeed been taken since 1 July 2021, with a budget allocated to financing them and, more broadly, to the ecological and energy transition. The simulation exercise carried out by CITEPA at the request of the Government shows that the measures taken since July 2017 could enable greenhouse gas emissions to be reduced by more than 38 % in 2030 compared with their 1990 levels.

Basing itself in particular on the 2022 report of the High Council for Climate (HCC), which considers that there is a proven risk that the reduction target for 2030 will not be met, and taking into account that the elements retained by the HCC have not been seriously challenged, the Council of State noted that all the measures adopted since 1 July 2021 demonstrate the Government's determination to achieve the 2030 targets, but that the assessment of these measures is based on assumptions that have not yet been verified and that the conclusions of this assessment contradict the analysis made by the HCC. Given the need to accelerate emissions reductions from 2024 and in view of the new targets adopted by the European Union for 2030 (-55 % compared with 1990 levels), the Council of State considered that the measures taken to date did not provide a sufficiently credible guarantee that the emissions reduction trajectory adopted by the Government could be achieved, in particular the 40 % emissions reduction target that was in force on the date of the Council of State's decision of 1 July 2021.

For those reasons, the Council of State concluded that its previous decision could not be considered to have been implemented, and issued a new injunction to the government, asking it to take, by 30 June 2024, all the measures necessary to achieve the objective of reducing emissions by 40 % by 2030. Although it did not attach a penalty to its injunction, the Council of State asked the Government to send, initially by 31 December 2023, and then by 31 June 2024 at the latest, all the information justifying both that it had taken these measures and that they were likely to enable this objective to be met (CE, decision of 10 May 2023, No 467982, Municipality of Grande-Synthe – case known as 'Grande-Synthe 3').

c) Air pollution: State ordered to pay two further penalty payments of EUR 5 million (Friends of the Earth case)

On 12 July 2017, the Council of State ordered the State to implement plans to reduce concentrations of nitrogen dioxide (NO₂) and fine particulate matter (PM₁₀) in 13 urban areas in France, in order to comply with the European directive on air quality, which has been incorporated into French law (CE, decision of 12 July 2017 of the Combined Sixth and First Chambers, No 394254, Friends of the Earth - France).

In 2020, noting that the measures taken were insufficient to achieve this objective in eight areas of France, it ordered the State to take action, subject to a fine of EUR 10 million for every six months of delay (CE, Assembly, decision of 10 July 2020, No 428409, Friends of the Earth - France and others). After an initial penalty payment of EUR 10 million in August 2021 for the 6 months of delay from January 2021 to July 2021 (CE, decision of 4 August 2021 of the Combined Sixth and Fifth Chambers, No 428409), the Council of State again ordered the State to pay EUR 20 million for the second half of 2021 and the first half of 2022, as the situation remained fragile or poor in four areas (CE, decision of 17 October 2022 of the Combined Sixth and Fifth Chambers, No 428409).

In a new decision on November 2023, after an oral hearing and a public hearing⁷, the Council of State ordered the State to pay two reduced penalty payments of EUR 5 million for the second half of 2022 and the first half of 2023.

In its latest decision in October 2022, the Council of State identified four urban areas where nitrogen dioxide thresholds were still being exceeded: Paris, Lyon, Toulouse and Marseille-Aix. In 2022, the Toulouse area no longer exceeded the limit value for nitrogen dioxide. Although no exceedances were observed in the Marseille-Aix area in 2022, the situation remains fragile in this zone, with one measuring station recording a pollution threshold just below the 40 µg/m³ limit (39 µg/m³ on average over the calendar year). However, for this area, the various measures taken appear to be sufficiently precise and detailed to ensure that the limit values for nitrogen dioxide concentration observed in 2022 will continue to be complied with in this area. It emerged from the oral hearing that the revised atmospheric protection plan of May 2022 includes measures relating to maritime and automobile transport in urban areas, and that a low-emission mobility zone covering the extended city centre of Marseille was introduced on 1 September 2022. The Council of State considered that its 2017 decision had been implemented for the Marseille-Aix area.

However, the same could not be said for Lyon and Paris. In Lyon, the Council of State noted that there was still one measuring station with a significant exceedance (47 µg/m³), and ruled that the measures already implemented and to be implemented do not guarantee that the concentration of nitrogen dioxide will fall below the regulatory threshold of 40 µg/m³ in the shortest possible time. In the Paris area, the concentration limit of 40 µg/m³ was exceeded at eight measuring stations over the period, with values reaching 52 µg/m³ at two of them. Although the Ministry of Ecological Transition has indicated that the revision of the atmospheric protection plan is under way, its adoption is not expected to have an immediate and significant effect on air pollution in Paris, even though the limit values for nitrogen dioxides have been significantly exceeded for many years. The ban on the use of vehicles with a Crit'Air 3 sticker has also been postponed by the Greater Paris

⁷ I had the opportunity to attend the public session and the deliberations of the Combined Sixth/Fifth Chambers in this case (on 8 November 2023).

Metropolitan Authority until 1 January 2025. No new measures to reduce nitrogen dioxide concentration levels in the Paris area significantly and rapidly have been implemented since the Council of State's decision in 2022.

The Council of State ruled that, given the situation in Lyon and Paris, the decision of 12 July 2017 could not be considered to have been fully implemented. Given the persistence of the exceedances, particularly in the Paris region, and the improvements observed (six of the eight zones identified as problematic in the July 2020 decision no longer have exceedances), the Council of State ordered the State to pay two reduced penalty payments of EUR 5 million for the second half of 2022 and the first half of 2023, halving the amount of the penalty payment for each 6-month delay. The penalty payment will once again be divided between Friends of the Earth, which initially brought the case before the Council of State in 2017, and a number of organisations and associations involved in the fight against air pollution, based on the distribution set out in the decision of 4 August 2021. Following this decision, in 2024 the Council of State will re-examine the State's actions from the second half of 2023 (CE, decision of 24 November 2023 of the Combined Sixth and Fifth Chambers, No 428409, Friends of the Earth - France and others).

d) The right to the environment: a freedom that can be invoked in freedom summary proceedings

In an order dated September 2022, the Combined Second and Seventh Chambers of the Council of State recognised for the first time that everyone's right to live in a balanced environment that respects their health, as proclaimed by Article 1 of the Charter of the Environment, is a freedom that can be invoked in freedom summary proceedings [and not only in suspension summary proceedings, as was the case until now]. However, when examining the case, the Council of State rejected the request for suspension of work on a cycle path submitted to it (CE, order of 20 September 2022, No 451129).

e) And another constitutional freedom: the freedom of association of an environmental group

In a decision dated November 2023, the Council of State annulled the decree dissolving the de facto group 'Les Soulèvements de la Terre'.

The Council of Ministers decided to dissolve four associations or de facto groups that, according to Article L.212-1 of the Internal Security Code, provoke violent acts against people or property.

The Council of State, in specifying the criteria justifying the dissolution of an association or group, having regard to the extent to which freedom of association had been infringed by the dissolution measure, ruled that the dissolution of the three groups was justified, since these three groups (Groupe antifasiste Lyon et environ, known as 'GALE'; L'Alvarium; La Coordination contre le racisme et l'islamophobie) had published images or messages justifying violence and discrimination or hatred against individuals (e.g. extreme right-wing activists, foreigners, Muslims, etc.) (CE, decisions of 9 November 2023, Nos 460457, 459704, 464412).

In contrast, the dissolution of Les Soulèvements de la Terre did not constitute a measure that was appropriate, necessary and proportionate to the seriousness of the disturbances

likely to be caused to public order, because there were no explicit incitements to violence against individuals but against property. Les Soulèvements de la Terre is a movement created in 2021 that organises a range of militant actions aimed at fuelling public debate on subjects of general interest, such as environmental protection and the fight against the excessive consumption of natural resources. As part of a radical environmentalist movement, the group, either by taking the initiative or by relaying messages, incited damage to certain infrastructures that harmed the environment and compromised equal access to natural resources such as water, i.e. actual destruction or degradation aimed at rendering these infrastructures unfit for use.

The Council of State therefore ruled that while these explicit or implicit incitements to violence against property may indeed have led to damage to property, it appears that, in light of the scope of these incitements, measured in particular by the actual effects they may have had, the dissolution of the group cannot be considered, at the date of the contested decree, as a measure that is appropriate, necessary and proportionate to the seriousness of the disturbances likely to be caused to public order (CE, decision of 9 November 2023, No 476384).

It should also be noted that, prior to the decision on the merits, the interim relief judge of the Council of State, ruling in a panel of three Councillors of State, suspended the dissolution of Les Soulèvements de la Terre, on the grounds that there was serious doubt as to whether the dissolution decree qualified as incitement to violent acts against persons and property. Neither the documents in the file nor the discussions at the hearing showed that the collective was in any way condoning violent acts against individuals. Furthermore, the actions promoted by Les Soulèvements de la Terre that led to damage to property, which were part of the collective's stance in favour of civil disobedience initiatives, which it claims are symbolic in nature, were limited in number. In view of the limited nature and extent of the damage resulting from these attacks, the interim relief judges considered that there was a serious doubt as to whether these actions constituted acts that seriously disturbed public order within the meaning of point 1° of Article L.212-1 of the Internal Security Code (CE, interim relief decisions Nos 476385 et seq. of 11 August 2023).

3) Recent case-law from the Administrative Tribunal of Paris ('The Case of the Century')

In March 2019, four environmental associations (Oxfam France, Notre Affaire à tous, Fondation pour la Nature et l'Homme and Greenpeace France) lodged four applications with the Administrative Tribunal of Paris seeking recognition of the French State's failure to combat climate change, an order to compensate not only moral damage but also ecological damage, and an end to the State's failure to meet its obligations. The climate justice campaign launched by these associations has been dubbed 'The Case of the Century'⁸.

In a judgment dated 3 February 2021, after ruling that the action for compensation for ecological damage provided for in the Civil Code was admissible and available against the State, the Tribunal found that the existence of such damage, not disputed by the State,

⁸ And yet it is said in doctrine that 'The Case of the Century', however high-profile it may have been, is just another case: D. Roman, *La cause des droits – Écologie, progrès social et droits humains*, Dalloz, 2021, p. 221. See also M. Prieur, *Droit de l'environnement*, Dalloz, 2019, p. 773-775.

was manifested in particular by the constant increase in the average global temperature of the earth, which was responsible for a change in the atmosphere and its ecological functions. The judges then examined whether there was a causal link between this ecological damage and the various failings of the State in the fight against climate change. They found that the State had to be held responsible for part of this damage insofar as it had not fulfilled its commitments to reduce greenhouse gas emissions.

With regard to compensation for ecological damage, the Tribunal emphasised that such compensation is primarily in kind, with damages being awarded only if it is impossible or insufficient to take remedial measures. For that reason, it rejected the claims of the applicant associations for financial compensation for the damage.

Conversely, the Tribunal held that the applicants were entitled to claim compensation in kind for the ecological damage caused by France's failure to meet its targets for reducing greenhouse gas emissions. To determine what measures should be ordered against the State to repair the damage caused or prevent it from worsening, the judges ordered an additional investigation, to be carried out within 2 months.

Finally, the Tribunal found that the State's failure to honour its commitments to combat global warming undermined the collective interests defended by each of the applicant associations. It therefore ordered the State to pay the applicant associations the sum of 1 euro requested by each of them as compensation for non-material damage (Administrative Tribunal of Paris, decisions of 3 February 2021, Nos 1904967, 1904968, 1904972, 1904976/4-1, Oxfam France and others).

Then, in a judgment handed down on 14 October 2021, the Administrative Tribunal of Paris ordered the French government, for the first time, to make good the consequences of its failure to combat climate change. To that end, the Tribunal ordered that the exceedance of the cap on greenhouse gas emissions set by the first carbon budget (2015-2018) had to be offset by 31 December 2022 at the latest.

The Tribunal specified that the ecological damage caused by excess greenhouse gas emissions is continuous and cumulative in nature, since exceeding the first carbon budget resulted in additional greenhouse gas emissions, which will be added to the previous ones and will produce effects throughout the lifetime of these gases in the atmosphere, i.e. for approximately 100 years. Consequently, compensation for such damage requires not only that measures be taken to put an end to it, but also that these measures be implemented within a sufficiently short period of time to prevent the damage from worsening. As a result, the Tribunal ordered that compensation for the damage of 15 MtCo₂eq be paid by 31 December 2022 at the latest. At this stage, it has not attached a penalty to this injunction (Administrative Tribunal of Paris, decisions of 14 October 2021, Nos 1904967, 1904968, 1904972, 1904976/4-1, Oxfam France and others).

A new hearing was held on 8 December 2023 before the Administrative Tribunal of Paris.

IV. The comparative law aspect of the internship

Some similarities and differences between my own country and the host country:

- Greek administrative law is similar to French administrative law. Similarly, with regard to the functions of the Council of State, the French and Greek systems have a number of similarities, although these will become clearer if the differences are highlighted.
- Like the French Council of State, the Greek Council of State has both jurisdictional and advisory functions, although the latter are more limited, as the Greek Council of State only issues opinions on draft regulatory decrees (a function performed by one of the six chambers of the Council of State).
- The Greek Council of State is responsible for reviewing the constitutionality of laws, and is also the body to which applications for priority preliminary rulings on issues of constitutionality are referred. By contrast, in France applications for priority preliminary rulings on issues of constitutionality are referred to the Constitutional Council.
- Members of the Greek Council of State are considered to be magistrates, whereas members of the French Council of State are considered to be senior civil servants (and not just magistrates), despite the fact that one of their tasks is to rule on disputes involving administrative law. Furthermore, members of the French Council of State have the opportunity (and indeed, in the case of masters of requests, are obliged) to be seconded to sectors of the administration outside the Council of State (for example, to ministries, the Secretary General of the Government, an embassy, etc.), whereas in Greece this is rare and exceptional.
- In the name of collegiality, decisions by the French Council of State never contain separate opinions. In Greece, this tradition changed in the 1980s. Accordingly, the minority opinion is published and incorporated into the text of the decision.
- According to figures from recent years, Greek auditors remain at the same grade for approximately 10 to 12 years, and their main task is to assist Councillors (when the latter are rapporteurs to the chamber or the Assembly), by drafting a report setting out the factual circumstances, the applicable law, the case-law on all the legal issues of the case and their opinion. French auditors, on the other hand, remain at the same grade for 3 years and perform the duties of rapporteur in a chamber of the Administrative Claims Division and in an administrative division. The task of assisting Councillors and masters of requests as rapporteurs is assigned to the Decision Support Unit, made up of interns. Twice a year, the Council of State welcomes a large number of students from higher education establishments, who undertake an internship in 'decision support' for around 6 months.

V. The European aspect of the internship

Apart from the references in the above-mentioned case-law concerning environmental law, I did not really have the opportunity to observe in particular the implementation of or references to instruments of EU law or the European Convention on Human Rights.



The only time I had such an opportunity was when the General Assembly examined a bill containing various provisions for adapting to European Union law. One of the questions raised concerned the establishment of requirements governing the exercise of the activity of influencers established in another Member State of the European Union who provide their services in France, having regard to the provisions of Directive 2000/31/EC, known as the Electronic Commerce Directive. However, the provisions were withdrawn following a decision of the Court of Justice of the European Union published today (CJEU, decision of 9 November 2023, C-376/22, Google Ireland etc., question referred by Austria).

VI. The 'good practice' aspect within the jurisdiction visited

Some characteristics of administrative law or administrative litigation in the country visited that would be worth exporting to other countries:

- The procedure for admitting appeals in cassation. This is the preliminary procedure used to determine whether or not an appeal in cassation lodged with the Council of State is admissible. For this preliminary examination, the procedure is not adversarial: the Council of State examines only the appeal lodged by the applicant. If this appeal is inadmissible or does not contain any serious arguments, it may be dismissed by a non-admission decision, which contains very brief reasons and puts an end to the proceedings. If, on the other hand, the appeal is admitted in cassation, it is then communicated to the defendant as part of the adversarial hearing and will be the subject of a reasoned decision.
- The combined chambers formation (see second chapter) effectively hears the most complex cases (instead of the Assembly, which is a large formation).
- Auditors carry out the duties of the rapporteur and, after a period of 3 years, are integrated into the body of members of the Council of State at the grade of master of requests.
- In 2019, the Council of State and the Court of Cassation published guides on the drafting of decisions; the first on the drafting of decisions of the administrative jurisdiction, to improve the clarity and the reasoning of these decisions, and the second on the rules relating to the structure and drafting of judgments of the Court of Cassation, on the one hand to harmonise the structure of decisions with an organised plan and numbered paragraphs, having regard to the requirements of the technique of cassation, and, on the other hand, to make judgments clearer and more accessible. The Court of Cassation stresses that it is now important for court decisions to be more intelligible not only for litigants, but also for the entire legal community, in order to guarantee more predictable law. In a context of globalisation of the law, these decisions must also be understood by foreign or supranational jurisdictions in order to encourage a dialogue between judges, or at least the dissemination of case-law.

VII. Benefits of the internship

The internship, as already described, gave me the opportunity to gain a better understanding of the French model of the Council of State, which is the institution closest to the Greek Council of State. The exchange of ideas with my French colleagues has enriched my perception of administrative law. In addition, I had the opportunity to attend hearings on very important environmental cases and to keep abreast of recent case-law in environmental law. All participants in an international exchange will benefit from all these experiences by enriching their general knowledge of the law and reflecting on legal practices of their own country.

VIII. Suggestions

As the course met my expectations, I have no suggestions. The organisation of the internship was exemplary, and the welcome I received from the International Relations Delegation of the Reports and Studies Division of the Council of State was warm and enabled me to make the most of this internship. I would like to thank the members and staff for such a warm welcome, and extend my gratitude to them all.

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