

INTERNSHIP REPORT

Identification of the participant

Surname: Soultanidou

First name: Evangelia

Nationality: Greek

Seniority: Master of Requests (in post for 11 years)

Identification of the internship

Host jurisdiction/institution: Council of State

Town/city: Paris

Country: France

Dates of the internship: 13-17 April 2026

SUMMARY

My internship, which took place from 13 to 17 April 2026 at the French Council of State, provided me with an in-depth insight into the French judicial and administrative system through a packed programme comprising interviews with senior judges, attendance at sessions of the Administrative Claims Division and the Advisory Division, as well as a visit to the Court of Cassation and a Franco-Greek seminar. A two-hundred-year-old institution based at the Palais Royal, today the Council of State fulfils a dual role as legal adviser to the Government and as the supreme administrative court (ruling at first and final instance, on appeal or in cassation), whilst also overseeing the administration of the entire administrative judiciary. This experience particularly highlighted fundamental mechanisms of French public law, such as the independent role of the public rapporteur during hearings and the system for reviewing the constitutionality of laws.

I. Internship programme

The host jurisdiction developed a particularly detailed and structured programme, designed to give me an in-depth understanding of how it operates, as well as, more broadly, the organisation and functioning of the French judicial system as a whole.

The programme was structured around a series of meetings, visits, professional exchanges, working sessions and first-hand observations of the judicial and advisory activities of the Council of State.

More specifically, the programme comprised:

- interviews with members of the Council of State (counsellors, masters of requests) on various aspects of its functioning and remit, such as the organisation and remit of the Council of State, the role of the rapporteur in the Administrative Claims Division, the role of the rapporteur in the Advisory Division, the role of the public rapporteur, and '*questions prioritaires de constitutionnalité*' (priority preliminary rulings on the issue of constitutionality).
- participation in the work of the Administrative Claims Division (hearings and deliberations)
- participation in the work of the Advisory Division (Division meeting)
- visit to the Court of Cassation, presentation of its remit
- participation in the Franco-Greek bilateral seminar organised by the Council of State.

II. The host institution

As a key institution of the French Republic, the Council of State occupies a unique position within France's institutional and legal landscape. Acting both as an adviser to the Government and as the highest court in the administrative hierarchy, it embodies the distinctive nature of the French model, which is based on the separation of the judicial and administrative systems.

The Council of State has its roots in the former royal institutions, notably the 'King's Council' under the *Ancien Régime*, which assisted the king in the exercise of his authority and the resolution of administrative disputes. However, it was with the Constitution of 22 Frimaire, Year VIII (13 December 1799) that Napoleon Bonaparte officially re-established the Council of State and gave it a structure that would endure. Originally, its primary role

was to draft bills and regulations prior to their adoption, whilst also acting in an adjudicatory capacity to settle disputes relating to the administration: the Council of State was consulted by the First Consul in the event of difficulties – that is to say, disputes – but the First Consul retained the power to make the final decision. This was known as '*justice retenue*' ('reserved justice'), as justice lay in the hands of the Head of State. Throughout the various political regimes (the Empire, the Restorations, the Republics), the Council of State has seen its influence grow, particularly through its own judicial decisions, which have shaped French administrative law. The Act of 3 March 1849 established the principle of '*justice déléguée*' ('delegated justice') in place of 'reserved justice': This meant that the Council of State ruled with final authority 'in the name of the French people' and issued binding judgments that were enforceable by the administration. After a period of decline, this principle was reinstated in 1872. Since 1875, it has been based at the Palais-Royal in Paris, alongside other major institutions such as the Constitutional Council and the Comédie-Française.

Today, the Council of State performs two basic functions, which reflect its hybrid nature:

- 1) The Council of State acts as legal adviser to the Government: It examines and gives its opinion on draft legislation before it is tabled in Parliament, draft orders and decrees of the Council of State, and complex legal issues referred to it by the Government. In addition, the presidents of the two parliamentary assemblies (the National Assembly and the Senate) can refer to the Council of State for an opinion on a bill drafted by Members of Parliament. This role places the Council of State at the heart of the State's legislative process.
- 2) At the same time, the Council of State is the highest administrative court in France. As such, it exercises jurisdiction at several levels:

Court of first and final instance: According to the Code of Administrative Justice (Article R-311-1), this jurisdiction primarily concerns the acts of the Government and central authorities (applications for annulment against decrees and orders issued by the President of the Republic or the Prime Minister, and appeals against regulatory acts, circulars and instructions of general application issued by ministers and other administrative authorities with national jurisdiction) but also extends to the State civil service (disputes concerning the recruitment and appointment of, and disciplinary matters relating to, senior civil servants appointed by decree of the President of the Republic, e.g. university professors, magistrates and prefects), decisions taken by the bodies of certain independent authorities,

and technology and energy (decisions relating to the authorisation and operation of offshore wind farms, etc.). Court of Appeal: it hears appeals against certain decisions of the administrative courts (for example, those relating to municipal and departmental elections). Court of Cassation: it ensures that the administrative courts of appeal and certain administrative tribunals apply the law correctly, without re-examining the facts.

Through its judgments, the Council of State has established fundamental principles of administrative law (such as the theory of '*actes détachables*' ('detachable acts') or the liability of the State).

At an institutional level, the Council of State is formally chaired by the Prime Minister, but it is its 'Vice President' who is responsible for its day-to-day management. Its members, the Councillors of State, are senior civil servants recruited from amongst the best legal experts in the civil service (often graduates of the ENA, now the INSP).

The Council of State is organised into several administrative divisions, which examine the draft legislation submitted by the Government. It also has an Administrative Claims Division, responsible for handling court cases, comprising 10 chambers. The adjudication of cases is entrusted to a single chamber or to two, three or four chambers sitting together. Formal bodies, such as the Administrative Claims Assembly, may be convened to deal with the most important cases.

The institution also carries out research and analysis. Every year, it publishes a public report and conducts studies on topics of importance to public policy: the environment, digital technology, bioethics, health, immigration, civil liberties and the simplification of the law. This work aims to put forward proposals designed to improve public policy. The Council of State is ultimately responsible for the administration of the entire administrative justice system. It is involved in the administration of the 42 administrative tribunals, the 9 administrative courts of appeal and the National Court of Asylum.

III. The law of the host country

During my internship, I had the opportunity to deal with a number of issues relating to French administrative law. However, I would like to focus on two of them: 1) the review of the constitutionality of laws and 2) the role of the public rapporteur in administrative litigation.

1) The review of the constitutionality of laws: In France, constitutional review involves verifying that laws comply with the Constitution of 4 October 1958 and the '*Bloc de constitutionnalité*' ('Constitutionality Corpus'). This role is entrusted exclusively to the Constitutional Council, which comprises nine members appointed for a non-renewable nine-year term (three members are appointed by the President of the Republic, three by the President of the National Assembly and three by the President of the Senate). Since 2008, France has had a two-tier system of review: *ex ante* review (before a bill is passed) and *ex post* review (after the law comes into force). *Ex ante* review takes place before the President of the Republic promulgates the law. It is mandatory for organic laws and the rules of procedure of parliamentary assemblies, and optional for ordinary laws. The President of the Republic, the Prime Minister, the President of the National Assembly, the President of the Senate, or a group of 60 Members of Parliament or 60 senators may refer a matter to the Constitutional Council (which enables the political opposition to challenge a law). *Ex post* review: Introduced by the 2008 constitutional reform, the Priority Preliminary Ruling on the Issue of Constitutionality (QPC) allows a law that is already in force to be challenged. During a court case, any citizen may raise a QPC if a law infringes the rights and freedoms guaranteed by the Constitution. The court refers the matter to the Court of Cassation (judicial branch) or the Council of State (administrative branch), which then decides whether or not to refer the QPC to the Constitutional Council. The Constitutional Council does not base its rulings solely on the text of the 1958 Constitution. It draws on a body of texts known as the '*Constitutional Corpus*', which comprises: the 1958 Constitution, the 1789 Declaration of the Rights of Man and of the Citizen, the Preamble to the 1946 Constitution (economic and social rights), the 2004 Environmental Charter, and the Fundamental Principles Recognised by the Laws of the Republic (PFRLR). The decisions of the Constitutional Council are binding on all public authorities and all administrative and judicial bodies. There is no right of appeal against its decisions. If a law is declared unconstitutional from the outset, it cannot be promulgated. If, following a QPC, a provision is declared to be inconsistent with the Constitution, it is repealed.

2) the role of the public rapporteur in administrative litigation: The public rapporteur (formerly known as the government commissioner prior to 2009) is a central and distinctive figure in French administrative law. Contrary to what their former title suggested, they do not represent the administration. The public rapporteur is an independent judge who sits on an administrative court (Administrative Tribunal, Administrative Court of Appeal or Council of

State). They become involved at the end of the investigation into the case. They examine the case with complete impartiality and independence. Their remit: To propose to judges the legal solution which they consider to be the fairest and most in accordance with the law. The public prosecutor's role is primarily carried out during the public hearing through the delivery of their closing remarks. They set out the case publicly, summarise the arguments of both parties and analyse the legal issues raised. They give their personal opinion on the dispute and suggest to the judges the direction the decision should take. Their findings are often very detailed and play an active role in the development of administrative case-law. To ensure a fair trial, the role of the public prosecutor is strictly regulated (notably following judgments of the European Court of Human Rights). Before the hearing, the public rapporteur must inform the parties of the 'substance of their submissions' (the general terms of the ruling they intend to propose) so that they are not taken by surprise and can respond to them.

IV. The comparative law aspect of your internship

Greek administrative law is deeply influenced by the French model. Despite their shared roots, each system has developed its own institutional and procedural characteristics.

French administrative law was originally, for the most part, uncodified, having been developed through the decisions of the Council of State. Greek administrative law was developed mainly on the basis of French case-law, with one major difference: the review of the constitutionality of laws: In France, the Council of State carries out constitutional review by means of the QPC (Priority Preliminary Ruling on the Issue of Constitutionality), which is referred to the Constitutional Council. In Greece, judicial review is decentralised: every court (including administrative courts) has a constitutional duty not to apply a law that it considers to be contrary to the Constitution.

As regards the functions of the two courts, both act as legal advisers to the Government (advisory role) and as the highest administrative court (judicial role). However, the advisory role of the Greek Council of State is limited to reviewing the constitutionality and legality of presidential decrees of a regulatory nature, and does not extend to draft legislation.

A key difference between the two courts concerns the scope of their jurisdiction over administrative disputes: the French Council of State is the court of first and final instance for a limited number of administrative acts: primarily for acts of the Government and central

authorities, but also for certain acts of major importance (e.g. decisions taken by the bodies of certain independent authorities, acts relating to technology and energy). By contrast, the Greek Council of State, which enjoys a 'presumption of jurisdiction', deals with a very large number of different categories of disputes, the significance of which varies (for example, an individual decision to recruit a lawyer by a public body and, at the same time, a regulatory act concerning the role and practice of the legal profession in Greece), which contributes to excessive delays and runs counter to the nature of a supreme court.

V. The European aspect of your internship

During my internship, and through my discussions with members of the Council of State, I had the opportunity to explore the institution of the public rapporteur, as it has been shaped by the case-law of the European Court of Human Rights (ECtHR). Whilst the 1957 Gervaise judgment had traditionally defined this judge as an independent and impartial figure, bound only by their conscience, this traditional view has been profoundly challenged by the European Court of Human Rights. Drawing on the theory of appearances, notably in the judgments in *Kress v. France* (2001) and *Martinie v. France* (2006), the ECtHR mandated a major overhaul of French administrative procedure, leading to a change in the institution's name, an obligation to disclose the substance of the submissions prior to the hearing, and the exclusion of the public rapporteur from deliberations. In response, France implemented significant reforms: the term 'public rapporteur' was adopted to dispel any confusion regarding an alleged subordination to the executive branch; the public rapporteur's presence during deliberations was banned (or strictly regulated before being abolished for tribunals and courts), and a requirement was introduced to communicate the substance of the submissions to the parties before the hearing, thereby enabling them to respond with a written submission during deliberations. This modernised balance was finally upheld by the ECtHR in 2013 in the judgment in *Marc-Antoine v. France*, thereby confirming that this key concept in French administrative law is consistent with the Convention.

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

The French model of administrative justice has major structural strengths from which other systems would do well to draw inspiration. Firstly, the functional duality of the Council of State, which combines an advisory role as the Government's legal adviser with a judicial role

as the supreme court, ensures an exceptionally high standard of legislative drafting and prevents litigation at an early stage. Furthermore, the absence of excessive formalism and the flexibility of procedural dialogue, combined with a strong culture of independence embodied by the public rapporteur, make it possible to reconcile effectively the protection of citizens' rights with the imperatives of the public interest and the effectiveness of administrative action. Finally, beyond its procedural tools, the true strength of the French model lies in the spirit of strong collegiality that characterises the Council of State – an institutional culture of excellence from which other countries, such as Greece, could draw inspiration. Within this institution, judicial and advisory work is never carried out in isolation; it is based on a spirit of cross-functional cooperation in which every member, from the most junior trainee to the most senior president, shares a sense of a common purpose: the protection of the public interest and fundamental rights. This collective synergy is particularly evident during deliberations and meetings, where the exchange of ideas is rigorous, open and constructive. This deep sense of public service and this shared responsibility not only ensure remarkable consistency in case-law, but also reinforce the legitimacy and authority of the decisions handed down vis-à-vis the other branches of government.

VII. Benefits of the internship

This week's internship at the French Council of State gave me a better understanding of the structure of this institution, which served as a model for the Greek Council of State, and helped me gain a clearer insight into the workings of our own administrative justice system. Thanks to some very interesting discussions with my French colleagues, I was able to broaden my knowledge of administrative law. What struck me in particular was the strong spirit of collegiality that underpins the members' work, with everyone sharing a sense of a common goal.

VIII. Suggestions

My internship at the French Council of State fully lived up to my expectations, proving to be an unforgettable and deeply enriching experience, both professionally and personally. Thanks to the impeccable organisation of this visit and the particularly warm welcome from the International Relations Delegation of the Reports and Studies Division, I was able to make the most of this opportunity; consequently, I have no suggestions for improvement to make. I



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would like to express my deep gratitude and sincere thanks to all the members and staff of the Council of State for their kindness and support. Finally, I would like to extend my warmest thanks to ACA-Europe, which made this exchange possible whilst providing me with its invaluable financial support.

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Evangelia Soultanidou



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