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## The Judicial Officer in the World

### FRANCE

Name (singular and plural): **Commissaire de justice / Commissaires de justice**

#### Presentation

##### Generalities

Approx. 3760 judicial officers are appointed within approx. 2160 offices. They are assisted by approx. 700 trainee judicial officers or assistant and by approx. 10 600 staff. They exercise their missions as liberal professionals - as partners of offices - or as salaried judicial officers.

The “growth and activity” law of 6 August 2015, known as the “Macron law”, changed the profession of judicial officer. To simplify and improve the public service of justice, the judicial officer became a commissioner of justice on 1<sup>st</sup> July 2022. This new profession is the result of the blend between the judicial officers and the auctioneers which was officially launched in January 2019.

As of January 1, 2026, judicial officers and judicial auctioneers will no longer constitute two distinct professions and will merge to become commissioners of justice. They already practice exclusively in offices of commissioners of justice (even if the professionals themselves can still, if they have not yet completed the “Gateway” training (cf. *infra*), be designated under the name of their former profession).

##### Training

###### Initial training of judicial officers

To become a judicial officer, the level required according to the provisions of decree n ° 75-770 of 14 August 1975 relating to the conditions of access to the profession of judicial officer is the following: four years of legal studies or equivalent (Master 1 or equivalent).

On the other hand, with regard to the future profession of commissioner of justice, the decree of 15 November 2019 and the decree of 13 December 2019 provide details concerning the titles or diplomas recognised for the exercise of the new profession of commissioner of justice and requires a level of education corresponding to at least five years of study after the baccalaureate (Master 2 or equivalent).

There is now an entrance examination to the initial professional training of commissioner of justice. The initial two-year training is then provided by the National Institute for the Training of Commissioners of Justice (INCJ), created in 2018, and provided according to a blended learning method (combined learning): it consists of theoretical education and a professional internship. An aptitude test for the profession of commissioner of justice then validates this training.



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## Gateway training and continuing education of judicial officers

The so-called “gateway” training is a training set up to enable former professional “judicial officers” and “judicial auctioneers” in practice to acquire the qualification of “commissioners of justice”. It must be completed before June 30, 2026 by all judicial officers and judicial auctioneers who wish to become a judicial commissioner.

After this date it will be impossible to follow it and the professionals who have not submitted to it will lose their functions.

- This training is sixty hours for professional "judicial officers" and covers the law and practice of the sale of furniture at public auction prescribed by law or by court decision and the corresponding inventories and prizes, on the arts and techniques and on materials and stocks.
- It is eighty hours for professional judicial auctioneers. It covers the service of documents, civil enforcement procedures, the practice of reports, the amicable recovery of debts, as well as the ancillary activities of judicial officers (real estate management, insurance agent and mediation).

In addition, the commissioners of justice are required to undergo continuing professional training to ensure the updating and improvement of the knowledge necessary for the exercise of their profession. The duration of continuing education is twenty hours over a calendar year or forty hours over two consecutive years.

## The exercise of the profession

Under exception, a professional exam is necessary to exert the profession of commissioner of justice. Commissioners of justice are appointed by the Ministry of Justice. There is no limit to the number of commissioners of justice. The geographic jurisdiction of the French commissioner of justice is, since the "Macron" law, that of the Court of Appeal, which allows an optimal territorial network while maintaining access to a local professional. A commissioner of justice may exercise his activity within a structure comprising another or more other commissioners of justice. Approx. 23% of the commissioners of justice exert individually, the others exercising in a non-individual form.

The profession is represented before public authorities at the national level by the **National Chamber of Commissioners of Justice**.

The judicial officers can join trade unions (there are two representative trade unions which participate, with the National Chamber of Commissioners of Justice and with the trade union representations of the employees, in the negotiation of the collective agreement).

## Obligations of the judicial officer and ethical rules

The judicial officer is submitted to the following obligations relating to his activities:

- Compulsory service of the judicial officer and possible cases of exemption of service.
- Prohibition of service in certain cases (relationship, union, conflict of interest...).
- Cases and conditions in which the judicial officer must exert his activities personally.
- Obligations relating to the professional activities of the judicial office.



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- Conditions of keeping of archives of the judicial officer.
- Bookkeeping.
- Obligation to have an account specifically intended for depositing funds collected on behalf of clients of the judicial office.
- Obligation to hand over the monies of third parties in a specific time.
- Obligation of counsel towards citizens in the framework of the activities of the judicial officer.
- Obligation to respect the tariff.
- Obligation for the judicial officer to be submitted to a control of his activities.
- Obligation to comply with ethical and/or deontological rules.
- Professional secrecy.
- Obligation to take out professional and civil liability insurance.

There are rules relating to ethics and/or deontology applicable to the profession of commissioner of justice. Disciplinary rules are applicable to the profession of commissioner of justice who is submitted to a control of his activities.

## **Activities exerted by the commissioners of justice**

### **Enforcement of court decisions**

The judicial officer is in charge of enforcing court decisions, including the following enforcement measures:

- Attachment of movable goods in the hands of the debtor.
- Attachment of movable goods in the hands of a third party.
- Attachment of immovable.
- Attachment of earnings.
- Attachment in the hands of a third party of funds owed to the debtor.
- Attachment of intangible goods other than the funds owed to the debtor.
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision.
- Attachment of motor vehicles.
- Attachment of ships and vessels.
- Attachment of airplanes.
- Attachment of crops.
- Attachment of goods locked in a safe.
- Evictions.
- Handing of children according to a court decision.
- Provisional measures on tangible movable goods of the debtor.
- Provisional measures on intangible movable goods of the debtor.
- Setting up of a provisional judicial security on a immovable of the debtor.
- Setting up of a provisional judicial security on a business of the debtor.
- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor.
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer.
- Distribution to creditors of monies collected during the forced auction sale of a movable good.



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- Distribution to creditors of monies collected during the forced auction sale of an immovable good.

When in charge of enforcement, the judicial officer has access to some information on the assets of the debtor.

### Service of judicial or extrajudicial documents

The judicial officer can serve judicial and/or extrajudicial documents in civil, commercial and/or criminal matters.

### Forced public auction sales

The judicial officer can carry out the forced public auction sale of the following goods:

- Physical (as opposed to Internet) auction sale of tangible movable goods attached by the judicial officer.
- Physical (as opposed to Internet) auction sale of intangible movable goods attached by the judicial officer.

<b>Other activities (X = yes)</b>	
Debt collection	X
Statements of facts	X
Sequestration of goods	X
Legal advice	X
Bankruptcy proceedings	X (in some cases)
Missions entrusted by a judge	X
Mediation	X (in some cases)
Representation of parties in the court	X (in some cases)
Drawing up of private deeds and documents	X
Court service	X
Real estate management	X