



Strasbourg, 4 March 2008

CCJE(2007)18

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CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

8th meeting  
Strasbourg, 21-23 November 2007

MEETING REPORT

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List of decisions taken by the CCJE

**adopted** Opinion No. (2007) 10 on “The Council for the Judiciary at the service of society” (CCJE (2007) 5) and **decided** to transmit it to the Committee of Ministers for appropriate action, in particular for forwarding this Opinion to the competent authorities;

**approved** the draft terms of reference of the CCJE for 2008 and 2009 and **decided** to transmit them to the Committee of Ministers for adoption;

**entrusted its Bureau** with preparing a questionnaire on the issue of the quality of judicial decisions so as to draft a preparatory document in view of the 2008 Opinion on this issue;

**took note** of the document regarding the implementation of the report to the Committee of Ministers on measures to make proper use of CCJE opinions in member states (CCJE(2007)11) and **entrusted its Bureau** with ensuring the appropriate follow up;

**elected** Ms Julia LAFFRANQUE (Estonia) as Chairperson of the CCJE and Mr Orlando AFONSO (Portugal) as Vice-Chairman of the CCJE for 2008; it **decided** that their mandates will start as from 1 February 2008;

**instructed** a Working Group to prepare the draft Opinion concerning the quality of judicial decisions to be submitted to the 9<sup>th</sup> plenary meeting of the CCJE;

**agreed** to set up a pool of experts from among the members of the CCJE who could be entrusted by its Bureau with specific tasks if the CCJE was requested, according to its terms of reference, to provide practical assistance regarding specific situations of judges in a member state;

**decided** to forward to the CEPEJ the CCJE's contribution to the Report "European judicial systems – Edition 2006" so that the CEPEJ can take it into account for its further action;

**took note** of the explanations given by the members of the CCJE in respect of Spain, Romania, Italy and Turkey regarding the situation of judges in their country;

**decided** unanimously to grant observer status to the European Network of the Councils for the Judiciary (ENCJ), in keeping with Committee of Ministers Resolution Res(2005)47;

**proposed** that its next plenary meeting be held on 12 - 14 November 2008; it **thanked** the members of the CCJE in respect of Portugal and Estonia for having invited to held the meetings of the Working Group in their countries.

1. The Consultative Council of European Judges (CCJE) held its 8<sup>th</sup> meeting in Strasbourg from 21 to 23 November 2007, with Mr Raffaele SABATO (Italy) in the Chair. The agenda is set out in Appendix I to this document and the list of participants in Appendix II.

### **1. Information by the Chair and the Secretariat**

2. Mr Philippe BOILLAT, Director General of Human Rights and Legal Affairs, in his opening speech, pointed out in particular that, to give an Opinion on the Councils for the Judiciary is probably one of the most complex things done by the CCJE since it started, but also one of the most sought after. Along these lines, he encouraged the CCJE to adopt a concrete and pragmatic text on the subject, insofar as such an Opinion would help to consolidate the CCJE's reputation among public decision-makers and the legal community in Europe.

3. The CCJE was also informed of the recent restructuring within the Secretariat, which led to the merger of the Directorate General of Legal Affairs and of the Directorate General for Human Rights into a new Directorate General of Human Rights and Legal Affairs (DG-HL). The Secretariat of the CCJE remains within the Justice Division, a part of the Co-operation Directorate.

4. The Chairman of the CCJE thanked Mr Philippe BOILLAT for supporting the activities of the Council.

5. He thanked the Italian authorities, and in particular the High Council of the Judiciary, who had invited the CCJE to hold, on its premises, the 3<sup>rd</sup> European Judges Conference in Rome (26-27 March 2007) on the topic "Which Council for Justice?", attended by some 300 participants, as well as the 12<sup>th</sup> meeting of the working group of the CCJE (CCJE-GT). He saluted the excellent organisation of these two events, which, symbolically, brought together eminent figures from the European legal field, in exactly the same place and on exactly the same day as the anniversary of the signing of the Treaty of Rome. The Secretariat thanked the Chairman of the CCJE for his active participation in the organisation of these events.

6. The Chairman of the CCJE also extended his warmest thanks to the Austrian authorities, and in particular to Mr Gerhard REISSNER, member of the Bureau of the CCJE, and to Mr Heinz WIETRZYK, President of the Court of Appeal in Graz, for the outstanding organisation of the 13<sup>th</sup> meeting (Graz, 25-27 June 2007) of the CCJE-GT. Its members also had the opportunity, during a seminar, of meeting the Austrian legal community to discuss the constitutional aspects of judges, as well as the opportunity of creating a High Council for the Judiciary in Austria.

7. He concluded by welcoming the newly nominated as members of the CCJE.

8. Since the 7<sup>th</sup> plenary meeting, the work of the CCJE, whether past or current, has been mentioned by the members of the CCJE or by the Secretariat, in particular during the following meetings or events:

- Ad Hoc meeting of the Chairs of relevant Council of Europe committees on terrorism (Strasbourg, 25 April 2007) ;
- Seminar on the management and administration of justice, organised by the European Institute for European Public Administration – European Centre for Regions, organised in the framework of the EURO-MED programme, financed by the European Commission ( MEDA programme) for Mediterranean countries (Amman, Jordan, 14-16 May 2007);
- Conference on Preventing and managing International commercial Disputes organised on 28 and 29 September 2007 in Rome in the framework of a programme funded by the European Union;
- "Showroom Themis" aimed at auditors from training institutions for European public prosecution, organised by the Centre for Judicial Studies in Portugal (Lisbon, 24-29 September 2007) with the help of the Lisbon Network;

- Highlighted event of the European Civil Justice Day (Aachen, Germany, 8 November 2007).

9. The Secretariat invited the members of the CCJE having presented at various events the work of the CCJE to send their presentations or other relevant information on these presentations directly to Ms Sandrine Marolleau, webmaster ([sandrine.marolleau@coe.int](mailto:sandrine.marolleau@coe.int)), so that they will be online on the CCJE 's website.

10. The Chairman of the CCJE welcomed the decision of the Italian Constitutional Council of 24 October 2007 to reflect word for word Opinion n°9 of the CCJE concerning the connection between domestic law and the European Convention on Human Rights.

11. Mr Edwin KILBY, representative of the European Committee for Judicial Co-operation (CDCJ), indicated that the CJ-S-JUST, of which he is the Chairman, had finalized the draft revision of the Recommendation R(94)12 on the independence, efficiency and role of judges. This draft will be examined by the CDCJ in 2008. Mr A. LACABARATS and Mr R. SABATO represented the CCJE in the CJ-S-JUST meetings and expressed their satisfaction that this Working Group often referred to the CCJE's opinions.

## **2. Draft Opinion Nr 10 of the CCJE for 2007**

12. The Council of Europe's Committee of Ministers entrusted the CCJE to adopt, in 2007, an Opinion "on the structure and role of the High Council for the Judiciary or any other equivalent independent body as a vital element in a State of Law to strike a balance between the legislative, executive and judicial powers".

13. According to its terms of reference, the CCJE examined, in view of its adoption, the draft opinion Nr°10 (Document CCJE(2007)5PROV3) entitled "The Council for the Judiciary at the service of society", prepared by the Working Group and on which the delegations of the CCJE were invited to comment (Document CCJE(2007)9).

14. The CCJE warmly thanked the scientific experts, Ms Martine VALDES-BOULOUQUE (France), who presented a report on the situation in those member states with a Council for the Judiciary (document CCJE(2007)3) and Lord Justice THOMAS (United Kingdom), who presented a report on the situation in member states who do not have a Council for the Judiciary (document CCJE(2007)4). In order to write their report, the two experts based themselves on the questionnaire prepared by the CCJE on the High Councils for the Judiciary (Document CCJE(2007)1).

15. The CCJE also thanked Ms Hanna SUCHOCKA, Vice-Chair of the Venice Commission, and Mr Schnutz DÜRR, Head of the Constitutional Justice Division within the Secretariat of the Venice Commission, who actively participated in the preparatory work of the draft Opinion by, in particular, presenting the "Report on Judicial Nominations", adopted by the Venice Commission during its 70<sup>th</sup> plenary session (Venice, 16-17 March 2007) (document CDL-AD(2007)028). This Report raises the question of the Councils for the Judiciary (in the text "High Council for the Judiciary") from the perspective of the nominations of judges and in the light of the setup of these Councils. The Venice Commission had also prepared some comments on the finalised draft Opinion Nr°10 of the CCJE (Document CDL-AD(2007)032).

16. The members of the CCJE-GT had prepared the draft Opinion, basing themselves on speakers' contributions and on the content of discussions of the 3rd European Judges Conference (see also paragraph 5 above), which examined various aspects of the topic, in particular: (i) what role does the Council play? ; (ii) what should be reflected in the composition of the Councils?; (iii) The Council, guarantor of the image of judges and justice?; (iv) which duties must the Council take on to serve the community?. The members of the CCJE were reminded that the entirety of the contributions can be found in a special file on the CCJE's internet file ([www.coe.int/ccje](http://www.coe.int/ccje)).

17. Opinion Nr.10's main aim is to reaffirm the need to have a Council for the Judiciary to guarantee the independence of the judicial system as well as the independence of each judge. The Council represents the autonomous government of judicial power and guarantees the freedom for judges to statute in an impartial manner, without external interference.

18. Conscious that the draft Opinion is a compromise to take into account the diversity of European systems, the CCJE has nevertheless tried to disseminate to the states wanting to implement or reform their Council for the Judiciary, key-elements concerning their composition, resources and function. It wished to take a stand on the composition of the Council for the Judiciary, even if this aspect gave rise to a lengthy debate within the CCJE. It recognised the existence of Councils exclusively made up of judges, but it pointed out the advantages of a mixed composition (judges and non judges), with a substantial majority of judges elected by their peers.

19. Furthermore, the CCJE listed the various duties taken on by the Councils for the Judiciary, all aimed at protecting and promoting judicial independence and the efficiency of justice: selection, nomination et promotion of judges, evaluation of the quality of justice, ethics, organisation and training supervision, negotiation and administration of the legal budget, protection of the image of justice, etc.

20. The CCJE adopted by consensus Opinion Nr. (2007)10 on "The Council for the Judiciary at the service of society", not taking into account changes in the form still to be made by the Secretariat. It decided to send the Opinion to the Committee of Ministers, inviting it to make good use of it, in particular by forwarding it to the relevant authorities within the member states, encouraging the translation of these Opinions in the appropriate languages. It also invited the Committee of Ministers to send this Opinion to the Venice Commission, the CDCJ, the CEPEJ and the CCPE, so that these committees can take it into account in their own work.

### **3. Follow-up to the implementation of measures included in the CCJE report for a better use of its opinions**

21. At the occasion of the adoption of the Report to the Committee of Ministers, on measures to make proper use of CCJE opinions in member states (document CCJE(2006)4), during its 7th plenary meeting (8-10 November 2006), as part of the follow-up to the Action Plan of the Warsaw Summit, the CCJE decided to improve the publicity of its Opinions and to increase its role in advertising them. A year after the adoption of this report, wanting its action to be the most efficient and concrete possible, the CCJE chose to sum up the implementation of the various methods envisaged. With this in mind, it entrusted the Secretariat to prepare a document.

22. This document suggested that the CCJE should:

- a. allow an increased implication of its members in current topics to demonstrate the CCJE's reactivity to the current problems faced by the judiciary;
- b. open itself up, during its meetings, to other bodies and personalities, even lay judges;
- c. in its opinions, take care to give the exact function of judges;
- d. improve, in various ways, the co-operation with other bodies of the Council of Europe on topics related to justice;
- e. improve the visibility of its work through its website, leaflets, translation of its opinions, wider dissemination of its work, etc. ;
- f. continue to periodically organise judges' conferences;
- g. be able to meet more national judicial bodies, according to their needs and not simply during the CCJE-GT meetings;
- h. be given the means to allow it to give an opinion or specific expertise or to elaborate specific tools other than opinions on national legislative changes concerning judges.

23. The CCJE adopted the document on the implementation of measures contained in the Report for the attention of the Committee of Ministers (document CCJE(2007)11) and entrusted its Bureau to make sure that it is correctly followed up.

#### **4. Comments on the Bangalore principles**

24. Lord MANCE presented the comments of the Bangalore principles on judicial ethics, dated from March 2007, as well as the main elements mentioned by the Group on Judicial Integrity of the United Nations, charged with commenting the Bangalore Principles during its last meeting (Vienna, 1-2 March 2007). The CCJE regretted that Mr Nihal JAYAWICKRAMA, the Group's coordinator, had to cancel his participation in this meeting at the last minute, and on behalf of the CCJE, thanked Lord Mance for his implication in the work, and agreed to continue to follow the developments on this subject.

#### **5. Working Programme for 2008-2009**

25. The CCJE examined the draft terms of reference of the CCJE for 2008-2009 (document CCJE(2007)7). It, in particular, sets out:

a. The adoption, in 2008, of an Opinion for the attention of the Committee of Ministers on the quality of judicial decisions. Within this subject, the CCJE will closely examine the components of the quality of a judicial decision, and will propose concrete ways to improve the quality of judicial decision, taking into account user satisfaction. This will be done in consultation with the European Court of Human Rights and the European Commission for the Efficiency of Justice (CEPEJ) ;

b. The adoption, in 2009, of an Opinion for the attention of the Committee of Ministers on the relationship between judges and prosecutors. This will be done on the basis of the results of the Conference of European Judges and Prosecutors on this very subject, in close consultation with the Consultative Council of European Prosecutors (CCPE).

26. Concerning the topic of the Opinion to be prepared in 2008 on the quality of judicial decisions, the CCJE examined a preliminary note prepared by Mr R SABATO (document CCJE(2007)8), as well as a preliminary note prepared by the Secretariat (document CCJE(2007)10). These documents aim to give some indication on the points to be raised in the future Opinion.

27. During the examination of these two documents, the discussions brought to light the following problems :

- for whom does the judge make a decision? for the state?, for the court user?
- can one differentiate between two decisions on the same topic, but drafted in a different way? Is justice delivered differently if the content of the decisions is not always identical?
- do quality indicators for judicial decisions exist?
- can one create "models" for drafting decisions?
- can an evaluation process of the content of decisions be set up?

28. The CCJE agreed that the quality of judicial decisions is a topical theme, particularly relevant in the current discussions on the quality of justice, and for which the opinion of judges seems essential. It nevertheless recognised that it is a delicate subject, as it is on the borderline of the power of a judge to statute in an independent manner.

29. For these reasons, the CCJE charged the CCJE-GT to take care to strictly examine the subject of the quality of judicial decisions, without going into the more general question of the quality of justice. Conversely, the CCJE defined that the quality of judicial decisions does not limit itself to the quality of the content of judicial decisions; to deal with this topic could be the opportunity of also examining access to justice and to jurisdictions, the process of dealing with

files, the organisation and handling of a hearing, the efficiency of judicial decisions, external factors likely to influence quality, etc.

30. The CCJE expressed the wish of being invited to participate in the work on the quality of justice of the European Commission for the Efficiency of Justice (CEPEJ).

31. The CCJE charged its Bureau and its Secretariat to prepare a very brief questionnaire on the quality of judicial decisions and to send it to the CCJE's delegations as soon as possible, so that they can send their replies before 15 January 2008. The Secretariat, in consultation with the Bureau, charged a scientific expert to elaborate a preparatory document for the drafting of the Opinion, in the light of the replies to the questionnaire.

32. Following a suggestion by Mr E. KILLBY, the CCJE decided to expressly add in its terms of reference the possibility for the European Committee for Legal Co-operation (CDCJ) and the European Committee for Crime Problems (CDPC) to take part in the CCJE's meetings by sending a representative, with no right to vote, and supported by the relevant budgetary articles of the Council of Europe.

33. The CCJE approved the draft terms of reference of the CCJE for 2008 and 2009 and decided to submit to the Committee of Ministers for adoption.

## **6. Structure of the CCJE's work**

### **a. Election of the Chair and of the Vice-Chair**

34. The CCJE proceeded with the election of its Chair and Vice-Chair, according to Resolution Res(2005)47 "On committees and subordinate bodies, their terms of reference and working methods". Ms Julia LAFFRANQUE (Estonia) and Mr Orlando AFONSO (Portugal) were, by acclamation, respectively elected Chairwoman and Vice-Chairman for a period of one year (renewable).

35. The CCJE decided that their mandate would take effect from 1 February 2008 to allow Mr Raffaele SABATO to present, as President, the CCJE's 2007 work to the Committee of Ministers, during an audition to take place on 16 January 2008.

36. The CCJE expressed its warmest thanks to Mr Raffaele SABATO for his two years as Chairman.

### **b. Composition of the Bureau**

37. According to Article 13.c. of Resolution Res(2005)47, the members of the Bureau have a two-year mandate, renewable once; the members' mandate thus runs until the end of the year 2008.

### **c. Nomination of the CCJE Working Group for 2008**

38. According to Article 14.b. of Resolution Res(2005)47: "Where necessary, in order to expedite the progress of their work, committees may entrust a limited number of committee members with a specific task to be fulfilled by their next meeting", the CCJE decided to set up a Working Group which it entrusted with the preparation, in view of its 9<sup>th</sup> plenary meeting, of a draft Opinion on the quality of judicial decisions.

39. It also reiterated its wish to be able, where possible, to have the meetings of the CCJE-GT coincide with those of the Bureau, in order to allow the participation of the members of the Bureau in the CCJE-GT meetings.

40. The CCJE nominated Ms Aneta ARNAUDOVSKA ("the former Yugoslav Republic of Macedonia"), Mr Nils ENGSTAD (Norway), Mr Paul MAFFEI (Belgium), Mr Otto MALLMANN (Germany), Mr Stepan MIKAELIAN (Armenia), Mr Stelios NATHANAEL (Cyprus), Mr Raffaele SABATO (Italy), Mr Bart VAN LIEROP (Netherlands) and Ms Spomenka ZARIC (Serbia) as members of the 2008 Working Group.

## **7. Situation of judges in members states**

### **a. Situation of deputy judges (*juges substitués et magistrats suppléants*) in**

#### **Spain**

41. The member of the CCJE in respect of Spain explained the situation of deputy judges (*juges substitués et magistrats suppléants*) in Spain, following an exchange of letters between the Europe Justice Foundation, the Council of Europe and the Spanish authorities (document CCJE-BU(2007)3). The Foundation wished to bring the attention of the Secretary General of the Council of Europe to the status of Spanish deputy judges and prosecutors which, according to the Foundation, allowed them to be dismissed without respecting procedures in keeping with the European Human Rights Convention.

42. The Spanish authorities explained that Article 201 of the Act establishing Judicial Power (LOPJ), under fire, allows the « remoción » of deputy judges and prosecutors, which is different to "revocation", and the opposite procedure, with an audition of the interested party, a decision motivated by the General Council of Judicial Power and likely to motivate an application to an administrative court. Consequently, this procedure respects all the guarantees of a fair and normal trial.

43. The member of the CCJE in respect of Spain added that the General Council of Judicial Power was available to the Europe Justice Foundation for any further information.

44. The CCJE took note of these explanations, charged the Secretariat of transmitting the reply from the Spanish authorities to the Europe Justice Foundation and decided that it was no longer necessary to keep this item on the working agenda.

### **b. Recent legislative developments relating to the status of judges in Romania**

45. The Association of Romanian Judges had sent a letter to the CCJE, giving an account of their worries in respect of draft legislative amendments to the status of judges in Romania. The representative of the CCJE in respect of Romania had presented the situation by supporting the steps taken by the Association. The CCJE had, during its 7th plenary meeting, adopted a declaration in which it particularly noted that the administrative and disciplinary control of judicial decisions directly affected the independence of judges, vital to a democratic society.

46. Anxious about the follow-up of this case, the CCJE had decided to keep this item on the agenda of its future meetings. The CCJE took note of the explanations given by the member of the CCJE in respect of Romania (document CCJE(2007)12), according to which the draft legislative amendments are still on the agenda, but subject to many critical comments, in particular on the part of the Romanian High Council of the Judiciary. For this reason, the CCJE decided to keep this item on the CCJE's work agenda.

### **c. Allegations of unlawful intelligence activities vis-à-vis judges and prosecutors in Italy**

47. The CCJE examined the letter sent by the President of MEDEL to the Chairman of the CCJE (document CCJE-BU(2007)4) as well as the explanations given by the latter concerning possible



unlawful intelligence activities towards Italian and other European states judges members of MEDEL, underlined in a Resolution of the Italian High Council of the Judiciary, dated 4 July 2007.

48. The Chairman of the CCPE, having been submitted the same request, he decided to present the MEDEL with a joint reply from the Chair of the CCJE and of the CCPE, with a reminded of the European standards, in particular concerning the independence of the judiciary, but nevertheless indicating that the Italian CSM reacted rapidly to the possible infringements of the independence of the judiciary by adopting the aforesaid Resolutionspecifying that Italian courts have been seized and assuring that they will follow closely every development dealing with this matter .

49. At this stage, the CCJE invited the member of the CCJE in respect of Italy to inform the Italian High Council for the Judiciary of these discussions and decided to keep this item on its work agenda.

- **d. Information on the question asked to the Committee of Ministers by Mr JURGENS regarding the situation of judges' associations in Turkey within the framework of the second part of the 2007 session of the Parliamentary Assembly of the Council of Europe and answer by the Chairman of the Committee of Ministers**

50. A member of the Parliamentary Assembly of the Council of Europe, Mr JURGENS (Netherlands) put, on 17 April 2007, a question orally to the President of the Committee of Ministers (document AS(2007)CR13) related to the draft law in Turkey "which could bring about the closure of the professional association [of judges] Yarsav". The parliamentarian asked if the Committee of Ministers "envisaged inviting the CCJE to prepare an Opinion on this draft law". The President of the Committee of Ministers replied that "if the Committee of Ministers thought that if a draft law in a member state would breach the principles set out in the relevant instruments of the Council of Europe, it would not fail to consult the CCJE on this matter".

51. The CCJE took note of the explanations given by the member of the CCJE in respect of Turkey, according to which there is no legislation in Turkey going against the right of association of judges. According to him, the draft law is no longer on the agenda of the Parliament. The CCJE also remarked that it, since then, had not been referred to by the Committee of Ministers.

**e. Implementation of the terms of reference of the CCJE on the practical assistance given to judges in specific circumstances**

52. Generally speaking, the CCJE believes that it is part of its duties to react rapidly to states asking for its advice and expertise to heighten the international legal community's awareness of the national problem that is the status of judges.

53. To improve its efficiency in performing this task, and taking into account the increase in the number of requests put forward by countries in this context, the CCJE agreed to set up a pool of experts from members of the CCJE, who could be given specific tasks by the Bureau if the CCJE was asked, according its terms of reference, to give targeted assistance in certain specific situations relating to judges in member states.

54. The CCJE invited its members to indicate to the Secretariat whether they were able to participate in the pool of experts.

**8. Relations between the CCJE and other bodies of the Council of Europe**

**a. Consultative Council of European Prosecutors (CCPE)**

55. The Secretariat of the Consultative Council of European Prosecutors (CCPE) indicated that it was on the point of adopting its Opinion Nr. 1 on "The means to improve International Co-operation in the Criminal Field". Within the framework of its future priorities, the CCPE will continue its current work in the area of the role of prosecutors beyond the criminal field and alternatives to proceedings. I will also study the question of relations between prosecutors and the executive power.

56. To consolidate their wish to work closely together, the CCJE agreed to, in 2009, work with the CCPE on the relations between judges and prosecutors. The work of the CEPEJ, particularly in the field of evaluating judicial systems, could be very useful.

#### **b. The European Commission for the Efficiency of Justice (CEPEJ)**

57. The CEPEJ had asked the CCJE to analyse the information contained in the report on the status of judges, in particular concerning recruitment, professional guarantees, the systems of professional judges and lay judges as well as the disciplinary questions.

58. The CCJE examined the contributions of the CCJE to the CEPEJ's Report "European Judicial Systems – Edition 2006", prepared by Mr R. SABATO and Mr G. REISSNER on the appointment and status of judges (document CCJE(2007)13) as well as to the report by Mr A. LACABARATS concerning training (document CCJE(2007)14) and decided to forward them to the CEPEJ.

59. The CCJE also stressed the importance of carefully following the work of the CEPEJ, in particular concerning the quality of justice (see also paragraph 30), in order to coordinate the work of the CEPEJ with the work expected in 2008 on the quality of judicial decisions.

60. The CCJE will be represented by Ms Julia LAFFRANQUE at the 10th meeting of the CEPEJ which will be held in Strasbourg on 5 and 6 December 2007. It will take part in the celebrations of the 5th anniversary of the CEPEJ by making an intervention on the topic "What do you expect from the CEPEJ in the next 5 years?"

#### **c. The Lisbon Network**

61. The Secretariat of the Lisbon Network indicated that the Network had held its last plenary meeting around the theme of "How to train judges in Council of Europe instruments and in their implementation?" The topic of the next plenary meeting should be centred on training judges to interact with the media. The Lisbon Network was invited by the CCPE to develop specific training for judges aimed at reinforcing their knowledge of legal aid.

### **9. Observers**

62. The CCJE unanimously decided to grant observer status to the European Network of the Councils for the Judiciary (ENCJ), according to Resolution Res(2005)47.

### **10. Calendar of CCJE and CCJE-GT meetings in 2008**

63. The CCJE agreed on the following draft calendar for its next meetings in 2008, subject to budgetary availability:

- i. 14th meeting of the CCJE-GT: **22-24 April 2008** (*Careful: the initial dates proposed have been changed*)
- ii. 15th meeting of the CCJE-GT: 16-18 June 2008
- iii. 9th plenary meeting of the CCJE : 12-14 November 2008


64. The CCJE took note of the invitation from Portugal to hold the 14<sup>th</sup> meeting of the CCJE-GT in Lisbon and, at the same time, host a joint Conference of the CCJE-GT and Portuguese judges on the topic “judicial timeframe”. It also took note of the invitation of the Estonian Supreme Court to hold the 15<sup>th</sup> meeting of the CCJE-GT in Tartu, and at the same time, to organise a joint Conference of the CCJE-GT and the Estonian Judicial Bodies on the topic of the quality of judicial decisions.

65. The Secretariat reminded that, as a general rule, meetings of Council of Europe committees are held in Strasbourg. Nevertheless, according to Resolution Res(2005)47, the Secretary General can, in exceptional cases, authorise convening a committee to another location, while respecting the principles of good management and according to the resources available, on the understanding that holding a meeting outside Strasbourg would be financially equal to holding a meeting in Strasbourg. The Secretariat will make such a request and will keep the CCJE informed of the decision taken of the Secretary General.

## APPENDIX I

1. **Opening of the meeting by Mr Philippe BOILLAT, Director General for Human Rights and Legal Affairs**
  2. **Adoption of the agenda**
  3. **Information of the President and the Secretariat**
  4. **Draft Opinion No.10 of the CCJE for 2007**
- Examination with a view to its adoption of the draft Opinion No.10 on “The Council for the Judiciary at the service of society”

### **Working documents**

 Draft Opinion No.10 (including comments of the CCJE delegations)  
CCJE(2007)5PROV3

Comments from the CCJE Delegations on Draft Opinion No. 10  
CCJE(2007)9

Report prepared by Mme Martine Valdes-Boulouque (France) “on the current situation in member States which have a Council for the Judiciary”  
CCJE(2007)3

Report prepared by Lord Justice Thomas (United Kingdom) “on the current situation in member States which have not a Council for the Judiciary”  
CCJE(2007)4

Replies to the questionnaire concerning the Councils for the Judiciary  
(Questionnaire in Appendix)  
CCJE(2007)1

### **Information documents of the Venice Commission**


Report on judicial appointments  
CDL-AD(2007)028

Comments on the draft opinion of the CCJE  
CDL-AD(2007)032

5. **Follow-up of the implementation of the measures contained in the CCJE report to make proper use of its opinions**

### **Working document**

Report to the Committee of Ministers on measures to make proper use of CCJE opinions in Member states  
CCJE(2006)4

 Draft report on the implementation of the measures contained in the Report to the Committee of Ministers  
CCJE(2007)11

## 6. Commentary on the Bangalore Principles of Judicial Conduct

### Information document

Commentary on the Bangalore Principles of Judicial Conduct (March 2007)

## 7. 2008/2009 working programme

- Examination with a view to its adoption of the draft Terms of Reference of the CCJE for 2008-2009

### Working documents



Draft Terms of Reference of the CCJE for 2008-2009  
CCJE(2007)7

Preliminary note on the theme proposed for the CCJE Opinion for 2008 (R. SABATO)  
CCJE(2007)8

Preliminary note on the theme proposed for the CCJE Opinion for 2008 (Secretariat)  
CCJE(2007)10

## 8. Working structure of the CCJE

- Election of the Chair and the Vice-Chair of the CCJE
- Bureau of the CCJE
- Nomination of the Working Group of the CCJE for 2008

## 9. Situation in member States concerning judges

- Spain : status of deputy judges

### Working document

Exchange of letters concerning the status of deputy judges in Spain  
CCJE-BU(2007)3 (French only)

- Romania : recent legislative developments on the status of judges and Declaration of the CCJE on this subject

### Document

Situation of justice in Romania  
CCJE(2007)12 (French only)

- Italy: situation discussed in a letter from MEDEL on possible unlawful intelligence activities vis-à-vis judges and prosecutors

### Document

Letter from MEDEL and draft reply from the Chairs of the CCPE/CCJE  
CCJE-BU(207)4

- Information on the question put to the Committee of Ministers by Mr Jurgens regarding the situation of judges' associations in Turkey within the framework of the second part of the 2007 session of the Parliamentary Assembly of the Council of Europe and answer by the Chairman of the Committee of Ministers

**Document**  
AS(2007)CR13

#### **10. Relations between the CCJE and other bodies of the Council of Europe**

- Exchange of views with the Consultative Council of European Prosecutors (CCPE)
- Exchange of views with the European Commission for the Efficiency of Justice (CEPEJ) concerning the current work on the assessment of European judicial systems

#### **Working documents**

Contribution of the CCJE to the 2006 CEPEJ report on European Judicial Systems concerning the appointment and status of judges (Draft report of Mr R. SABATO and Mr G. REISSNER)  
CCJE(2007)13

Contribution of the CCJE to the 2006 CEPEJ report on European Judicial Systems concerning training (Draft report of Mr A. LACABARATS)  
CCJE(2007)14

- Exchange of views with the Lisbon Network

#### **11. Observers**

- Examination of the request for observer status from the European Network of the Councils for the Judiciary (ENCJ)

#### **12. Calendar of future meetings of the CCJE and the CCJE-GT in 2008**

#### **13. Any other business**

## ANNEXE II

### LIST OF PARTICIPANTS

#### MEMBER STATES

**ALBANIA / ALBANIE :**

Mr Perikli ZAHARIA, Judge of the Supreme Court of the Republic of Albania, TIRANA

**ARMENIA / ARMENIE :**

Mr Stepan MIKAELIAN, Judge of the Malatya-Sebastya Community Court of Armenia, YEREVAN

**AUSTRIA / AUTRICHE :**

Mr Gerhard REISSNER, Vice-President of the Austrian Association of Judges, President of the District Court of Floridsdorf, VIENNA

Mr Heinz WIETRZYK, President of the Higher Court of Appeal of Graz, GRAZ

**BELGIUM / BELGIQUE :**

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

**BOSNIA AND HERZEGOVINA / BOSNIE-HERZEGOVINE :**

Mrs Medzida KRESO, Court of Bosnia and Herzegovina, SARAJEVO

**BULGARIA / BULGARIE :**

Mrs Maiia ROUSSEVA, Judge, Sofia City Court, SOFIA

**CROATIA / CROATIE :**

Mr Duro SESSA, Judge, County Court in Zagreb, ZAGREB

**CYPRUS / CHYPRE :**

Mr Stelios NATHANAEL, Judge, President of the Nicosia District Court, NICOSIA

**CZECH REPUBLIC / REPUBLIQUE TCHEQUE :**

Mr. Jiří LNENICKA, Presiding Judge of the High Court in Prague, PRAGUE

**DENMARK / DANEMARK :**

Mr Børge DAHL, Justice of the Supreme Court, COPENHAGEN

**ESTONIA / ESTONIE :**

Mrs Julia LAFFRANQUE, Judge, Supreme Court, TARTU (Vice-Chair of the CCJE / Vice-Présidente du CCJE)

**FINLAND / FINLANDE :**

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Mr Pertti NIEMINEN, President of the Kouvola Court of Appeal, KOUVOLA

**FRANCE :**

M. Alain LACABARATS, Conseiller à la Cour de Cassation, Directeur du Service de Documentation et d'Etudes de la Cour de Cassation, PARIS

**GEORGIA / GEORGIE :**

Mr Irakli ADEISHVILI, Chairman of the civil affairs chamber, Tbilisi City Court, TBILISI

**GERMANY / ALLEMAGNE :**

Mr Otto MALLMANN, Judge, Federal Administrative Court, LEIPZIG (Apologised/ *Excusé*)

**GREECE / GRECE :**

Mr Spyridon KOLIVAS, Vice President of the Supreme Court of Greece, ATHENS

**HUNGARY / HONGRIE :**

Mr Károly HORECZKY, President of Chamber of the Supreme Court, BUDAPEST

**ICELAND / ISLANDE :**

Ms Justice Hjördís HÁKONARDÓTTIR, Justice of the Supreme Court of Iceland, REYKJAVÍK

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M. Raffaele SABATO, Juge à la Cour d'Appel, CASTELLAMMARE DI STABIA – NAPLES  
(Chairman of the CCJE / Président du CCJE)

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

**LIECHTENSTEIN :**

Mr Lothar HAGEN, Judge, Court of Justice, VADUZ

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

**LUXEMBOURG :**

M. Jean-Claude WIWINIUS, Premier Conseiller, Cour Supérieure de Justice, LUXEMBOURG

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

**MALTA / MALTE :**

Hon. Mr Justice Geoffrey VALENCIA, ATTARD

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Mrs Irena PIOTROWSKA, Judge, President of Circuit Court in Katowice, Member of the National Council of Judiciary, KATOWICE

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M. Orlando AFONSO, Juge Conseiller à la Cour d'Appel d'Evora, ALMADA

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Mrs Spomenka ZARIĆ, Judge of the Supreme Court, BELGRADE

Mrs Dragana BOLJEVIC, Judge, Judge of the District Court, President of the National Judges' Association of Serbia, BELGRADE

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Mrs Sanae SASAJIMA, interprete

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Mr Schnutz DÜRR, Head of the Constitutional Justice Division, Chef de Service de la justice Constitutionnelle

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