In accordance with the Law of 6 August 2015 (also known as the « Macron Law »), the Autorité de la concurrence is launching public consultations to prepare two new opinions on the freedom of establishment for bailiffs and judicial auctioneers

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In this context, it will propose a revision of the maps adopted in December 2017.

The Law provides a revision of the maps every two years.

Adopted concomitantly by the government on 28 December 2017, on a proposal from the Autorité[1], the maps relating to the establishment of bailiffs and judicial auctioneers will come to an end on 29 December 2019.

The maps are drawn up jointly by the Ministers of Justice and the Economy on the proposal of the Autorité.

In order to enable the government to publish the orders within the prescribed time, the Autorité begins its mapping work by launching a wide public consultation.

This work will be carried out in parallel for the two professions in order to take account of their planned merging by 2022. Nevertheless, at the end of this work, each of them will be the subject of an opinion, of map proposals and of their own recommendations.

The professions of bailiff and judicial auctioneer are expected to merge into a new profession of "commissioner of justice" from 1 July 2022.

Prior to this date, the applicable provisions provide that "until 30 June 2022, the professions of judicial auctioneers and bailiffs remain as two separate professions, each with their own offices.
As a consequence: 1 ° The determination of the areas and the recommendations provided by article 52 of the Law of 6 August 2015 referred to above is distinct for the two types of offices [...]"[2].
The revised maps in the context of the procedures launched today are expected to cover the period 2019-2021, each of which will be specific to one profession.

Nevertheless, the Autorité's mapping work will be conducted at the same time, in order to synchronize the publication of the revised maps and ensure the transition to the "single map" of the commissioners of justice under the best conditions.

This work will be an opportunity to make a first assessment of the maps of establishment for bailiffs and judicial auctioneers over the period 2017-2019.

For the record, each map identifies:

- free-establishment areas ("green area") in which a certain number of new liberal professionals are called to settle in offices over the biannual period of validity of the map.
- regulated-establishment areas ("orange areas"), in which requests for the creation of office are subject to a case-by-case examination by the Minister of Justice after receiving the opinion of the Autorité de la concurrence.

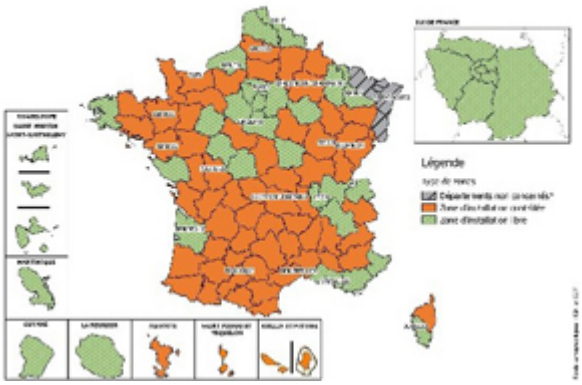
The determination of these areas of establishment and the recommendations for the creation of offices in the green areas result from an in-depth analysis of the state of supply and the establishment of existing offices, on the one hand, and demand, on the other hand.

For both professions, the size of the establishment areas is based on the département. This takes into account, notably, their respective territorial jurisdictions (which, in fact, remain closely linked to the jurisdiction of the Tribunal de Grande Instance (General court of first instance) and commercial courts) and the effective location of the main contractors (institutional, such as the HLM offices (French social housing offices), insurance companies or banks, in terms of bailiffs, commercial courts, with regard to judicial auctioneers).

This coincidence in the sizing of areas will ease the transition of bailiffs and judicial auctioneers' maps to a "unique" map of commissioners of justice starting from July 2022.

For the 2017-2019 period, the joint decrees of 28 December 2017 provided for the following quantitative targets: 202 new liberal bailiffs and 41 new liberal judicial auctioneers

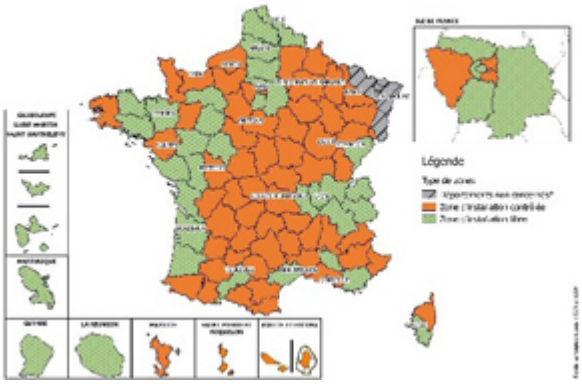
Bailifs
On the two year period of the map validity



- Number of green areas : 35
- Number of orange areas : 64
- Number of offices to create in the course of the first 12 months of the map validity : 127
- Recommended number of establishments of new professionals on the two year period : 202

Judicial auctioneers

On the two year period of the map validity



- Number of green areas : 36
- Number of orange areas : 63
- Number of offices to create in the course of the first 12 months of the map validity : 36
- Recommended number of establishments of new professionals on the two year period : 41

Review of the procedures for applications to offices created under previous maps

In the first 24 hours following the opening of applications for the created offices, on 1 February 2018, numerous applications were registered for each of the two professions, far exceeding the number of positions available. The processing order of these requests by the Ministry of Justice's services thus had to be determined by random draw.

	Bailiffs	Judicial auctioneers
Number of candidacies	2 033 candidatures	409
Organization of random draw	From 15 March to 3 May 2018	From 19 March to 9 April 2018

Provisional assessment of appointments

On 12 April 2019, several dozens of bailiffs and judicial auctioneers' offices have been created, allowing new liberal professionals to be appointed.

On 12 April 2019	Bailiffs	Judicial auctioneers
Number of offices created	67	29
Number of incumbents or associates appointed in these offices	68	30
Remaining recommendations for the appointments of new liberal professionals	134	11

Source: Official Journal of the French Republic (JORF)

The appointment recommendations set by the two maps are not yet fulfilled, the process should continue during the year 2019, until the achievement of 202 appointments of new bailiffs and 41 appointments of new judicial auctioneers.

Two online surveys are organized to inform the Autorité in its proposals regarding each profession.

The public consultations launched this day mark the beginning of the map revision work. The collected contributions will be useful to the analysis led by the Autorité for:

- On one hand, identifying the free-establishment and regulated-establishment areas and to issue recommendations on the creation of offices in the free-establishment areas
- And on the other hand, making a series of recommendations aimed at optimizing the operation of free establishment of the Law of 6 August 2015 and at improving access to the profession and to bailiffs offices, notably for the benefit of women and young people.

The Autorité has identified a number of important issues on which stakeholders are encouraged to comment:

- the feedback from recently established bailiffs and judicial auctioneers;
- the impact of new establishments on the different concerned parties and on the territorial network;
- the appointment procedure in created offices and notably the new appointment procedure for offices created from 2020, in accordance with the decree of 9 November 2018;
- the consequences of the planned merging, the professions of bailiff and judicial auctioneer in a single profession of commissioner of justice from July 2022;
- the extension of the competence area of the bailiffs of the Tribunal de Grande Instance (General court of first instance) to the Cour d'appel (Court of Appeal) since 1 January 2017 (Decree n° 2016-1875 of 26 December 2016)
- the provisions relating to personalized solicitation and the proposal of online services;
- the access of women and young graduates to each of the two concerned professions.

Are invited to participate in any of these consultations:

- Practicing professionals, respectively bailiffs and judicial auctioneers (including statutory creators);
- Candidates to the establishment in each of the two professions, particularly young graduates;
- Representative bodies of the profession, in the forefront of which is the new national chamber of judicial commissioners and its sections of bailiffs and judicial auctioneers, but also local authorities for each of the two professions, as well as commissions set up by the order of 2 June 2016 referred to above to prepare for their merging;
- Consumer associations approved to go to court,
- Associations, groups and unions for each of the two concerned professions;
- Persons qualified to exercise one of them or the future profession of commissioner of justice;
- Clients and contractors of these professions;
- Any other person wishing to take part in this consultation, explaining, if necessary, its interest in doing so.

Interested stakeholders are invited to answer the questionnaire available online by clicking on the link corresponding to their situation in the table below before **19 May 2019**.

Bailiffs	**Judicial auctioneers**
Procedure n° 19/0018 A	Procedure n° 19/0019 A
https://fr.research.net/r/HJ-2019	https://fr.research.net/r/CPJ-2019

Individual responses to this questionnaire are confidential. Only aggregated and anonymous results are likely to be made public.

[1]See the opinions of 20 December 2016 and the press release
[2]III of the article 25 of the ordinance n° 2016-728 of 2 June 2016 regarding the statute of commissioner of justice

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