



Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union i.n.p.a.

Association des Conseils d'Etat et des Juridictions administratives suprêmes de l'Union européenne a.i.s.b.l.

INTERNSHIP REPORT AND SUMMARY

Identification of the participant

Surname: Perrelli

First name: Marina

Nationality: Italian

Identification of the internship

Host jurisdiction/institution: Council of State

Town/city: Paris

Country: France

Dates of the internship: 22/26 September 2025



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SUMMARY

From 22 to 26 September, I completed my internship at the French Council of State, situated in the Palais Royal, a building steeped in history and art, which I visited at the start of my week-long internship.

I took part in an appraisal session, a joint chamber adjudication session of the Administrative Claims Division, and the General Assembly. I had the opportunity to talk to many colleagues who explained their work to me and, above all, answered the many questions I asked.

I also appreciated the opportunity to attend a hearing of the Constitutional Council and to receive a general presentation of the functions of the Court of Cassation, including a magnificent heritage tour.

I received an exceptional welcome, and my stay was organised to perfection, down to the smallest detail, by the department responsible for overseeing the Council of State's relations with foreign courts, whom I would like to thank.

My French colleagues were always available and devoted their time to me, enabling me to learn a great deal about French substantive and procedural law and about the Council of State, always in a spirit of constructive and reciprocal dialogue.



REPORT

I. Internship programme

During my study visit to the Council of State, I participated in:

- a hearing on a *question prioritaire de constitutionnalité* (priority preliminary ruling on the issue of constitutionality) at the Constitutional Council;
- an appraisal session of the Public Works Division;
- an adjudication session of the combined Seventh and Second Chambers of the Administrative Claims Division;
- the General Assembly.

I held discussions with several colleagues on the role of the rapporteur within the Advisory Division and the Administrative Claims Division, on the role of the public rapporteur, on the function of the joint chambers, on the enforcement of decisions and, in general, on the management of the Council of State and the administrative courts.

I was fortunate enough to enjoy a heritage tour and presentation of the Court of Cassation.

II. The host institution

The Council of State, created in 1799 with the Constitution establishing the Consulate, has a dual mission: a) to participate in the drafting of the most important laws; b) to resolve disputes related to the actions of the administration.

With the advent of the Third Republic in 1872, the Council of State became an independent judge ruling on disputes between citizens and administrative bodies, and its decisions, adopted on behalf of the French people, are binding on the administration.

In 1953, administrative tribunals were established and became the courts of first instance, with the result that the Council of State became the court of appeal.

In 1958, the Constitution of the Fifth Republic enshrined the advisory role by stipulating that the Council of State must be consulted by the Government on draft laws and important draft decrees.

Finally, in 1987, the administrative justice system was completed with the establishment of administrative courts of appeal, which have jurisdiction to hear appeals against almost all decisions of the administrative tribunals. The Council of State is now the court of cassation for decisions handed down by administrative courts of appeal.

The administrative justice system in France comprises the Council of State, nine administrative courts of appeal, 42 administrative tribunals, the National Court of Asylum (CNDA) and the Parking Fines Tribunal (TSP).

There are several routes into the Council of State at each of the three levels – auditor, Master of Requests and Councillor of State – on a temporary or permanent basis.

III. The law of the host country

As requested, I will describe in detail an aspect of the host country's national law that particularly interested me: the procedures for enforcing administrative court decisions. The enforcement of administrative court decisions is the subject of a specific book within the Code of Administrative Justice.

According to the Code of Administrative Justice, the court may, at the same time as issuing its decision, issue an injunction indicating, even *ex officio*, the measures to be taken to enforce the decision. The injunction may be accompanied by a penalty payment for each day's delay until the decision is enforced.

The single enforcement procedure takes place in two stages: a) an administrative phase during which the Report and Studies Division, to which the beneficiary of a decision has referred the matter, takes all necessary steps to ensure that the decision is enforced. This phase is conducted by the president of the court in the administrative tribunals and courts of appeal; b) a judicial phase, initiated by the president of the Administrative Claims Division when:

- the SEPCO president considers it necessary to prescribe enforcement measures; -
- the applicant contests the administrative classification of his application;
- a period of six months from the date of registration of the request for enforcement has expired if the request has not yet been closed or if the Administrative Claims Division has not yet been consulted.

One extremely interesting aspect is the possibility for the presidents of administrative tribunals and courts of appeal referred to by the administration for clarification on the enforcement of a judgment to refer this request to the Studies Division of the Council of State, particularly in complex cases, in order to obtain a decision from the court of last instance.

IV. The comparative law aspect of your internship

The main similarities between the French Council of State and the Italian Council of State are, first and foremost, the dual advisory and judicial role, the fact that they are the court of last resort for administrative justice, the existence of different methods of recruiting the judges who sit on them, the possibility for judges to be seconded to administrative

bodies, and autonomous management in terms of budget, human resources, IT and communication.

The main differences between the French Council of State and the Italian Council of State are as follows:

- the possibility for the French Council of State to be the court of first and last instance if the contested decision was taken by the government or by an independent public authority, whereas the Italian Council of State is never the court of first and last instance because it can only hear appeals against judgments handed down by regional administrative courts;
- the French Council of State issues opinions to the government on its draft laws, orders or decrees and to Parliament on bills proposed by MPs and senators, while the Italian Council of State mainly issues opinions on regulations and single texts;
- the existence, for litigation decisions, of four levels of judgment, to which is added the public hearing of the judge hearing applications for interim relief: a) the single-judge chamber rules on cases that do not present any particular difficulties; b) the joint chambers rule on cases that present a particular legal difficulty; c) the Administrative Claims Division examines cases that are particularly difficult or that call into question a jurisprudential solution adopted in the same formation; d) the Administrative Claims Assembly rules on cases of exceptional importance. The Italian Council of State rules on all cases in a panel of five judges, with the exception of the Plenary Assembly, chaired by the President of the Council of State and composed of 13 judges, to which the single divisions may refer cases on which there are conflicts of jurisprudence;
- the public rapporteur, who, during the hearing, expresses an independent opinion on the dispute between the citizen and the administration, recommending the solution to be adopted. This is a personal opinion, as the public rapporteur does not participate in the decision. This role does not exist within the Italian Council of State and, generally speaking, within the Italian administrative justice system.

V. The European aspect of your internship

During the plenary session of the Public Works Division in which I participated, the report drafted by the Council of State at the request of the Prime Minister concerning

the 'mission to simplify the litigation procedures applicable to environmental permits' was examined.

During the session, the issue of the regime arising from European law, which creates a sense of uncertainty regarding protected legal exemptions, mainly due to its temporary nature, was addressed.

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

I found the filtering system used by the single-judge chamber, which rejects appeals in cassation that are not admissible, to be useful.

With regard to the *question prioritaire de constitutionnalité* that any citizen can bring before the administrative courts, it is interesting to note that, if the law is already in force, it is up to the Council of State to decide whether there are grounds for raising a question of constitutionality and whether this question should be referred to the Constitutional Council.

I believe that certain tasks carried out by the Studies, Prospects and Cooperation Division would be worth exporting to other countries. In particular, the division prepares studies and organises conferences or lecture series on legal or public policy issues. It therefore carries out studies requested by the government or selected by the Council of State, such as the annual study that provides assessments and proposals for improving law and public policy in the public interest.

VII. Benefits of the internship

My study trip was very interesting and enriching because it allowed me to deepen my knowledge of the substance and procedure of French administrative justice, with which I was already familiar.

I found the functioning of the joint chambers extremely interesting, as the judges of the chamber that did not hear the case, after hearing the rapporteur and the public rapporteur, can give their views on the issues dealt with and contribute to strengthening the reasoning.

In the context of my institute's daily work, I think it would be interesting to consider the possibility of an annual study based on the French model, as well as the system of ongoing dialogue between the Council of State and first-instance and appeal-court judges on the enforcement of decisions, which aims to make decisions more effective and enforcement procedures more uniform.



VIII. Suggestions

The only suggestion that comes to mind is to precede the appraisal sessions with a meeting with the rapporteur on a specific case in order to facilitate understanding, during the discussion of the case, of the controversial points of the draft decision and any amendments made following the collegiate discussion.

Other than that, I can only reiterate that I received an exceptional welcome, and stay was organised to perfection, down to the smallest detail, by the department responsible for overseeing the Council of State's relations with foreign courts, whom I would like to thank.

