



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

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## Draft minutes Steering Committee meeting

**Date:** Friday, 20 February 2009  
**Venue:** Brussels, Avenue Louise 65, 4<sup>th</sup> floor

- 1 Opening and news  
The President opens the meeting and proposes to slightly alter the order of the day because of some members having to leave early.
- 2 Minutes of Steering Committee meeting Brussels 24 October 2008  
The minutes are adopted and will be sent to the Members of the Network.
- 3 Relevant national developments

### *Hungary*

There is still no new president for the Supreme Court and thus the Council. The salaries of judges are very low and the economic crisis has hit Hungary very hard. The Judicial regulatory bodies of Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Hungary, Italy, Kosovo, Romania, Serbia and Slovenia are planning to set up a permanent office. The plans will be explained at the next plenary meeting in Montenegro. A representative of the ENCJ will be invited.

### *Denmark*

A regulation on the showing of religious symbols for judges will come into force. Robes are being introduced for judges.  
The court administration has the competence to discuss budgetary issues with the Parliament directly. For the first time since its establishment the court administration will use this competence.

### *Poland*

The salaries of judges are still relatively low. A rise has been promised but the deliberations in Parliament are delayed. The Council has challenged the law relating to the position of judges before the Constitutional Court. The Council was successful on some minor points before the Constitutional Court but the main issues were not judged as unconstitutional.

### *Italy*

There had been new legislation in several areas for instance in the field of obtaining evidence through telephone taps and a new illegal immigrants Act.  
As a result of a discussion between two prosecutors on informing the media in a particular case, the magistrate became the subject of political discussions.  
Plans are being developed to separate the careers of judges and prosecutors.

### *The Netherlands*

It is considered necessary to improve the quality of the judicial organisation by reducing the number of small courts. Detailed discussions with the Presidents of the courts are ongoing. The aim is to reduce the courts from 19 to 12. These 12 courts could have several locations where hearings and sessions will be held. The aim is to have 25 locations. The Minister of Justice will be advised in March.

The budget for the judiciary is fixed by multiplying the number of cases dealt with by the price per case. The influx of cases is expected to increase. More judges and therefore more money are needed. The Minister of Justice has no additional budget available which will most definitely lead to backlogs.

### *France*

The President of the Republic has introduced ideas on the reform of the criminal procedure. Most important is the abolition of the investigative judge. This would have a major effect on the position of prosecutors. There is a great risk that they will become less independent.

Deliberations are ongoing on the future and possible dismissal of the investigating judge that was involved in the Outreau case.

### *Spain*

The criminal code will be reformed.

The new CGPJ has put in place a new modernisation plan. The maximum case load per judge is being studied. Based on the study, a decision can be made on the number of judges and courts required.

A strike of judges occurred. The question was whether judges are allowed to strike. This question will be referred to the Constitutional Court. 35% of the judges were on strike and another strike is announced for June. The Judiciary has received a lot of attention in the media and therefore political attention as well.

### *England & Wales*

The financial crisis means that costs have to be cut; ideas include re-using court rooms by planning 2 court sessions a day.

In immigration law cases there is a backlog.

The common law system relies heavily on the quality of the lawyers. Therefore the standard of the quality of the lawyers should be raised. The Judiciary is working together with the government and lawyers to arrange an evaluation system for lawyers.

### *Belgium*

The First President of the Court of Cassation wrote a letter to the Parliament saying that in the Fortis case there might have been contact between the judge and the cabinet of the Minister. After a lot of political debate this letter caused the government to resign. The Belgian Council is inquiring into the role of the judges in this case. The Parliament also started an inquiry, but experts have now stated that Parliament lost this right in 1999 when the Council was established.

The Assize Court procedure has been condemned by the ECHR because of the lack of motivation of the decision of the jury. A reform is planned.

#### 4 Permanent Office - State of Affairs

- Staff – The President put forward a revised proposal to the SC on the position of Marc Bertrand after discussions with the Belgian Council. He will work a day a week for the ENCJ. The Steering Committee agrees with the proposal.
- The Executive Board proposes to appoint David Simone as management assistant. Furthermore they propose to put in place the programme for stagiaires as of the summer. The Steering Committee agrees with both proposals.

#### 5 Finances of the Association

5.1 State of affairs and draft budget 2009. The draft budget was reviewed. The following points were highlighted:

- If the membership fee for 2010 is to be increased, it should be decided in Bucharest. A proposal will be prepared for the next General Assembly.
- The Steering Committee adopted the following proposal made by the Executive Board in relation to Observers.  
The Observers of the Ministries or the Councils of Candidate Member States will be charged €250 per participant as a registration fee for the General Assembly. For their participation in meetings of the working groups €75 will be calculated per participant per working group meeting. These fees are intended only to cover the costs the ENCJ incurs through the participation of observers.
- The Executive Board also put forward a revised proposal for the reimbursement for the cost of participation in the activities of the ENCJ Organs.  
Travel costs will be reimbursed on the basis of actual cost with a maximum. The per diem rule will be abandoned. The actual cost of a hotel alone will be paid, again with a maximum. As before the reimbursement would be for one person per Member.  
For working group meetings the hosting Member will be paid a standard amount to pay for meals provided at the working group meetings.
- The cash balance of the membership fee of 2008 will be carried forward to the 2009 budget.
- A proposal setting out the new reimbursement scheme will be drafted and sent to the Members for approval at the Bucharest General Assembly meeting.
- As regards the budget for the web-site the technicians of the Spanish Council and of the Belgian Council are in contact and will discuss the possibilities of managing the site from Brussels as well as creating email addresses for the office. Based on their proposals a budget line will be introduced.

#### 5.2 Financial report 2008

- Due to the organisation of the Opening of the Office, illness of the accountant of the Belgian High Council and the very late subvention by the European

Commission the financial report 2008 has not been issued yet. The Steering Committee stresses that the accounts of the Association have to be absolutely in order to avoid the EJTN situation. A qualified accountant will be contracted by the ENCJ.

## 6 General Assembly meeting 2009

### 6.1 Draft agenda and programme

- The programme is discussed and approved. For the programme of Thursday morning it is decided that the sub-groups will also discuss the establishment of new working groups. The sub-groups will be chaired by a member of the Steering Committee. All Members will be asked to send in their ideas beforehand. Papers on the proposed subjects can be submitted for discussion. After the plenary session on Thursday the Steering Committee will meet to gather the ideas of the sub-groups.
- The way of presentation of the results of the working groups is to be decided on by the working groups. The working group coordinators will inform the Office. Possibilities are interviews, statements etc.

### 6.2 Proposal for change of article 6.5 of the Statutes (for approval)

- The Steering Committee approves the proposed change of the Statutes with a small amendment (advisory bodies of European organisations in particular the Council of Europe, dealing with matters related to justice)(attached). The proposal will be sent to the Members for approval at the General Assembly in Bucharest.

### 6.3 Draft resolution on the general theme.

- A draft resolution on the general theme was proposed by the Executive Board and was discussed. Some changes are being made. The Internal Affairs Commission will deal with the draft resolution. Their proposal will be sent to the Members for comments before the General Assembly meeting in Bucharest. The amendments proposed by the Members will be discussed in sub-groups. All sub-groups will discuss a part of the Resolution. After the plenary session on Thursday the Steering Committee will meet to make the final changes in order for the Resolution to be adopted on Friday.

## 7 Permanent Commissions:

### 7.1 Proposal for future organisation of the permanent commissions and working groups

- The Steering Commission decides that all members that indicated a preference can participate in the Commission they indicated as having their first preference. The members that have not indicated a preference will be invited to join the Commission Communication (composition attached).

- The Steering Committee after some discussion and amendments approves the proposal of the Executive Board (attached). The Internal Affairs Commission will coordinate the work of the working groups Quality Management, Liability, and Public Confidence. The EU policies commission will coordinate the work of the working groups on Criminal Law and Mutual Confidence. The Commission on Communication will deal with the web-site and e-Justice.
- The Steering Committee stresses that the structure should be flexible and would be reviewed.

#### 7.2 Communications :

The Commission would consider the best and most economic way of organising its activities and how the working group on e-justice would relate to the Commission.

#### 7.3 EU policies - draft opinion on Future Programme “Stockholm Programme”

- The Steering Committee discussed the proposed changes submitted by Members and adopted the draft opinion on the Future Programme with amendments (attached). On the issue of evaluation, an issue currently being discussed in the European Commission, an extra paragraph is inserted.

#### 7.4 Internal Affairs

- The Executive Board put forward proposals for a revised text of the Budapest resolution. The Steering Committee decided that the Internal Affairs Commission will work on a final draft of the Budapest resolution which will be sent to the Members for formal adoption.
- They will also work on the Bucharest resolution. See under 6.3. They will also look into possibilities of reinforcing the relations between the ENCJ Members for the General Assembly meeting.

### 8 Activities of Working Groups

#### 8.1 Criminal Justice, coordinators England & Wales and Italy

The next meeting will be held in May. The future structure of the working group needs consideration

#### 8.2 E-justice, coordinator Spain

The working group will meet on March 17.

#### 8.3 Liability/Judicial ethics, coordinator France.

Next meeting is being planned for 20 March. Work might be finished before Bucharest or a little after.

#### 8.4 Mutual Confidence, coordinator Belgium and the President

A transfer into a more focussed direction should take place.

#### 8.5 Public Confidence, coordinator Poland

The work on the questionnaire is almost done. A proposal will be presented to the GA. There is some discussion on the feasibility of the current proposed working method. This working group will most probably continue to exist.

#### 8.6 Quality management, coordinator the Netherlands

A last meeting is planned in April. Whether this working group will continue is currently being discussed by the working group.

- The Steering Committee discussed the following possible subjects for the working groups. (Activity programme 2009-2010)
  - Evaluation of judicial systems
  - Relations between judges and prosecutors
  - Judges salaries/remuneration/finances (OIT-Hungary will submit a paper).
  - Access to Justice in the broad sense
  - Scope of Criminal Justice

## 9 External relations

- The Steering Committee agrees that people going to meetings on behalf of ENCJ must report back so that the report can be published in the bulletin.

9.1 Relations with the Network of Councils of State and Network of Supreme Court Presidents. A meeting is planned on 10 March. Aim of the meeting is to see how the work could be coordinated between the Networks. A meeting is planned with EJTN

9.2 Relations with the European Commission (including Justice Forum on Criminal Law). A paper has been sent out to the Steering Committee and the Criminal Law working group for reactions on Minimum Procedural Rights.

9.3 Preparation of CCJE opinion no 12 on the relationship between judges and prosecutors – Jean Paul Dreno will look into the work currently being done by the CCJE.

9.4 Victim Support – Conference 25-26 June. The President has agreed to speak.

10 Joint Commission Ibero American Judicial Summit– ENCJ -first meeting scheduled for 22/23 April 2009

## 11 A.O.B.

- The Steering Committee agrees that the Bulletin is a useful instrument for keeping members, observers and others interested informed.

12 Closing - date and venue next meeting

The Steering committee agrees on the following schedule:

Schedule meetings ENCJ Bodies 2009-2010

<b>Date</b>	<b>Body</b>	<b>Venue</b>
February 19	Executive Board	Brussels
February 20	Steering Committee	Brussels
April 20	Executive Board	Brussels
May 27	Executive Board	Bucharest
May 27	Steering Committee	Bucharest

May 28-29	General Asssembly	Bucharest
July 6	Executive Board	Brussels
24 September	Executive board	Warsaw
25 September	Steering Committee	Warsaw
23 November	Executive board	Brussels
<b>2010</b>		
February 11	Executive Board	Spain
February 12	Steering Committee	Spain
April 23	Executive Board	<i>At GA venue</i>
<i>June</i>	<i>Executive Board</i>	<i>At GA venue</i>
<i>June</i>	<i>Steering Committee</i>	<i>At AG venue</i>
<i>June</i>	<i>General Assembly</i>	