Parliamentary Assembly
Assemblée parlementaire
http://assembly.coe.int

1949.2019

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15008
25 November 2019

Election of Judges to the European Court of Human Rights

List and curricula vitae of candidates submitted by the Government of France

Communication
Secretary General of the Parliamentary Assembly

Contents **Page**

1. List and curricula vitae of candidates submitted by the Government of France 3

2. Information on the national selection procedure for the position of a judge of the European Court of Human Rights 3

Appendix 1 – Carole CHAMPALAUNE 4

Appendix 2 – Tristan GERVAIS DE LAFOND 8

Appendix 3 – Mattias GUYOMAR 11

1. List and curricula vitae of candidates submitted by the Government of France

Letter from Mr Jean-Baptiste Mattei, Ambassador of France to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 19 September 2019.

[…]

On behalf of the French Government, I have the honour to transmit to you the names of the three candidates for the post of judge at the European Court of Human Rights in respect of France.

The names of these candidates are, in alphabetical order, as follows:

– Ms Carole Champalaune, counsellor at the Court of Cassation;

– Mr Tristan Gervais de Lafond, first president of the Court of Appeal of Montpellier;

– Mr Mattias Guyomar, State Councillor.

[…]

2. Information on the national selection procedure for the position of a judge of the European Court of Human Rights

The candidate selection procedure put in place by the French authorities for the election of the next French judge at the European Court of Human Rights (the Court) was devised taking into account the guidelines of the Committee of Ministers of 29 March 2012 on the selection of candidates for the post of judge at the Court (CM(2012)40). As the term of office of Mr André Potocki, the current French judge, will end on 21 June 2020, the election of his successor must take place at the beginning of 2020.

An ad hoc Selection Committee tasked with assessing all the applications was set up. It was chaired by Mr Gilbert Guillaume, former President of the International Court of Justice, and comprised Ms Edwige Belliard, honorary member of the Conseil d'État, Ms Geneviève Burdeau, Emeritus Professor of Law, Mr Bruno Cotte, honorary President of the Criminal Affairs Division of the Court of Cassation, and Mr François Alabrune, Director of Legal Affairs at the Ministry for Europe and Foreign Affairs and the French Government Agent before the Court.

In early February 2019, a call for candidates with a detailed job description was published on the intranet websites of the Ministry of Justice, the Ministry of Europe and Foreign Affairs, the Ministry of Education and the Ministry of Higher Education, and on the LinkedIn accounts of the last three of these ministries. The job description included the conditions set out in the Convention and the guidelines of 29 March 2012 to be able to exercise the functions of a judge at the Court. It also indicated the selection procedure which would be followed.

Applications had to be submitted by 27 March 2019.

Out of the eighteen applications submitted to the Selection Committee, one was transmitted after this deadline and therefore rejected. The candidate concerned was informed.

Of the remaining seventeen applications, eight were immediately ruled out as the applicants' profile did not meet the requirements for the position.

The other nine candidates were invited for an interview, lasting approximately 30 minutes, with all members of the Selection Committee. These interviews were held on 13 May 2019 at the Institut de France. The candidates had been invited for an interview on 18 April 2019 by email with a request for a delivery receipt.

The same approach was adopted in the interviews with all the candidates, with the aim of assessing their motivation, their experience and competencies, and their language skills. They were all asked similar questions.

At the end of the interviews, the Committee shortlisted four candidates whose names were submitted to the Government, which chose three of them to be forwarded, for opinion, to the Advisory Panel of Experts on Candidates for Election as Judge to the European Court of Human Rights.

Appendix 1 – Carole CHAMPALAUNE

CURRICULUM VITAE[1]

I. Personal details

Name, forename: Champalaune, Carole

Sex: female

Date and place of birth: 24 January 1964, Dijon, France

Nationality: French

II. Education and academic and other qualifications

– 1986–1987 – Ecole Nationale de la Magistrature, Bordeaux (French National school for the Judiciary)

– 1985 – Law degree, University of Paris-Panthéon-Sorbonne

– 1984 – Graduate of Institut d'Etudes Politiques de Paris

III. Relevant professional activities

a. Description of judicial activities

– **Since March 2017 – Senior Judge at the Court of Cassation, member of the commercial, financial and economical chamber**, in charge of corporate law, competition law and regulation law cases

– 2007–2010 – First Vice-President of the first instance Court of Strasbourg, head of family division, then head of the commercial division, participation in criminal court hearings (tribunal correctionnel), overseeing the administration of the court

– 2004–2007 – Junior Judge at the Court of Cassation, member of the cabinet of the First President Guy Canivet (preparation of the plenary assembly, mixed chambers and advisory opinions, follow-up of the applications pending before the European Court of Human Rights)

– 1999–2004 – Junior Judge at the Court of Cassation, member of the commercial, financial and economical chamber, judge in charge of competition law cases

– 1988–1989 – Judge at the First Instance court of Senlis, small civil claims, decisions on gardianship for adults and minors and judge in the small crimes court (tribunal de police)

b. Description of non-judicial legal activities

– 2013–2017 – Director of the Department of Civil Affairs in the Ministry of Justice:

. responsibility for drafting laws in civil and commercial matters (civil rights law, family law, contract and tort law, property law, civil procedure, rules for judicial and legal professions (lawyers, bailiffs, notaries), commercial law, corporate law, insolvency law)

. collaborating with other ministries in the drafting of laws in constitutional and general public law, in particular regarding fundamental rights, electoral law, foreigners law, asylum law, citizenship

. negotiating and implementing European instruments and international law in the above matters

. follow-up of cases before the ECHR

. drafting texts needed for international mutual legal assistance in civil and commercial matters and ensuring their implementation – this is the national central authority in international child abduction

. contributing to drafting labour and employment law, social welfare law and economic law

1. Text in bold indicates posts or missions held at present.

. acting as general counsel in private law for other administrations

– 2011–2013 – Deputy Rapporteur General at the French National Competition Authority: head of a team of rapporteurs in charge of investigating anti-competitive practices for the enforcement of EU and national competition law and drafting advisory opinions on general issues of competition in the market

– 1994–1999 – Rapporteur at the French National Competition Authority (investigating anti-competitive practices)

– 1990–1994 – Head of Human Resources division at the Ministry of Justice in charge of Court Registry staff members (recruitment, appointment, career)

– Punctual teaching activities including three years (2007-2010) in procedure in the Masters Programme in Law and Regulation in Europe at the Institut d'Etudes Politiques de Strasbourg and in October 2019 seminars in the Masters Programme in Competition, Distribution and Consumer Law at the University of Paris-Pantheon-Sorbonne and at the Ecole Nationale de la Magistrature

c. Description of non-legal professional activities

N/A

IV. Activities and experience in the field of human rights

– As a Senior Judge at the Court of Cassation; verification of the compliance of judgements appealed in Cassation with the European Convention on Human Rights and its protocols and enforcement of the Convention and of the case-law of the ECHR in this respect

– As a Director of the Department of Civil Affairs:

. control of the compliance of the draft legislation with the Convention and the case-law of the ECHR, for example:

.introduction of a re-examination procedure following an ECHR ruling in civil cases (2016)

.simplification of divorce procedure (2016)

.reform of procedure of legal recognition following gender reassignment for transsexuals (2016)

.reform of end of life rights of persons (2016)

.creation of class action proceedings to fight discrimination (2016)

.reform of foreigners law (2016).

.reform of the protection for whistleblowers (2016)

.reform of the legal protection of vulnerable adults (2015)

.reform of the regulation of compulsory hospitalisation (2015)

.reform of the right to asylum and of the French National Court for the Right of Asylum (2015)

. follow-up of cases pending before the ECHR and questions of implementation of the decisions of the ECHR, for example in the surrogacy cases against France

. contribution to the implementation of the Brussels's Declaration of 27 March 2015 via the national action plan to improve the implementation of the ECHR' decisions

– As a member of the cabinet of the First President of the Court of Cassation:

. contribution to the implementation of internal reforms at the Court in the light of the case-law of the ECHR

. regarding French procedure, improvement of case law monitoring for relevant decisions of the ECHR

– As a Rapporteur and Deputy General Rapporteur at the National Competition Authority: leading the investigations in compliance with the provisions of the Convention and the case-law of the ECHR

– As a Judge of first instance courts: first-line guardian of the enforcement of the Convention

V. Public activities

a. Public office

– Board member of CADA – French administrative agency guaranteeing freedom of access to administrative documents (since September 2019)

– Director of the Department of Civil Affairs in the Ministry of Justice (see above)

b. Elected posts

None

c. Posts held in a political party or movement

None

VI. Other activities

1. Member of AECLJ – Association of European competition law Judges

2. Member of the Franco-British lawyers Society

a. Field

1. Co-operation between national judges of EU countries in charge of European competition law under Regulation 1/2003

2. Exchange among judges, lawyers and legal experts on common interest issue

b. Duration

1. For two years

2. Since 2018

c. Functions

1. Member

2. Member

VII. Publications and other works

20 articles published including:

1. *Le principe de la liberté du commerce et de l'industrie et de la libre concurrence «Cinq ans de jurisprudence de la chambre commerciale»* (the principle of freedom of trade and free competition in case-law of the French Court of Cassation) – in Rapport de la Cour de cassation 2001 – La Documentation Française

2. *L'égalité des opérateurs économiques dans l'exercice de la concurrence en droit interne* (The principle of equality in competition under national law) – in Rapport de la Cour de cassation 2003 – La Documentation Française

3. Application of EC Competition Rules by National Courts: a Year of Practice – in Antitrust Reform In Europe – Ouvrage collectif dirigé par MM. Philip Lowe and Michael Reynolds – International Bar Association 2005

4. *Le contrôle de la proportionnalité de la sanction par la Cour de cassation* (the review of the proportionality of financial sanctions in competition cases by the French Court of Cassation) – in La modernisation du droit de la concurrence – Ouvrage collectif dirigé par M. Guy Canivet, premier président de la Cour de cassation – LGDJ 2006

5. *La décentralisation du droit communautaire de la concurrence: le rôle du juge national* (Decentralisation of European competition law: the role of national judges) – avec M. Guy Canivet, premier président honoraire de la Cour de cassation – in Le nouveau droit communautaire de la concurrence – Ouvrage collectif dirigé par M. Guy Canivet et M. François Brunet – LGDJ 2008

6. *Les nouvelles formes d'intervention des autorités de la concurrence: la procédure d'avis* (new tools for national competition authorities; the advisory opinion) – Contrats, concurrence, consommation, n°5, mai 2013

7. *Action de groupe, le droit français à l'épreuve des expériences étrangères*, *propos conclusifs* (Class actions: the French approach compared to foreign legal systems), colloque organisé par le Centre français de droit comparé – Actes publiés en 2015

8. *Le point de vue de la Chancellerie sur le thème: Qu'est-ce qu'une famille: l'enfant (*The point of view of the Chancellery on the following issue: What is a family: the child), in «Famille, éthique, justice», colloque Fondation d'Aguesseau, Limoges, 17 octobre 2014 – Actes publiés en 2016; PULIM

9. *Présentation de l'ordonnance du 16 février 2016 relative à la réforme du droit des contrats, du régime général, et de la preuve des obligations* (Presentation of the ordinance of 16th February 2016, on the reform of contract law, general regime and evidence of obligations), in Justice et cassation, revue annuelle des avocats au Conseil d'État et à la Cour de cassation – Dalloz 2017

10. *Présentation du règlement général sur la protection des données personnelles* (Presentation of the New European General Regulation on Personal Data Protection («GDPR»)), in Justice et cassation, revue annuelle des avocats au Conseil d'État et à la Cour de cassation, Dalloz 2019

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
– French	X			X			X		
b. Official languages:									
– English	X				X			X	
– French									
c. Other languages:									
German (notions)									

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm.

X. Other relevant information

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm.

Appendix 2 – Tristan GERVAIS DE LAFOND

CURRICULUM VITAE[2]

I. Personal details

Name, forename: Gervais de Lafond, Tristan

Sex: male

Date and place of birth: 1 April 1960, Lyon, France

Nationality: French

II. Education and academic and other qualifications

– Graduate of the Institute of Political Studies of Paris ("Sciences Po") (1982)
– History license, Sorbonne (1983)
– Master of law, University Paris 2 (1984)
– National School of the Judiciary (1985-1986)
– Presently first year of the license of modern greek (e- learning, University of Montpellier) (2019-2020)

III. Relevant professional activities

a. Description of judicial activities

– Investigating judge High Court of Melun (1987-1989)
– Liberty and detention judge, High Court of Paris (2003-2004)
– Vice-president at the High Court of Paris, 4th civil chamber (2004-2006)
– President of the High Court of Fort de France (2011-2014)
– President of the High Court of Lille (2014-2017)
– **President of the court of appeal of Montpellier (2017 to date)**

b. Description of non-judicial legal activities

– Lawyer at the office of economic and financial crimes legislation (1989-1990), then at the office of international criminal law (1991-1993), French Ministry of Justice
– Member of the committee of experts of the Council of Europe in charge of drafting the draft Convention on the protection of environment through criminal law (1992-1993)
– Member of the United Nations committee of experts (Vienna) in charge of drafting a convention aiming at fighting drug trafficking in the High seas (1992-1993)
– Head of the office for the Rule of law (French Ministry of Foreign Affairs, Directorate of international co-operation) (1993-1999)
– General director of ACOJURIS (agency in charge of the implementation of European twinnings led by France in the legal and judicial field and of projects financed by the United Nations system) (2006-2010)

Teaching:

– Teaching assistant (civil law) University of Paris 2 (1987-1989*)*
– Senior lecturer (constitutional and administrative law), Institute of Judicial Studies of the University Paris-Malakoff (1995-1999)

2. Text in bold indicates posts or missions held at present.

– Senior lecturer (civil procedure), Institute of Political Studies of Lille (2015-2016)

– Numerous conferences or training provided in France or abroad on matters related to the rule of law, human rights protection or the functioning of the French Judicial system

c. Description of non-legal professional activities

– Head of the Mission for co-operation at the French Embassy in Namibia (1999-2003)

IV. Activities and experience in the field of human rights

– Negotiation on behalf of the French government of the declaration on enforced disappearances in Argentina (Genève, 1991)

– French government representative at the programme “law, area of freedom” (“droit espace de liberté”) of the International Francophone Organisation (1993-1999)

– Member of the French delegation to the annual meetings of the former Human Rights commission of the United Nations in Geneva (1993-1999)

– Member of the French National Consultative Commission on Human Rights (as representative of the Ministry of Foreign Affairs) (1994-1999)

– Support to NGOs on human rights, development and implementation of programs aimed at improving the rule of law, the quality of the administration of justice in Europe and in Africa (within the framework of my position at the French Ministry of Foreign Affairs)

– Expertise missions on behalf of the Council of Europe, the European Commission or UNDP in the field of human rights and rule of law

– Teaching of case-law of the ECHR (hierarchy of norms)

– Training of Haitian judges and prosecutors to the internal use of international law protecting human rights (United Nations, 20-26 September 2009)

V. Public activities

a. Public office

Assignments at the French Ministry of Justice and Ministry of Foreign Affairs (cf. supra)

b. Elected posts

none

c. Posts held in a political party or movement

none

VI. Other activities

none

VII. Publications and other works

5 legal papers or contribution to collective works, in addition to numerous reports, audits for the French government and international organisations (non published) as part of my work as an expert.

Publications directly in connection with the matter of human rights:

“A propos du Conseil constitutionnel”, Gazette du palais, 8 octobre 1989 (comment on a decision by the French Constitutional Court related to the principle “non bis in idem”)

Under preparation: paper on the liability of the French state for slavery in the French West Indies (comment on two decisions of the High court and the Court of appeal of Fort de France, Martinique)

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
– French	X			X			X		
b. Official languages:									
– English	X			X			X		
– French	X			X			X		
c. Other languages:									
– Spanish	X				X			X	
– Italian		X							
– Portuguese		X							

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I speak French and English and I am ready to improve furthermore my English if necessary.

X. Other relevant information

I took a sabbatical year (1990-1991) for a trip around the world.

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm that I will take up a permanent residence in Strasbourg if elected a judge at the Court.

Appendix 3 – Mattias GUYOMAR

CURRICULUM VITAE[3]

I. Personal details

Name, forename: Guyomar, Mattias

Sex: male

Date and place of birth: 21 July 1968, Guérande, France

Nationality: French

II. Education and academic and other qualifications

– 1993–1996 – Ecole nationale d'administration (ENA)
– 1989–1991 – Lauréat de l'Institut d'études politiques de Paris («Sciences Po»)
– 1986–1989 – Licence (three year bachelor degree) en lettres modernes, Université de Nantes

III. Relevant professional activities

a. Description of judicial activities

– **Since 2016 – President of the 10th chamber of the Litigation Section of the Council of State**
– Since 2011 – Juge des référés du Conseil d'Etat
– 2011–2016 – Deputy president of the 6th chamber then the 10th chamber of Litigation Section
– 2002–2011 – Commissaire du gouvernement puis rapporteur public (advocate general) près la Section du contentieux et le Tribunal des conflits
– 1999–2002 – Director of the Legal Documentation Center of the Council of State
– 1996–1999 – Rapporteur at the Litigation Section of the Council of State

b. Description of non-judicial legal activities

– **Since 2012 – associate professor of public law at Université Paris 2-Panthéon -Assas**
– 2013–2014 – member of the selection panel for senior lecturers in public law
– 2004–2012 – associate professor of public law at Université Paris-Sud XI, Faculty Jean Monnet
– 1996–2007 – lecturer at IEP de Paris and ENA (lecturing in public law and comparative law)

IV. Activities and experience in the field of human rights

– September 2019 – rapporteur, Council of State, «*The relationship between national courts and the European Court of Human Rights*» at the Conference of the Chiefs Justices of the Supreme Courts of the Council of Europe Member States
– 2016 – contributed to the book «*The principal recommendation of the National Consultative Committee on Human Rights*» (Dalloz) – commentary on the Recommendation about the proposed laws concerning prisons
– Since 2015 – Focal point of the Council of State in the ECHR Superior Courts Network
– Since 2014 – quarterly legal column about French administrative case-law on the European Convention in *La Gazette du palais,* Lextenso

3. Text in bold indicates posts or missions held at present.

– Since 2013 – member of the French list of judges *ad hoc* appointed to the European Court

– 1999–2002 – Secretary general of High Commission of Integration

– Presented multiple papers to various seminars and workshops relating to international and European Human Rights law, including:

. seminars of the Center for the research and study of Human Rights and humanitarian law (CREDHO) concerning France and the European Court of Human Rights

. «Sanction and Human Rights – impact of ECHR case-law» in La sanction – Regards croisés du Conseil d'Etat et de la Cour de cassation, La Documentation française, 2013

. «The role of French administrative judges in international human rights law» in La dynamique du système des traités de l'ONU en matière de droits de l'homme, Editions A. Pedone, 2014

. «Perspectives on the evolution of french case-law on prisons» in Défendre en justice la cause des personnes détenues, La documentation française, 2014

. «The role of Superior Courts in the European legal network», Société de législation comparée, 2014

. «Remedies available for non-citizens in relation to the protection of their rights and liberties» – Groupe européen de droit public 2016

. «The immaterial aspects of public order» in L'ordre public – Regards croisés du Conseil d'Etat et de la Cour de cassation, La Documentation française, 2018

V. Public activities

a. Public office

– Since 2019 – president of the National Commission of administrative sanction in the road transport sector

– Since 2012 – Secretary general of Consultative Committee on codification

– Since 1998 – Secretary general of the electoral polling Commission

b. Elected posts

N A

c. Posts held in a political party or movement

N A

VI. Other activities

– Since 2013 – Secretary general of French Institute of Administrative Science

– Since 2013 – member of Comparative Law Society

– Since 2016 – member of European Public Law Organization (EPLO)

VII. Publications and other works

Books

– *Droits et libertés en France et au Royaume-Uni*, Odile Jacob, 2006 (co-authored with Bernard Stirn and Duncan Fairgrieve; ouvrage lauréat du prix Henri Texier de l'Académie des sciences morales et politiques)

– *Les sanctions administratives*, LGDJ, collection Systèmes, 2014

– *Contentieux administratif*, Dalloz, collection Hypercours, 5e éd., 2019 (co-authored with Bertrand Seiller)

Revues

– 2002 – 2011: Publication of over one hundred «conclusions» in my role of commissaire du gouvernement then rapporteur public (advocate general) in various legal reviews

Articles

Publication of over thirty articles in collective publications and legal reviews, including:

– «Le dialogue des jurisprudences entre le Conseil d'Etat et la Cour de Strasbourg: appropriation, anticipation, émancipation» in *Mélanges en l'honneur de Jean-Paul Costa*, Dalloz, 2011

– «Les obligations positives dans la jurisprudence du Conseil d'Etat» in *Mélanges en l'honneur de Dean Spielmann,* WLP, 2015

– «Vingt ans après. D'Alitalia (1989) à Perreux (2009): retour sur 20 ans de jurisprudence du Conseil d'Etat, juge de droit commun de l'application du droit de l'Union européenne» in *Mélanges en l'honneur de Marceau Long*, Dalloz, 2016

– «La recherche de l'harmonie entre normes internes et européennes: repenser l'équivalence» in *Traité des rapports entre ordres juridiques*, LGDJ, 2016

– «Office du juge et justice prédictive» in *La justice prédictive*, Dalloz, 2018

– «Contrôle *in concreto:* beaucoup de bruit pour rien de nouveau» in *Mélanges en l'honneur de Frédéric Sudre*, Lexisnexis, 2018

– «Les légataires du respect des droits de l'homme» in *Mélanges en l'honneur de Guido Raimondi, 2019*

VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
a. First language:									
– French									
b.Official languages:									
– English	x				x			x	

IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language, please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.

I confirm.

X. Other relevant information

N/A

XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.

I confirm.