

The opinions issued

The *Autorité* regularly issues opinions on the regulated tariffs applicable to the services of commissioners of justice (formerly judicial auctioneers and court bailiffs), commercial court registrars, judicial administrators, judicial liquidators, notaries and lawyers in matters of seizure of property, division, auction and judicial securities.

The *Autorité* is consulted on:

- a **mandatory** basis on the basis of Article L. 444-7 of the French Code of Commerce (*Code de commerce*) on the structure of tariffs and the method for setting them for six regulated legal professions.
- a **non-mandatory** basis, on the basis of Article L.462-2-1 of the French Commercial Code (*Code de commerce*), on the regulated prices and tariffs mentioned, respectively, in the second paragraph of Article L.410-2 and in Article L.444-1

Opinions issued on mandatory consultation as part of the reform to align professional tariffs with the cost of services

Opinion 23-A-13 of 27 July 2023

In July 2023, the *Autorité* issued an opinion to the French government on a draft decree on various services provided by commercial court registrars in connection with the management of the register of security interests over movable property, and noted that the planned reforms are unlikely to jeopardise the overall profitability of the profession.

Adopted in October 2023, the decree takes into account three of the four recommendations made by the *Autorité* to make the fees charged by commercial court registrars clearer.

For more information, please refer to:

- [Opinion 23-A-13 of 27 July 2023](#)
- [Press release of 11 October 2023](#)
- [Decree 2023-916 of 3 October 2023](#) on various services provided in connection with the register of security interests over movable property and amending certain provisions of the French Commercial Code (*Code de commerce*)

Opinion 20-A-03 of 14 February 2020

In February 2020, the *Autorité* issued an opinion to the government on a draft decree on the method for setting regulated tariffs for the legal professions (Opinion No. 20-A-03). The legislative changes introduced by the law on the programming and reform of the justice system made it necessary to review the method for setting these tariffs and modify the framework for the discounts that professionals are authorised to implement. The draft bill also incorporated the recommendations made by the *Autorité* in its Opinion No. 19-A-09 of 11 April 2019 on the tariffs of regulated legal professions in the French overseas territories. The tariffs of judicial auctioneers, commercial court registrars, court bailiffs, judicial administrators, judicial liquidators and notaries were therefore fixed by decrees of 28 February 2020 in accordance with this method.

For more information, please refer to:

- Press release of 11 March 2020

Opinion 17-A-15 of 15 December 2017

- Opinion No. 17-A-15 of 15 December 2017 made proposals for improvements to the draft decree, which is intended in particular to replace the provisions of Article R. 444-21 of the French Commercial Code (Code de commerce), annulled by the French Administrative Supreme Court (Conseil d'État) in May 2017, concerning the collection of the economic data necessary for setting the regulated tariff of certain legal professions (Decree No. 2018-200 of 23 March 2018).
- In particular, the *Autorité* suggests defining more precisely the information to be reported by professionals and the role of national bodies in processing raw data.

For more information, please refer to:

- Decree No. 2018-200 of March 23, 2018, amending certain provisions of the regulatory part of the French Commercial Code (Code de commerce) and Decree No. 2016-230 of 26 February 2016, relating to the tariffs of certain legal professionals and the interprofessional fund for access to law and justice

Opinion 17-A-06 of 27 March 2017

Opinion No. 17-A-06 of 27 March 2017 generally supports the provisions of the draft decree on regulated tariffs for lawyers' representation in matters of real estate seizure, division, auction and judicial securities (Decree No. 2017-862 of 9 May 2017).

Furthermore, the *Autorité* recommended that the simplification process undertaken by the draft decree be continued.

For more information, please refer to:

- Decree No. 2017-862 of 9 May 2017 on regulated tariffs for lawyers' representation in matters of real estate seizure, division, auction and judicial securities

Opinions 16-A-03 of 29 January 2016 and 16-A-06 of 22 February 2016

Opinions No. 16-A-03 of 29 January 2016 and No. 16-A-06 of 22 February 2019 made proposals for improvements to the draft decree which, in accordance with Article 50 of the Macron Law, defines the method for setting the regulated fees of certain legal professions (Decree No. 2016-230 of 26 February 2016).

In particular, the *Autorité* is in favour of a global method for setting tariffs.

For more information, please refer to:

Press release of 29 February 2016 on the publication of the opinions issued to the government following yesterday's publication of the decree on the tariffs of certain legal professionals

Decree No. 2016-230 of 26 February 2016 relating to the tariffs of certain legal professionals and the interprofessional fund for access to law and justice

Opinions issued by the Autorité on non-mandatory consultation

Opinion 19-A-09 of 11 April 2019

Opinion No. 19-A-09 of 11 April 2019 relating to the tariffs of certain regulated professions in French overseas territories was in favour of (i) maintaining the principle of fee surcharges applicable to the tariffs of these professions in French overseas territories (ii) revising the methods for determining the rates to comply with the objectives of reasonable remuneration and the cost orientation of tariffs.

The *Autorité* noted that the level of the surcharge appears disproportionate and does not appear to be justified by equivalent additional costs.

For more information, please refer to:

- Press release of 11 April 2019

Opinion 16-A-16 of 16 September 2016

Opinion No. 16-A-16 of 16 September 2016, relating to draft Decree No. 2016-1369 of 15 October 2016, is generally favourable to the proposed adjustments to particular methods of setting notaries' tariffs in connection with some of their assignments (*donations or bequests to public persons relating to property intended for the movable and immovable public domain and to persons exempt from transfer duties*).

The *Autorité* considers that this measure is justified by reasons of general interest and is not likely to compromise the tariff equalisation provided for by the legislator.

For more information, please refer to:

- Decree No. 2016-1369 of 15 October 2016 amending Title IV bis of Book IV of the regulatory part of the French Commercial Code (*Code de commerce*)