



CCJE-BU(2015)6

Strasbourg, 22 July 2015

**BUREAU OF THE CONSULTATIVE COUNCIL  
OF EUROPEAN JUDGES  
(CCJE-BU)**

**Report of the 19<sup>th</sup> meeting  
Bergen, 3 June 2015**

Document prepared by the Secretariat  
Directorate General I – Human Rights and Rule of Law

## **I. INTRODUCTION**

1. The Bureau of the Consultative Council of European Judges (CCJE) held its 19<sup>th</sup> meeting in Bergen, Norway, on 3 June 2015, at the invitation of the Norwegian Courts Administration. The meeting was chaired by Mr Bart van LIEROP (The Netherlands), President of the CCJE.
2. The following members of the Bureau were also present:
  - Mr Richard AIKENS (United Kingdom), Vice-President of the CCJE;
  - Ms Nina BETTETO (Slovenia);
  - Mr Johannes RIEDEL (Germany).
3. The agenda is set out in Appendix I.

## **II. PREPARATION OF THE CCJE OPINION No. 18**

4. The members of the Bureau thanked Mr AIKENS and Ms Anne SANDERS, scientific expert of the CCJE, for having prepared a comprehensive first draft of the Opinion No. 18 on the independence of the judiciary and its relations with the other powers in a modern democratic state (document CCJE-GT(2015)2). The draft also included the comments made by the members of the Bureau and Working Group. The draft was praised and it was emphasised that this topic would include also the important concepts of legitimacy and accountability of the judiciary as discussed previously on various occasions, including the seminar held on 19 March 2015.
5. The members of the Bureau went on to briefly discuss the further process of developing the draft Opinion, taking into account the diverse practices in the member States of the Council of Europe. The sensitive subject matter of the Opinion was underlined, in view of which the contents of the draft and various formulations needed a careful discussion, which would be undertaken by the Working Group. It was accordingly decided to deviate a little bit from the usual practice and start the forthcoming 29<sup>th</sup> meeting of the CCJE Working Group with the discussion on the draft, and then to proceed to communications of the members on their activities.

## **III. SITUATION OF THE JUDICIARY AND JUDGES IN THE MEMBER STATES OF THE COUNCIL OF EUROPE (DISCUSSION ON RECENT DEVELOPMENTS AND FOLLOW-UP BY THE CCJE)**

6. The members of the Bureau and the Secretariat discussed the follow-up to the Situation Report on the judiciary and judges in the Council of Europe member States (updated version n° 1 (2013)) adopted during the 14<sup>th</sup> plenary meeting of the CCJE in Strasbourg on 13-15 November 2013.
7. As it was agreed during the 18<sup>th</sup> meeting of the Bureau on 18 March 2015, the new edition of this report would include updates on the follow-up to the complaints mentioned in the 2013 report, as well as new complaints or information sent to the CCJE by national or international partners. The next edition of the report would be adopted by the CCJE plenary session in 2015, in line with the CCJE's mandate to provide targeted cooperation at the request of member States, CCJE members, judicial bodies or relevant associations of judges.

8. The Secretariat briefed the members of the Bureau on the communications already received from the members responding to the request for information. The deadline for the responses would expire in mid-June. The Bureau decided to send a reminder after the deadline, after which the Secretariat would start preparing the consolidated draft of the report, based on the responses and integrating the update information and new complaints and information, including those from observers and other international partners. The Bureau would start the consideration and finalisation of the draft after the summer holidays.
9. In parallel with preparing the Situation Report, the CCJE Secretariat would continue regularly updating a brief annual report on the external activities of the CCJE, on a chronological basis, including responses to requests for legislative assistance which were submitted to the CCJE. All assessments, comments and recommendations made by the CCJE in this respect would continue to be made public in order to provide for the transparency of the CCJE work and contribute to dissemination of its standards as widely as possible.
10. The Bureau discussed the follow-up to its comments (document CCJE-BU(2015)4) made in relation to the complaint from Ukraine addressed to the Secretary General of the Council of Europe and on the open letter of the Council of Judges of Ukraine sent to the President of the CCJE in relation to the alleged actions and threats for the status of judges and their independence in Ukraine. These comments were prepared by Mr RIEDEL and further finalised and adopted by the Bureau which decided to make them public in the CCJE's website.
11. The Bureau went on to discuss the preparation of its comments in relation to the letters sent by various judges and international, European and national associations of judges to the Council of Europe and the CCJE alleging the suspension and arrest of certain judges in Turkey and the overall very difficult situation for the status and independence of judges. Mr RIEDEL volunteered to work on the draft of the CCJE comments which he would prepare and submit to the Bureau as soon as possible. After finalisation and adoption by the Bureau, these comments would also be made public in the CCJE's website.
12. The Bureau also mentioned the follow-up to the complaint from Montenegro submitted by the Association of Judges of Montenegro expressing concerns regarding the new law on salaries in public sector. Ms BETTETO prepared the CCJE response on the matter, which was finalised and adopted by the Bureau and sent, in a form of a letter signed by the CCJE President, to the Association of Judges of Montenegro.

#### **IV. OTHER ACTIVITIES OF THE CCJE**

13. The Secretariat briefed the Bureau members on the recent report of the Secretary General of the Council of Europe on the State of democracy, human rights and the rule of law in Europe, which focused, among other issues, on efficient and independent judiciary and which assigned a key responsibility to the CCJE to "urgently draft a comprehensive review of the main challenges for judicial impartiality and independence in member states". This review should be drafted before the end of 2015. The Secretariat also reported that the Secretary General had announced his intention to meet the Bureau of the CCJE as well as the Bureau of the Consultative Council of European Prosecutors (CCPE) since a similar request was made also to the CCPE, in order to discuss the objectives and the methodology for the preparation of this review.

14. The Bureau highly praised this initiative and agreed that this assignment was an expression of trust by the Secretary General in the work of the CCJE. The Bureau discussed setting up a joint CCJE-CCPE Task Force composed of the members of the Bureaus and involving a scientific expert entrusted with drafting the text, since the drafting of such a review covering all 47 member States of the Council of Europe would require quite extensive research and analysis.
15. The Bureau further discussed positively the possibility of engaging Ms Anne SANDERS, the current scientific expert of the CCJE, to fulfill this important task, and decided to discuss this with her. The Bureau also exchanged opinions on the possible timetable for the process of preparation of the review and on collecting relevant data and statistics.
16. The members of the Bureau proceeded to report on their participation in various events and projects where they presented the CCJE Opinions and activities<sup>1</sup>. Mr RIEDEL emphasised that such participation was necessary to reach more impact of the CCJE work. Everybody agreed that the CCJE work was increasing, however the Bureau members expressed doubts as to whether they can be engaged more and that they had their limits.
17. The Bureau also discussed its potential composition in 2016 and the issue of possible deputy members of the CCJE which, as Secretariat clarified, should in the case of final approval be included in the CCJE Terms of Reference for adoption by the Committee of Ministers. It was decided to continue consideration of this issue.

## **V. OTHER BUSINESS**

18. The Bureau discussed the modalities of organisation of the CCJE's plenary meeting in London on 14-16 October 2015, within the framework of the 800<sup>th</sup> anniversary of the Magna Carta. In particular, a separate event within the framework of the agenda of the plenary meeting would be organised, in order to give more publicity to the CCJE activities and standards.
19. It was also mentioned that Ms Aida-Rodica POPA, CCJE member in respect of Romania and member of the Working Group, would make the official request for the CCJE plenary meeting in 2016 to be organised in Bucharest.

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<sup>1</sup> For details of their participation in various events and projects, see the report on the 29<sup>th</sup> meeting of the CCJE Working Group in Bergen, Norway, on 3-5 June 2015 (document CCJE-GT(2015) ...).

## **APPENDIX I**

### **AGENDA / ORDRE DU JOUR**

1. Adoption of the agenda / *Adoption de l'ordre du jour*
2. Communication by the President, members of the Bureau and the Secretariat / *Communication du Président, des membres du Bureau et du Secrétariat*
3. Preparation of the 29<sup>th</sup> meeting of the CCJE-GT and the draft Opinion No. 18 on « the independence of the judiciary and its relations with the other powers in a modern democratic state » / *Préparation de la 29<sup>ème</sup> réunion du CCJE-GT et du projet d'Avis n° 18 sur « l'indépendance du système judiciaire et ses relations avec les autres pouvoirs dans un État démocratique moderne »*
4. Situation of the judiciary and judges in the member States of the Council of Europe (discussion on recent developments and follow-up by the CCJE) / *Situation du pouvoir judiciaire et des juges dans les Etats membres du Conseil de l'Europe (discussion sur les développements récents et le suivi par le CCJE)*
5. Other work of the CCJE / *Autres travaux du CCJE*
  - Participation of the CCJE in other meetings in and outside the Council of Europe / *Participation du CCJE à d'autres réunions au Conseil de l'Europe ou en dehors*
6. Any other business / *Divers*