

Strasbourg, 5 December 2012

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

13th meeting
Paris, 5-6 November 2012

MEETING REPORT

A. FOREWORD

1. The Consultative Council of European Judges (CCJE) met at the Council of Europe Office in Paris, France, on 5 and 6 November 2012, with Mr Gerhard REISSNER (Austria) in the chair. The agenda is appended and list of participants is available from the Secretariat.

B. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

2. The CCJE invited the Committee of Ministers:

- a. to take note of Opinion No. 15 (2012) on “The specialisation of judges”

and of the fact that this document would be forwarded to the relevant bodies in the member states, who would be encouraged to translate it into appropriate languages if need be, and to the relevant bodies of the Council of Europe in order that they can take account of it in their own work;

- b. to take note of this report as a whole.

C. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR INFORMATION

The CCJE

3. **confirmed** that the opinion of the CCJE in 2013 would be on the subject of relations between judges and lawyers, in accordance with its terms of reference as adopted by the Committee of Ministers;
4. **thanked** the Paris Bar Association for hosting the Conference on the theme “How to better organise the relations between judges and lawyers in order to improve the provision of justice?” (Paris, 7 November 2012) and **welcomed** the fact that the discussion and conclusions of this conference would constitute an excellent starting point for the work on the new Opinion;
5. **appointed** Mr Orlando AFONSO (Portugal), Ms Aneta ARNAUDOVSKA (“the former Yugoslav Republic of Macedonia”), Mr José Francisco COBO SÀENZ (Spain), Mr Bernard CORBOZ (Switzerland), Mr Nils ENGSTAD (Norway), Mr Johannes RIEDEL (Germany), Mr Duro SESSA (Croatia), Mr Virgilijus VALANČIUS (Lithuania) and Mr Jean-Claude WIWINIUS (Luxembourg), as members, and Mr Raffaele SABATO (Italy) as a substitute member, to the select group responsible for preparing the draft Opinion on relations between judges and lawyers (CCJE-GT) to be submitted to the 14th plenary meeting of the CCJE;
6. in the context of its task of providing targeted cooperation to enable states to comply with the Council of Europe standards concerning judges, **agreed** that the information available to the CCJE at the time of the meeting was not sufficient for adopting an updated version of the “Situation report on the judiciary and judges in the member states” adopted in 2011; **emphasised** the necessity to base the Report on relevant information from trustworthy sources and **took note** of the need to give the members a sufficient time for submitting detailed information and commenting on the findings of the report; for these reasons **agreed** to postpone the updating of the document to 2013;
requested its members, irrespective of whether or not their countries are listed in this report, to send to the Secretariat by 15 December 2012 any comments they might have;
decided to update the report every two years and **agreed** on the procedure for preparing it;
instructed the Bureau to take note of any relevant information coming to its attention in between any two updates and to undertake urgent action as appropriate;
7. **expressed the wish** that in its terms of reference for 2014-2015, would be reinforced its capacity, as a unique European body composed exclusively of judges representing all member states of the Council of Europe, for an in-depth examination of the judicial independence in the member states by enabling it to tackle the problem of infringements of the status of judges in a more pro-active manner, focusing on the implementation of the CCJE opinions and Magna Carta of Judges, including by carrying out on-site visits to the countries concerned, meeting judges and the relevant authorities etc.;
8. **re-elected** Mr Gerhard REISSNER (Austria) as President, and **elected** Mr Bart VAN LIEROP (Netherlands) as Vice-President for 2013; **elected** Mr Richard AIKENS (United Kingdom) and Ms Nina BETTETO (Slovenia) as Bureau members for two years (2013-2014);

9. **thanked** Mr Paul MAFFEI (Belgium), and Mr Raffaele SABATO (Italy) for the excellent quality of the work done during their terms of offices within the Bureau;
10. **expressed** its intention to intensify the cooperation with other Council of Europe bodies, and in particular with the European Committee on Legal Co-operation (CDCJ) when updating Recommendations concerning justice matters;
11. **welcomed** the fact that the CCJE Opinions and the Magna Carta of Judges have been increasingly quoted by the courts in the member states, that an easy access to these texts was provided by the CCJE through its internet site, that certain Opinions were translated, up to 14 different languages, and **encouraged its members**, who have not yet done so, to translate these important sources of European standards.
12. **took note** of the information on the work currently done by the High Council of Justice of Italy in Iraq, including strengthening its judiciary; **thanked** Ms Maria Grazia BENEDETTI, representative of EUJUST LEX in Iraq, for the invitation to involve the CCJE in this activity and **confirmed** its availability for further possible co-operation;
13. **proposed** to hold its 14th plenary meeting from 13 to 15 November 2013 in Strasbourg and the 24th and 25th meetings of the select group (CCJE-GT) in April and June 2013 respectively (exact dates to be determined);
14. **thanked** the members of the CCJE on behalf of Italy and Norway for their proposals to host the two 2013 meetings of the select group in their countries.

APPENDIX I

AGENDA

1. Adoption of the agenda
2. Information by the President and the Secretariat
3. Draft Opinion No.15 of the CCJE for 2012
 - Examination of the draft Opinion No.15 on “The specialisation of judges”
4. Preparation of the Opinion No.16 of the CCJE for 2013
 - Discussion on the topic of Opinion No.16: preparation of a questionnaire, scientific expert(s), follow-up to the works of the Conference
5. Working methods of the CCJE
 - Election of the President and the Vice-President of the CCJE
 - Election of two members of the Bureau of the CCJE
 - Nomination of the Select Group of the CCJE for 2013
6. Situation in member States concerning judges
 - Discussion, in view of its adoption, of the “Situation report on the judiciary and judges in the different member States” – 2012 edition (updated)
7. Communication strategy of the CCJE and visibility of its works
8. Calendar of the meeting of the CCJE and the CCJE-GT in 2013
9. Any other business

APPENDIX II

LIST OF PARTICIPANTS

MEMBER STATES / ETATS MEMBRES

ALBANIA/ALBANIE:

Ms Arjana FULLANI, Justice, Supreme Court of Albania, TIRANA

ARMENIA/ARMENIE:

M. Stepan MIKAELYAN, Cour civile d'appel de l'Arménie, YEREVAN

AUSTRIA/AUTRICHE:

Mr Gerhard REISSNER, (President of the CCJE/Président du CCJE)
Vice-President of the Austrian Association of Judges, President of the District Court of Floridsdorf, , VIENNA

BELGIUM/BELGIQUE: (Vice-President of the CCJE/Vice-Président du CCJE)

M. Paul MAFFEI, Conseiller à la Cour de Cassation, BRUXELLES

BOSNIA AND HERZEGOVINA/BOSNIE ET HERZEGOVINE:

Ms Meddzida KRESO, Court of Bosnia and Herzegovina, 71000 SARAJEVO,

(excused/excusé)

BULGARIA/BULGARIE:

Ms Maiia ROUSSEVA, Judge, Sofia City Court, SOFIA

(excused/excusé)

CROATIA/CROATIE:

Mr Duro SESSA, Justice of the Supreme Court, ZAGREB

CYPRUS/CHYPRE:

Mr Stelios NATHANAEL, Judge of the Supreme Court, NICOSIA

CZECH REPUBLIC/REPUBLIQUE TCHEQUE:

Mr Jiri LNENICKA, High Court, Nam. PRAGUE

DENMARK/DANEMARK:

Ms Lene Pagter KRISTENSEN, Judge of the Supreme Court, COPENHAGEN

Ms Linda LAURITSEN, Judge, City Court of ROSKILDE

ESTONIA/ESTONIE:

Mr Meelis EERIK, Estonian Association of Judges, Chairman, TALLINN

FINLAND/FINLANDE:

Mr Gustav BYGGLIN, Justice, Supreme Court, P. HELSINKI

FRANCE:

M. Alain LACABARATS, Président de Chambre, Cour de Cassation, PARIS

GEORGIA/GEORGIE:

Mr Irakli ADEISHVILI, Judge, Chairman of the Chamber of Civil Cases, Tbilisi City Court, TBILISI

GERMANY/ALLEMAGNE:

Mr Johannes RIEDEL, President of the Court of Appeal, Oberlandesgericht, Reichenpergerplatz, KÖLN, Vice President of the Constitutional Court of North Rhine-Westphalia

GREECE/GRECE:

Mr Gerassimos FOURLANOS, Judge of the Supreme Court, ATHENS

HUNGARY/HONGRIE:

Ms Ursula VEZEKENYI, Chamber President, Civil Department, Supreme Court, BUDAPEST

ICELAND/ISLANDE:

Mr Helgi JÓNSSON, President of the District Court of Reykjavík, REYKJAVÍK

(excused/excusé)

IRELAND/IRLANDE:

Mr John MacMENAMIN, Judge, High Court, 4 Courts, DUBLIN

ITALY/ITALIE:

Mr Raffaele SABATO, Counselor, Supreme Court of Cassation, Member, Board of Directors, School for the Judiciary, ROME

Mr Riccardo FUZIO, member of the Italian High Council for the Judiciary, ROME

Mr Paolo CORDER, member of the Italian High Council for the Judiciary, ROME,

LATVIA/LETTONIE:

Ms Aija BRANTA, Judge, Constitutional Court of the Republic of Latvia, RIGA

LIECHTENSTEIN:

Mr Carlo RANZONI, Judge, Fürstliches Landgericht (Court of Justice), VADUZ

LITHUANIA/LITUANIE:

Mr Virgilijus VALANČIUS, President of the Supreme Administrative Court of Lithuania, President of the European Association of Judges, VILNIUS

LUXEMBOURG:

M. Jean-Claude WIWINIUS, Président de Chambre, Cour Supérieure de Justice, LUXEMBOURG

M. Jean-Marie HENGEN, Juge de Paix Directeur, Justice de Paix, ESCH-SUR-ALZETTE

MONACO:

M. Jérôme FOUGERAS-LAVERGNOLLE, Juge d'Instruction, Juge tutélaire, MONACO

MONTENEGRO/MONTENEGRO:

Ms Valentina PAVLICIC, Judge, High Court of Podgorica, PODGORICA

NETHERLANDS/PAYS-BAS:

Mr Bart VAN LIEROP, Senior Justice of the Administrative High Court for Trade and Industry (College van Beroep voor het bedrijfsleven), THE HAGUE

NORWAY/NORVEGE:

Mr Nils A. ENGSTAD, Judge, Hålogaland Court of Appeal, PTROMSØ

Mr Håvard HOLM, Judge, Borgarting Court of Appeal, President of the Norwegian Association of Judges

POLAND/POLOGNE:

Mr Roman KESKA, Judge, Circuit Court (2nd instance court), SIEDLCE

PORTUGAL:

M. Orlando AFONSO, Juge à la Cour Suprême, LISBONNE

REPUBLIC OF MOLDOVA/REPUBLIC DE MOLDOVA:

Mr Xenofon ULIANOVSKI, Deputy President of the Court of Appeal, CHISINAU

ROMANIA/ROUMANIE:

Mme CHIOSEAU, Cour de Cassation, BUCAREST

RUSSIAN FEDERATION/FEDERATION DE RUSSIE:

Mr Nikolay ROMANENKOV, Justice of the Supreme Court, MOSCOW

SERBIA/SERBIE:

Ms Spomenka ZARIĆ, Judge of the Court of Appeal, BELGRADE

SLOVAKIA/SLOVAQUIE:

Ms Alena POLÁČKOVÁ, Judge of the Supreme Court, BRATISLAVA

SLOVENIA/SLOVENIE:

Ms Nina BETETTO, Judge, Vice-President of the Supreme Court, LJUBLJANA

SPAIN/ESPAGNE:

M. José Francisco COBO SÀENZ, Magistrat, Président de la 2ème Section de la *Audiencia Provincial (Navarra)*, PAMPELUNE

SWEDEN/SUEDE:

Ms Eva WENDEL ROSBERG, Chief Judge, Malmö District Court, MALMÖ

SWITZERLAND/SUISSE:

M. Bernard CORBOZ, Juge fédéral, Tribunal fédéral, LAUSANNE

“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”/“L’EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE”:

Ms Aneta ARNAUDOVSKA, Judge, Director of the Academy of Judges and Prosecutors, SKOPJE

TURKEY/TURQUIE:

Mr Uzeyir KARABIYIK, Judge, Turkish Ministry of Justice, ANKARA

UKRAINE:

Mr Viktor GORODOVENKO, President of the Court of Appeal Zaporizhska region, ZAPORIZHYA

UNITED KINGDOM/ROYAUME-UNI:

Lord Justice Richard AIKENS, Royal Courts of Justice, LONDON

OBSERVER STATES/ ETATS OBSERVATEURS

JAPAN/ JAPON:

Mr Mutsuo TAHARA, Justice of the Supreme Court of Japan, Supreme Court of Japan, TOKYO

Mr Kenichiro TOMIZAWA, Judge, Tokyo District Court, TOKYO

Mr Hideaki GUNJI, Consul, Consulate-General of Japan, STRASBOURG

Ms Akemi ONO, Interpreter

FEDERATION EUROPEENNE DES JUGES ADMINISTRATIFS/ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES

M. Pierre VINCENT, Juge, Cour Administrative d’Appel, NANCY

EUROPEAN NETWORK OF COUNCILS FOR THE JUCIDIARY/RESEAU EUROPEEN DES CONSEILS POUR LA JUSTICE

Mr Miguel Carmona Ruano, President

EUROPEAN COMMISSION/COMMISSION EUROPEENE

(excused/excusé)

EUROPEAN COMMITTEE ON LEGAL COOPERATION (CDCJ)/COMITE EUROPEEN DE COOPERATION JURIDIQUE (CDCJ)

Mr Eberhard DESCH, Federal Ministry of Justice, Head of Division of International Law, BERLIN

EUROPEAN ASSOCIATION OF JUDGES FOR MEDIATION (GEMME)

Ms Béatrice BRENNEUR, President of Gemme-France, PARIS

MAGISTRATS EUROPEENS POUR LA DEMOCRATIE ET LES LIBERTES (MEDEL)

Mr Eric ALT, juge référendaire à la Cour de Cassation, PARIS

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