

CHRISTIANE FERHAL SCHULL PDT OF NATIONAL BAR MEET WITH MIN OF JUSTICE BELLOUBET

OVER 49-3 TO BILL OF PENSION REFORM

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USPA NEWS - « By deciding on Saturday February 29 to use article 49 paragraph 3 of the Constitution, the Prime Minister has just truncated the parliamentary debate in the National Assembly on the pension reform. » French National Bar, says. Very impacted by this reform, the legal profession had nevertheless prepared this debate at length by meeting and challenging the deputies and by having nearly 700 amendments tabled to denounce and oppose the unjust disappearance of our independent pension plan. The Article 49 paragraph 3, known as of "commitment of responsibility"^[2], allows the government to pass the text which it presents, without vote, under cover of the rejection of the motion of censure which the opposition must deposit for form, with little hope of success.

WHAT IS ARTICLE 49.3 IN THE FRENCH CONSTITUTION-----

As part of the examination of a bill in public session at the National Assembly, article 49 paragraph 3 (49.3) of the Constitution may allow the adoption without passing of a law. This procedure gives the Prime Minister, after deliberation of the Council of Ministers, to engage the responsibility of the government on the vote of a bill of finance or social security financing, or another project or a bill proposed for debate in the National Assembly. If the Prime Minister decides to use it, his decision immediately suspends discussion of the bill. The project is considered adopted, without being put to the vote, unless a motion of censure is tabled within twenty-four hours which follow and if it is voted according to very precise conditions: only the votes favorable to the motion of count are counted censorship which can only be adopted by a majority of the members of the Assembly. Since the constitutional reform of July 23, 2008, excluding finance or social security finance bills, section 49.3 can only be used on a single text during the same parliamentary session. Before this revision of the Constitution, the government could use it as often as it wanted and on any text. Since 1958, article 49.3 has been used 87 times out of 52 texts

Lawyers can therefore only regret the forced adoption of this text by the National Assembly, without the harmful aspects of it for the profession of lawyer having been fully debated and while this text does not offer to date no financial or legal guarantees. Because this reform remains unacceptable, the CNB has already worked very early on to raise awareness among senators to whom this text will be submitted in mid-April. We have also already prepared the legal elements for the appeal to the Constitutional Council which will follow the examination of the text at last reading before the National Assembly in mid-May / early June. At the same time, the President of the CNB, the President of the Conference of Bâtonniers and the Bâtonnier of Paris met this Friday 28 February with the Keeper of the Seals. The latter had proposed to the representatives of the profession a working meeting on subjects relating to the profession outside the pension reform." accruing to the French National Council Bar. The representatives of the profession nonetheless reiterated their strong opposition to the pension reform and refused any "bargaining". The Minister of Justice Nicole Belloubet, announced a "significant increase in legal aid" and referred to a commission chaired by Mr. Dominique Perben the care to define the amount and the terms for the end of April. Representatives of the legal profession informed the Minister that the profession was not waiting for the creation of yet another commission, but strong and immediate answers to questions that have been "on the table" for years. The lawyers have long made their proposals. The Chancellery therefore has all the means to respond to it. On this essential subject which symbolizes the disengagement of the State, we expected a figure and a firm commitment. Other subjects are on the agenda of this commission, such as the enforceability of the lawyer's act or the reduced rate of VAT for fees paid by individuals. Here again, our proposals are known and constantly reiterated. It is up to the government to respond to it, without getting around the issues.

Without giving up on the issue of pension reform, we will conduct these discussions with determination and ask for firm commitments to guarantee the future of our offices and access to the law for litigants. At the local level, in each bar, our mobilization against pension reform must continue by adapting, as the CNB proposed by its motion of February 8, 2020 which is still current. We must therefore now take advantage of the municipal election period which is opening to continue to assert our demands with local, national elected representatives, the media and the general public. It is always up to the Orders to define the modalities of their actions according to the most varied, innovative and effective forms possible in order to influence public debate. On March 14, the day before the first round of

municipal elections, the CNB will hold its next general meeting. We will define the conditions under which our movement must continue by being part of the long term, while preserving the economic balance of our offices. On May 12, we will meet with magistrates and justice officials for the first "National Day of Justice". On this occasion, we will raise everyone's grievances to identify common reform proposals to put an end to the serious dysfunctions of the justice system. . Our movement can only continue. We are more determined than ever. Christiane Feral-Schuhl, President of the National Bar Council; Hélène Fontaine, vice-president by right, president of the BÃctonniers Conference; Nathalie Roret for the BÃctonnier of Paris, vice-president by right; Catherine Jonathan-Duplaa, vice-president; Jean-Luc Forget, vice-president; Christian Leroy, treasurer; Elodie Mulon, office secretary; Régine Barthélémy, Matthieu Dulucq, Catherine Gazzeri, Christophe Thévenet, members of the board" Source : French National Council fo Bar

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