Freedom of establishment of commissioners of justice: proposed map for 2026-2031

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The *Autorité* recommends the French government create additional offices to allow for the establishment of 41 new commissioners of justice during the period of validity of the next map (2026-2031)

Background

In accordance with Article L. 462-4-1 of the French Commercial Code (*Code de commerce*), the *Autorité de la concurrence* must submit to the French Minister of Justice (who has responsibility for the matter) an opinion on the freedom of establishment of commissioners of justice.

Changes to the frequency of maps

Following a change in the regulatory framework, the *Autorité* is for the first time submitting a proposed map of establishment areas for commissioners of justice, together with recommendations on the pace of creation of new offices, covering a five-year period (2026-2031).

A profession affected by significant structural changes

The results of the analysis of supply and demand for commissioner of justice services are consistent with the findings made in previous opinions issued by the *Autorité*. In particular, the decline in the number of professionals continues, as does the consolidation of offices within companies comprising multiple offices.

Furthermore, the restructuring of the new profession is not complete and the ban on professionals that have not completed the necessary training to practice as commissioners of justice, which will come into force on 1 July 2026, could lead

dozens of professionals to exit the market, leaving certain offices vacant. Demand, for its part, continues to be negatively affected by the trend towards dejudicialisation (i.e. the shift away from litigation).

Nevertheless, supported by a rebound effect following the decline in activity in 2020 caused by the health crisis, the profession's economic results have been steadily improving in recent years, with total turnover growing slightly faster than inflation between 2019 and 2024.

Moreover, the *Autorité* hopes that, from 2027, the profession's new chart of accounts will provide more reliable and accurate economic data, supporting an objective assessment of the decline in the share of the profession's monopoly activities.

The* Autorité *issues new recommendations for appointments for the period 2026-2031

The overview of supply and demand calls for a cautious approach to determining the five-year recommendations. **As a result, the *Autorité* recommends the French government create additional offices to allow for the establishment of 41 new commissioners of justice during the period of validity of the next map (2026-2031).**

To gain greater perspective on previous waves of creations and give the new offices time to develop, the *Autorité* recommends that new offices be established within two years of the random selection of candidates. Similarly, to facilitate the development of the latest offices created (in 2024 and 2025), the French government could defer the adoption of the decree establishing the next map of establishment areas for commissioners of justice by a few months.

1. Revision of the establishment map for commissioners of justice

French law 2015-990 of 6 August 2015 for Growth, Activity and Equal Economic Opportunities (hereinafter the "Law for Growth and Activity") introduced a

principle of regulated freedom of establishment for commissioners of justice (former court bailiffs and judicial auctioneers, now merged into the profession of commissioner of justice) to lower the barriers to entry into the profession (or professions, prior to the merger) and adapt the geographic coverage to the needs of the economy.

Within the framework of that provision, the *Autorité*[1] must propose to the French government, now every five years[2], a map[3] identifying, on the one hand, free establishment areas ("green areas")[4] and, on the other hand, controlled establishment areas ("red areas")[5].

As a reminder, since 2016, offices have been established in three waves:

Opinion by the *Autorité*	Recommendation on the pace of establishment (over a two-year period)	Approval of the proposed map
Opinion 23-A-09 of 7 July 2023	**+33 commissioners of justice**	**Decree of 26 December 2023**
Deliberations 2021/01 and 2021/02 of 28 April 2021	+50 court bailiffs 0 judicial auctioneers	Decrees of 20 July 2021
Opinions 19-A-16 and 19-A-17 of 2 December 2019	+100 court bailiffs +3 judicial auctioneers	Proposals not approved due to the health crisis[6]
Opinions 16-A-25 and 16-A-26 of 20 December 2016	+202 court bailiffs +42 judicial auctioneers	Decrees of 28 December 2017

The map adopted by joint decree of the Ministers of Justice and the Economy on 26 December 2023 will soon expire, having resulted in the appointment of 32 new professionals to newly created offices[7].

Decree 2025-1273 of 22 December 2025 extends the validity period of maps from two to five years, implementing Recommendation 7 of Opinion 25-A-09 issued by the *Autorité* on 31 July 2025. As a result, the *Autorité* is for the first time submitting a proposed map of establishment areas for commissioner of justice, together with recommendations on the pace of creation of new offices, covering a five-year period (2026-2031).

2. Overview of supply and demand

he *Autorité* notes the profession of commissioner of justice is facing significant structural changes, linked primarily to the completion of the merger of court bailiffs and judicial auctioneers into the profession of commissioner of justice, a decline in the number of professionals and the trend towards dejudicialisation (i.e. the shift away from litigation).

In addition, the decline in the number of professionals (-1.5% between 2023 and 2025) is likely to continue in 2026 due to the ban on professionals (i.e. former court bailiffs and judicial auctioneers) that have not completed the necessary training to practice as commissioners of justice, which will come into force on 1 July 2026.

Nevertheless, the profession's economic results have been improving since 2021, driven by a rebound effect following the decline in activity in 2020 due to the health crisis. Total turnover rose from €1.2 billion to €1.4 billion between 2019 and 2024, growing slightly faster than inflation.

Lastly, while measures to reduce court congestion, such as promoting alternative dispute resolution, help to reduce demand, the French National Chamber of Commissioners of Justice (*Chambre nationale des commissaires de justice* – CNCJ) believes the profession can play a role in dejudicialisation (i.e. the shift away from litigation).

3. Quantitative recommendations by the Autorité for the period 2026-2031: 41 new commissioners of justice

A. METHODOLOGICAL CHANGES

To develop its quantitative recommendations, the *Autorité* made a number of changes to the methodology used in its previous opinions, as decided in Opinion 25-A-09 of 31 July 2025.

In particular, the *Autorité* has decided to apply to the profession of commissioner of justice, throughout the country, the turnover threshold formerly applied to court bailiffs, adjusted for inflation for 2023-2025. The turnover threshold used is therefore €392,000.

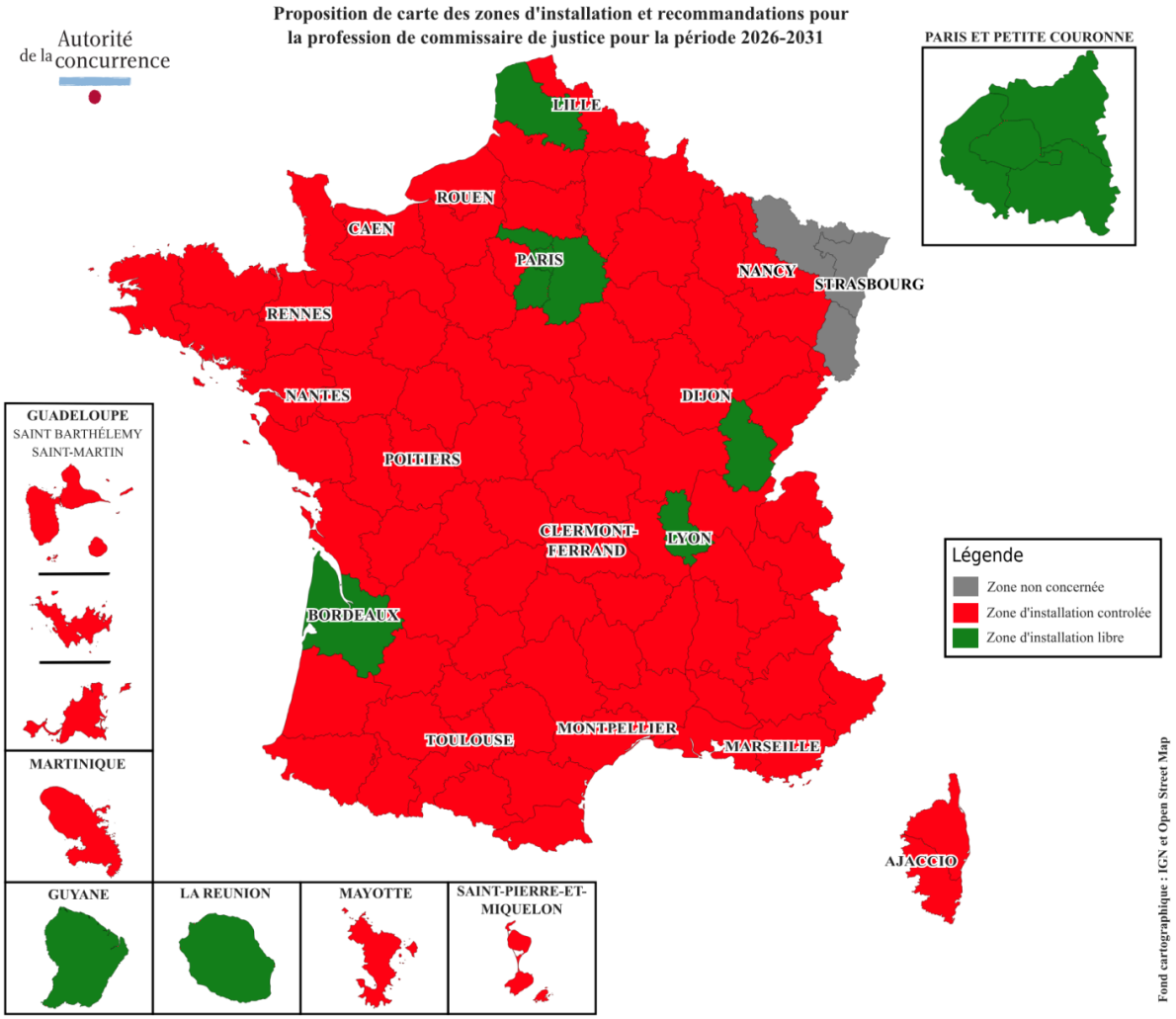
The *Autorité* has also adopted a rolling ten-year horizon for calculating the need for new professionals. As the latest economic data available relates to 2024, the time horizon used in this opinion is 2034.

B. THE PROPOSED MAP AND QUANTITATIVE RECOMMENDATIONS

The *Autorité* estimates that around 250 new commissioners of justice will be needed by 2034. For comparison, projected needs in 2023 for 2029 were between 250 and 300 new commissioners of justice.

Accordingly, the *Autorité* is adopting a cautious approach with regard to the creation of new commissioner of justice offices and is proposing to the French government **a map providing for the establishment of 41 new commissioners of justice in 13 areas of France over the period 2026-2031**. See the map below:

Proposed map of establishment areas for the profession of commissioner of justice for the period 2026-2031



**** In application of the exception provided for in Article 52, VII of the Law for Growth and Activity.***

- See the interactive version (in French)

4. Recommendations to improve access to offices

The *Autorité* notes that freedom of establishment could be improved further and reiterates 11 previous recommendations issued in Opinions 23-A-09 and 25-A-09. With the extension of the map validity period, the *Autorité* draws the French government's attention to the following two recommendations in particular:

- **align the term of office of the members of the Board of the *Autorité* appointed for their expertise in the regulated legal professions with the new map validity period;**
- **create offices within a timeframe, ideally two years, that gives the *Autorité* time to assess the development of the new offices before deciding on the next wave.**

1 Article L. 462-4-1 of the French Commercial Code and Article 52 of the Law for Growth and Activity.

2 Decree 2025-1273 of 22 December 2025.

3 The areas concerned cover every *département* of France, with the exception of Bas-Rhin, Haut-Rhin and Moselle. Furthermore, all French overseas *départements* are covered, as well as the overseas collectivities of Saint-Barthélemy, Saint-Martin and Saint-Pierre-et-Miquelon.

4 In areas "*where the establishment of offices appears useful in order to improve the proximity or offering of services*", applications from candidates meeting the required criteria are likely to be approved, within the limits of the recommended rate of appointments.

5 In areas where no need for a new office has been identified *a priori*, the Minister of Justice may only approve a request to create a new office, following an opinion from the *Autorité*, if such establishment is not likely to "*undermine the continuity of existing offices or compromise the quality of service provided*".

6 See the press release on Deliberations 2021/01 and 2021/02 of 28 April 2021.

7 The French government justified the deviation from the recommendations made by the *Autorité* (-1 professional) by the inclusion of new inflation data

available when the decree was adopted, i.e. six months after the *Autorité* published its proposal.

OPINION 25-A-17 OF 26 DECEMBER 2025

on freedom of establishment of commissioners of justice and a proposed map of establishment areas

See the full text of the opinion (in French)

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