

Minutes Steering Committee Meeting on 1 June 2005 in Barcelona

A list of participants is attached.

1. Opening

Welcome by Mr. Valls Gombau, director of the Spanish Judiciary School.

Presentation of the Website of ENCJ by Francisco Puig Blanes

Up till now, 80% of the members has provided information. There are open and restricted areas on the website. Pass words for access to the restricted area will be distributed at the General Assembly to all members and observers, the President, the Secretary-General and the leads of the Working Groups. Each country is responsible for updating its information on the site. The address: www.encj.net.

2. Approval of the programme for the General Assembly of ENCJ on 2-3 June 2005

In general, the agenda for the General Assembly of ENCJ is approved.

As the schedule on Thursday afternoon is quite tight, the session on case management is transformed: instead of meetings in subgroups, a general presentation will be held by John Thomas. The closure of the day will be around 16.30 hrs.

A remark on the presentations of the Working Groups: these should be short and there should be ample time for discussion.

• New members and observers

No particular remarks are made under this agenda item.

• ENCJ Website and approval of management rules for the website

The ENCJ Website management rules are a common result of different documents presented in the working group. The rules are approved by the Steering Committee and will be submitted for approval to the General Assembly.

Suggestions for additional information on the website:

-information on the European Commercial Judges Forum and the European Competition Law group, the Supreme Courts Network

The ENCJ secretariat will send letters to these and other eligible groups of judges, inviting them to consider availing information about their activities on the ENCJ web site.

A suggestion is made to have the English texts on the website checked by a native speaker. The Steering Committee members agree with the idea.

• Presentations of Working Groups

Judges Evaluation: presentation of half an hour will be given by Jean-Paul Sudre and subsequently there will be time for discussion.

Mission and Vision: short presentations will be given by the leads of each of the subgroups, after a presentation of the synthesis by Giuseppe Salmé.

The ENCJ Secretariat proposes to publish a small booklet containing the (final) report for each of the working groups. Relevant issues raised during the discussion in the

General Assembly should also be included. The Steering Committee agrees with this idea.

- **Case management**

John Thomas (England, lead of the working group on cases management) reports on the progress in the working group. A questionnaire was sent out, but so far no real progress has been made. The short presentation by Thomas in the General Assembly will underline the main aspects of case management. The issue of case management is high on the agenda of a number of countries, so a continuation/re-activation of the working group could be considered.

- **New Working Groups**

(see also the document by Marlies Bouman that was disseminated during the meeting) Of the working groups that were initiated in 2004, the ones on Mission and Vision, on Evaluation of judges and on the ENCJ Website functioned well. The working group on external relations did not function as such. The work of this 'working group' was carried out by the President and the Secretary General.

The ENCJ secretariat proposes a differentiated approach for the establishment of new working groups.

- a limited number of working groups officially endorsed by ENCJ (with support from the ENCJ Secretariat – to be agreed with the lead of the working group)
- other (smaller scale) initiatives and proposals by ENCJ members for (additional) working groups (with limited support from the ENCJ secretariat).

Most members of the Steering Committee are in favor of not having too many ENCJ working groups. Working groups could differ in size and some additional smaller (restricted) ones could function under the umbrella of ENCJ and receive some support from the secretariat. However, all information generated by the different working groups should be made available to all members of the ENCJ (through the website for example). The topics of the working groups should clearly relate to the objectives of ENCJ as defined in the Charter (art. 1).

The President stresses that the working group meetings should be practical rather than academic or bureaucratic. The Network also has to respond to (external) expectations now that the number of members is growing. Working groups should either address specific issues (for example the Order for payment regulation) or a broader theme (such as judicial independence). Working groups should offer a possibility to reflect on issues and develop the network further.

With regard to the internal functioning of the working groups, it is pointed out that the lead of the group has a large responsibility. Communication within the working group is one of his/her main tasks. The ENCJ Secretariat can assist in a modest way to facilitate the work of the working groups (for example provide translations).

A number of proposals for new working groups is discussed by the Steering Committee. The Steering Committee decides to propose the following new working groups to the General Assembly:

- a. Working group on mission and vision of Councils for the judiciary (lead: Belgium). This working group will build on the conclusions of the previous working group on

mission and vision. A (new) name and terms of reference for this working group will be provided shortly.

b. Working group on judicial conduct/déontologie (lead: Italy). This working group will also build on the conclusions of the previous working group on mission and vision. It will mainly relate to issues that are relevant for councils for the judiciary. It is emphasized that the working group should build on results that have already been booked in this field in other fora.

c. Working group on judiciary and the media (lead: Netherlands). This issue is of high importance to most of the ENCJ members. The work of this working group should result in an overview of best practices. The same applies as under b. where it is stated that results from other international fora should be taken into account.

Working groups a-c are open to all ENCJ members and observers.

d. Working group on the European order for payment (lead: Netherlands). This will be a small working group with a limited number of members. The information will however be disseminated among the network. Participating countries: Netherlands, England & Wales, Finland, Spain. Ireland indicates that it is interested in joining the working group as well.

In addition, the Steering Committee decides that the work of the working group on case management (lead: England) will be continued (focus to be defined).

In addition, the Steering Committee decides that the working group on the ENCJ Website becomes a standing committee of the Network (lead: Spain).

The proposal resulting from the (old) working group on mission and vision concerning the advisory function of ENCJ on EU matters is not accepted by the Steering Committee. The focus of the proposal is too general – only when it comes to particular/specified questions or requests for advice from the EU, the ENCJ will formulate a concrete answer (a temporary working group can be instituted for that reason – cf. the working group under d.).

It is also agreed that the work of the working group on evaluation of judges is only continued in the sense that the information provided by the member states (on the website) should be kept up to date. Jean-Paul Sudre has offered to coordinate this.

It is agreed that the ENCJ Secretariat will look into the feasibility of rules of procedure for establishing new working groups.

- **External relations of ENCJ**

Rather than having a separate working group it is considered more practical to have the Secretary General and the President manage this issue (which is in conformity with the ENCJ Charter) and report/refer back to Steering Committee. The Steering Committee functions as a kind of sounding board. The Steering Committee members agree with this view.

- **ENCJ Activity plan**

The ENCJ Secretariat is in the process of preparing a concise activity plan. Members of the Steering Committee will be consulted on the content matter.

3. Incoming ENCJ correspondence

-invitation the from European Court of Justice (ECJ) in Luxembourg.
The ECJ has invited ENCJ to discuss possible fields of cooperation. The ENCJ Secretariat will coordinate this visit, in which one representative of each country that is represented in the Steering Committee can participate.

-invitation from CEPEJ to present the Network on 17 June 2005.
ENCJ tries to be present during the meeting, but will not express an opinion. Belgium indicates that it is interested in representing ENCJ at that occasion.

4. ENCJ Conference 2006

Poland kindly offers to organize the General Assembly in Poland in 2006. The Steering Committee accepts this offer and agrees that the end of May, beginning of June would be a suitable period to organize the GA.

Belgium proposes to be a candidate for 2007. Hungary has also offered to host the General Assembly in the near future.

5. Next meetings of Steering Committee

-October 2005: England is requested to see whether there is a possibility to organize the next meeting in London.

-January-February 2006: Netherlands Council offers to organize the meeting in the beginning of 2006 in its new premises.

6. Other matters arising

No remarks.

7. Minutes Steering Committee meeting February 7, 2005

The Steering Committee agrees on the minutes of its previous meeting in February in Dublin. A small change in the text is proposed:

p. 2 – under 4. External relations/EU (first paragraph): ‘judges’ should be changed into ‘judges and prosecutors’; and (second paragraph): after ‘overlap with work of other European networks’ ‘such as EJTN’ should be added.

Action list:

?? Check of English texts on Website

ENCJ Secretariat: publication of final reports of working groups on mission and vision resp. evaluation of judges

ENCJ Secretariat: disseminate information on new working groups and registration lists to all ENCJ members and observers

France: coordination of update of information on evaluation of judges on the website

ENCJ Secretariat: to look into the feasibility of rules of procedure for the establishment of new working groups

ENCJ Secretariat: organize meeting with the ECJ in Luxembourg.

ENCJ Secretariat: arrange participation of ENCJ in CEPEJ meeting on 17 June 2005

ENCJ Secretariat: coordination of upcoming Steering Committee meeting with England

ENCJ Secretariat: draw up a list of dates of changes of mandates of all Councils.

Commento [B1]: Waar komt deze vandaan?

ENCJ Secretariat to send letters to forum of commercial court judges and similar groups inviting them to avail information on the ENCJ website.

List of participants Steering Committee meeting on 1 June 2005 in Barcelona

Belgium

Edith van den Broeck

Marc Bertrand

England & Wales

John Thomas

Barbara Flaxman

France

Jean-Paul Sudre

Valéry Turcey

Ireland

Susan Denham

Brendan Ryan

John Quirke

Italy

Luigi Berlinguer

Giuseppe Salmé

Milena Falaschi

Netherlands

Marlies Bouman

Marieke Breimer

Bert van Delden

Poland

Teresa Flemming-Kulesza

Ryszard PEK

Spain

José Francisco Valls Gombau

Javier Laorden Ferrero

Juan Pablo González González

Francisco Puig Blanes

Pilar Ruiz Carnicero