



Strasbourg, 1 December 2009

CCJE(2009)5

**Consultative Council of European Judges (CCJE)  
Report of the 10<sup>th</sup> plenary meeting (Ljubljana/Brdo (Slovenia), 18-20 November 2009)**

---

**A. FOREWORD**

1. The Consultative Council of European Judges (CCJE) met in Brdo (Slovenia) at the invitation of the Slovenian Minister of Justice from 18 to 20 November 2009 with Ms Julia LAFFRANQUE (Estonia) in the Chair.
2. The CCJE thanked the Slovenian authorities, especially Mr Ales ZALAR, Minister of Justice, for the excellent reception given to it and the quality of the meeting arrangements. Part of the proceedings were held in conjunction with the Consultative Council of European Prosecutors (CCPE).
3. The agenda and the list of participants are appended.

**B. DECISIONS TAKEN BY THE CCJE**

The CCJE:

4. **adopted**, in conjunction with the CCPE, Opinion No. 12 (2009) entitled "Judges and prosecutors in a democratic society" containing a declaration known as the Bordeaux Declaration and an Explanatory Note, subject to purely stylistic amendment, to be forwarded to the Secretariat by 27 November 2009, the latter being responsible for the preparation of the finalised version;
5. **decided** to submit it to the Committee of Ministers so that it might take the requisite measures, in particular transmission to the appropriate agencies in the member states and possibly having it translated into the appropriate languages;
6. **invited** the Committee of Ministers to transmit the Opinion particularly to the CEPEJ, the CDCJ, the CDPC and the CDDH so that these bodies might take account of it in their own work;
7. **welcomed** the close, productive co-operation with the CCPE in the context of preparing the Opinion;
8. **invited its members** to send the Secretariat written information on recent developments in their countries regarding judges, to be included in the "country profile" section of its website;
9. **adopted** the CCJE's draft terms of reference for 2010 and 2011, bearing in mind the measures concerning the CCJE contained in the pilot survey on steering committees and intergovernmental ad hoc committees (Document GR-REF.INST (2009)1);
10. **decided** to include in the draft terms of reference, besides the preparation of an Opinion in 2010 on the role of judges in the enforcement of judicial decisions in their relations with the other state functions and other players, and an Opinion in 2011 on the non-materialisation of the judicial process, the drafting of a single document entitled "Magna Carta of European judges" encapsulating, updating and codifying the principal conclusions of the Opinions already adopted by the CCJE in order to improve the visibility of its work;
11. **expressed the wish** to see its role reinforced with regard to practical assistance, in response to the continually increasing demand of member states for CCJE member to help states meet Council of Europe standards concerning judges;

12. **agreed** to submit the draft terms of reference to the Committee of Ministers for adoption;
13. **elected** Mr Orlando AFONSO (Portugal) Chair and Mr Gerhard REISSNER (Austria) Vice-Chair of the CCJE for 2010; **elected** Mr Paul MAFFEI (Belgium) member of the Bureau for a term of two years, it being understood that he would hold his seat alongside Mr Raffaele SABATO (Italy), elected for two years in 2008;
14. **congratulated and thanked** Ms Julia LAFFRANQUE (Estonia) for the excellent quality of the work done during her term of office, and **agreed** that the new Bureau would not take office until 31 January 2010 in order to enable the former Chair to present the work of the CCJE for the year 2009 to the Committee of Ministers on 20 January 2010;
15. **appointed**, subject to adoption of the draft terms of reference by the Committee of Ministers, Ms Aneta ARNAUDOVSKA ("former Yugoslav Republic of Macedonia"), Ms Nina BETTETO (Slovenia), Mr José Francisco COBO SÁENZ (Spain), Mr Niels ENGSTAD (Norway), Mr Alain LACABARATS (France), Ms Julia LAFFRANQUE (Estonia), Mr Otto MALLMANN (Germany), Mr Duro SESSA (Croatia) and Mr VALANCIUS (Lithuania) as members and Mr Perikli ZAHARIA (Albania) and Mr Jean-Claude WIWINIUS (Luxembourg) as substitutes in the select working party responsible for preparing the draft Opinion on the role of judges in the enforcement of judicial decisions (CCJE-GT) for submission to the 11<sup>th</sup> plenary meeting of the CCJE;
16. **welcomed** the invitation extended by Ms Aneta ARNAUDOVSKA to organise a meeting of the CCJE-GT in 2009 in Skopje ("former Yugoslav Republic of Macedonia") during this country's Chairmanship of the Committee of Ministers, and the invitation extended by Mr Bart VAN LIEROP (Netherlands) to organise, also in 2009, a meeting of the CCJE-GT in The Hague; **took note** of the Secretariat's remarks concerning the need for prior approval by the Secretary General of the Council of Europe for holding these meetings elsewhere than Strasbourg or Paris;
17. **agreed** that the draft Opinions to be prepared in 2010 could be preceded by a brief questionnaire the replies to which would usefully supplement the material existing in the Council of Europe on enforcement of judicial decisions, particularly that arising from the work of the European Commission for the Efficiency of Justice (CEPEJ); **instructed the Secretariat** to prepare, in co-operation with the Bureau, the relevant questionnaire and send it to all members of the CCJE by 31 January 2010 in order to receive the replies by 1 March 2010; **instructed the Secretariat**, in the light of the replies, to consider the expediency of entrusting to an expert the processing of the replies in a preparatory report;
18. **appointed**, subject to the adoption of the draft terms of reference by the Committee of Ministers, Mr Orlando AFONSO (Portugal), Mr Alain LACABARATS (France), Ms Julia LAFFRANQUE (Estonia), Lord MANCE (United Kingdom) and Mr Raffaele SABATO (Italy) as members of the select working party responsible for preparing a "Magna Carta of European judges" (CCJE-MC);
19. **recalled** that the other members of the CCJE could at all events attend the select meetings at their own expense;
20. **instructed its Bureau** to set up for each year, on the basis of a list of willing CCJE members, a select working party responsible for dealing with requests for practical assistance (CCJE-TF); **instructed the Secretariat**, subject to budgetary capabilities, to consider in this context and according to needs the possibility of arranging at least two visits to the states concerned in order to deal as adequately as possible with requests for practical assistance;
21. **adopted** the document prepared by the Bureau on CCJE working methods (document CCJE(2009)3) **and invited all its members and observers** to comply scrupulously with the measures set out therein so as to improve the efficiency of the CCJE which had only one annual plenary meeting to carry out its terms of reference;
22. owing to lack of time at the plenary meeting, **asked** the members of the CCJE in respect of the states concerned by the CCJE's practical assistance activities (Italy, Romania, Serbia and Poland) to send the Secretariat, in writing, an information paper on the position and the follow-up given in these states to the CCJE's responses;
23. **took note** of the report presented by MEDEL on 29 October 2009 on events concerning relations between judges and the media in Italy, together with the Resolution passed as a result by the Italian Judicial Service Commission on 21 October 2009, and the substance of the letter sent to it on 5

November 2009 by the President of the Italian Republic; **instructed the CCJE Bureau** to prepare, initially, a reply with the signature of the Chair of the CCJE reiterating the principles embodied in the Opinions of the CCJE concerning the independence of judges and relations between judges and the media, and offering MEDEL in case of need the CCJE's assistance in order to ensure the proper application of the principles in question;

24. **took note** of the information on the work of revising Recommendation Rec(94)12 on the independence, effectiveness and role of judges, **welcomed** the work already carried out, **regretted** having been unable to attend all meetings for budgetary reasons, **conveyed to the CDCJ its ongoing interest** in participating in the future work to revise Recommendation Rec(94)12 **and its wish** to have the opportunity to present, with useful effect, some observations on the finalised draft; **accordingly instructed its Bureau** to prepare a document containing the observations of the CCJE, upon reception of the finalised revised draft Recommendation;
25. **welcomed** the "concept on training of judges and prosecutors in cybercrime and electronic evidence" approved by the Lisbon Network in September 2009;
26. **proposed** to hold its next plenary meeting from 17 to 19 November 2010 and the meetings of the working party (CCJE-GT) from 17 to 19 March and from 2 to 4 June 2010, on the understanding that these dates would be confirmed in due course in order to take account of the host countries' requirements should the meetings be organised away from Strasbourg;
27. **expressed the wish** that a budgetary solution might be found to enable the select working party responsible for preparing a "Magna Carta of European judicial systems" (CCJE-MC) to meet in 2010.

## APPENDIX I

### AGENDA

1. **Opening ceremony of the meeting**
2. **Adoption of the agenda**
3. **Information by the President and the Secretariat**
4. **Draft Opinion No.12 of the CCJE for 2009**
  - Examination with a view the adoption of the draft Opinion No.12 on “the relations between judges and prosecutors” (Bordeaux Declaration and the Explanatory Note).
5. **2010-2011 working programme**
  - Discussion and adoption of the draft terms of reference for 2010-2011
  - Preparing the 2010 Opinion (choice of theme, questionnaire, expert(s) etc.)
6. **Working structure of the CCJE**
  - Election of the Chair and the Vice-Chair of the CCJE
  - Nomination of the Working Group of the CCJE for 2010
  - Working methods of the CCJE
7. **Pool of experts concerning the situation in member States concerning judges**
  - State of the situation concerning the pool of experts
  - Member States concerned:
8. **Communication strategy of the CCJE and visibility of its work**
9. **Calendar of future meetings of the CCJE and the CCJE-GT in 2010**
10. **Any other business – Information items**
  - Justice Forum
  - « Justice in the World » Foundation

## APPENDIX II

### LIST OF PARTICIPANTS

#### MEMBER STATES / ETATS MEMBRES

##### **ALBANIA/ALBANIE :**

Mr Perikli ZAHARIA, Judge of the Supreme Court of the Republic of Albania, Gjykata e Larte, Rr. "Myslym Shyri", TIRANA

##### **ANDORRA/ANDORRE :**

(Apologised/ *Excusé*)

##### **ARMENIA/ARMENIE :**

Mr Stepan MIKAELYAN, Cour civile d'appel de l'Arménie, 23 rue Njdeh, YEREVAN

##### **AUSTRIA/AUTRICHE :**

Mr Gerhard REISSNER, Vice-President of the Austrian Association of Judges, President of the District Court of Floridsdorf, Gerichtsgasse 6, 1210, VIENNA

Mr Heinz WIETRZYK, President of the Superior Court of Appeal of Graz, Oberlandesgericht Graz, Marburger Kai 49, 8010, GRAZ

##### **AZERBAIJAN/AZERBAÏDJAN :**

Ms Tatyana GOLDMAN, Judge Supreme Court, Baku

##### **BELGIUM/BELGIQUE :**

M. Paul MAFFEI, Conseiller à la Cour de Cassation, Palais de Justice, Place Poelaert, 1000 BRUXELLES

##### **BOSNIA AND HERZEGOVINA/BOSNIE ET HERZEGOVINE :**

Ms Medzida KRESO, Court of Bosnia and Herzegovina, Kraljice Jelena 88, 71000 SARAJEVO

##### **BULGARIA/BULGARIE :**

Ms Maiia ROUSSEVA, Judge, Sofia City Court, 2 Vitosha Boulevard, SOFIA

(Apologised/ *Excusé*)

##### **CROATIA/CROATIE :**

Mr Duro SESSA, Justice of Supreme Court, Trgns Zeinskog 3, 10 000 ZAGREB

##### **CYPRUS/CHYPRE :**

Mr Stelios NATHANAEL, Judge, Supreme Court of Cyprus, Charalambos Mouskos Street, 1404, NICOSIA

##### **CZECH REPUBLIC/REPUBLIQUE TCHEQUE :**

Mr. Robert FREMR, Supreme Court, Burešova č. 20, 657 37 Brno

##### **DENMARK/DANEMARK :**

Mr Børge DAHL, Justice of the Supreme Court, Prins Jørgens Gård 13, 1218, COPENHAGEN

(Apologised/ *Excusé*)

Ms Linda LAURITSEN, Judge, City Court of Roskilde

##### **ESTONIA/ESTONIE :**

Mrs Julia LAFFRANQUE, Judge, Supreme Court, Lossi Str. 17, 50093, TARTU (Chair of the CCJE/Présidente du CCJE)

##### **FINLAND/FINLANDE :**

Mr Timo ESKO, Justice, Supreme Court of Finland, P.O. Box 301, Eteläesplanadi 3, 00171, HELSINKI

##### **FRANCE :**

M. Alain LACABARATS, Conseiller à la Cour de Cassation, Directeur du Service de Documentation et d'Etudes de la Cour de Cassation, 5 quai de l'Horloge, 75055, PARIS

**GEORGIA/GEORGIE :**

Mr Irakli ADEISHVILI, Judge, Chairman of the Chamber of Civil Cases, Tbilisi City Court, Nz6 David Aghmashenebeli Kheiverni, 12-th km, 0131. TBILISI

**GERMANY/ALLEMAGNE :**

Mr Otto MALLMANN, Presiding Judge, Federal Administrative Court, Simsonplatz 1, 04107, LEIPZIG

**HUNGARY/HONGRIE :**

Ms Judit TÖRÖK, Vice-President, Civil College of the Supreme Court, 1363 BUDAPEST, pf 35

**ICELAND/ISLANDE :**

Ms Justice Hjördís HÁKONARDÓTTIR Justice of the Supreme Court of Iceland, Supreme Court Building, At Arnarhóll, 150, REYKJAVÍK

**IRELAND/IRLANDE :**

The Hon. Ms Justice Elizabeth DUNNE, Judge of the High Court, Four Courts, DUBLIN 7

**ITALY/ITALIE :**

M. Raffaele SABATO, Juge Tribunal de Naples, Viale Europa, 130, 80053, CASTELLAMMARE DI STABIA – NAPLES

Cons. Roberto Maria CARRELLI PALOMBI, Member of the High Council for the Judiciary, Piazza Indipendenza 6 , 00185 ROMA

**LATVIA/LETTONIE :**

Ms Aija BRANTA, Judge, Constitutional Court of the Republic of Latvia, Nr. 1 Alunana Street, RIGA 1010

**LIECHTENSTEIN :**

M. Lothar HAGEN, Juge, Cour de Justice, Fürstliches Landgericht, Aeulestrasse 70, FL-9490 VADUZ

**LITHUANIA/LITUANIE :**

Mr Virgilijus VALANČIUS, President of the Supreme Administrative Court of Lithuania, President of the European Association of Judges, žygimantu, 2 LT, 01101, VILNIUS

**LUXEMBOURG :**

M. Jean-Claude WIWINIUS, Président de Chambre, Cour Supérieure de Justice, cité Judiciaire, 2080, LUXEMBOURG

M. Jean-Marie HENGEN, Juge de Paix Directeur, Justice de Paix Esch-sur-Alzette, Place de la Résistance-Brill, 4041, ESCH-SUR-ALZETTE

**MALTA/MALTE :**

Hon. Mr Justice Geoffrey VALENCIA, “Francesca” Triq Is-Sikka, Attard

**MOLDOVA :**

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

**MONACO :**

M. Jérôme FOUGERAS-LAVERGNOLLE, Juge d’Instruction, Juge tutélaire, Palais de Justice, 5 rue Colonel Bellando de Castro, 98000 MONACO

**MONTENEGRO/MONTENEGRO :**

Ms Valentina PAVLICIC, Judge, High Court of Podgorica, Njegoseva 10, PODGORICA

**NETHERLANDS/PAYS-BAS :**

Mr Bart VAN LIEROP, Conseiller Gerechtshof Den Haag, Postbus 20302, 2500 EH DEN HAAG

Mr Reinier van ZUTPHEN, Chairman of the Dutch Association of Judges and Prosecutors (NVVR) and Vice-President of the District Court of Utrecht

**NORWAY/NORVEGE :**

Mr Nils A. ENGSTAD, Judge, Hålogaland Court of Appeal, P.O. Box 2511, N-9271, TROMSØ

Mr Bård TØNDER, Judge, Supreme Court  
E-mail: bard.tonder@hoyesterett.no

**POLAND/POLOGNE :**

Ms Irena PIOTROWSKA, Judge, President of Circuit Court in Katowice, Member of the National Council of Judiciary, ul. Andrzejka 16/18, 40-957, KATOWICE

**PORTUGAL :**

M. Orlando AFONSO, Juge Conseiller à la Cour d'Appel d'Evora, rue Général Humberto Delgado 43, 2<sup>e</sup> ét.e., Cova da Piedade, 2800-423, ALMADA (Vice-Chair of the CCJE/Vice-Présidente du CCJE)

**ROMANIA/ROUMANIE :**

Ms Aida-Rodica POPA, Judge of the High Court of Cassation and Justice, 25 Batistei Street, Arr. 2, BUCHAREST

(Apologised/ Excusé)

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE :**

Mr Nikolay ROMANENKOV; Justice, Supreme Court of the Russian Federation, MOSCOW

**SERBIA / SERBIE :**

Ms Spomenka ZARIĆ, Judge of the Supreme Court, Kneginje Zorke 87, 11000, BELGRADE

**SLOVAKIA/SLOVAQUIE :**

Mr Marián ŠOTTNÍK, Department of Documentation, Analytics and Foreign Affairs, Supreme Court, Župné nám 13, 814 90 Bratislava

**SLOVENIA/SLOVENIE :**

Ms. Nina BETETTO, Supreme Court of the Republic of Slovenia, Tavčarjeva 9, SI-1000 Ljubljana

**SPAIN/ESPAGNE :**

M. José Francisco COBO SÁENZ, Magistrat, President of the 2<sup>nd</sup> Seccion at the Audiencia Provincial (Navarra), C/ San Roque S/N, 31071, PAMPLONA

M. Carlos GÓMEZ MARTINEZ

**SWEDEN/ SUEDE :**

Ms Charlotte BROKELIND, Chief Judge, Eksjo District Court, PO Box 930, 57593 EKSJO

Mr Carl Gustav FERNLUND, Justice of the Supreme Administrative Court, Regeringsratten, Box 2293, 103 17 STOCKHOLM

(Apologised/ Excusé)

**SWITZERLAND / SUISSE :**

M. Jean FONJALLAZ, Juge fédéral, Tribunal fédéral, av. du Tribunal-Fédéral 29, CH-1000 Lausanne 14

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

Mrs Aneta ARNAUDOVSKA, Judge, Director of the Academy for Training of Judges and Prosecutors, ul jane Sandanski 12, SKOPJE

**TURKEY/TURQUIE:**

Mr Levent KURT, Judge, Head of Department, International Law and Foreign Affairs, Ministry of Justice, Ankara

**UKRAINE :**

Mr Viktor GORODOVENKO, Head of the Court of Appeal Zaporizhska region, 162 Lenin Avenue , Zaporizhya, 96005

**UNITED KINGDOM/ ROYAUME-UNI**

Lord MANCE, Law Lord, House of Lords, LONDON SW1A OPW

## OBSERVER STATES/ ETATS OBSERVATEURS

### **JAPAN/JAPON\_:**

The Honorable IMAI Isao, Justice of the Supreme Court of Japan

The Honorable ISHII Nobuoki, Function: Judge of Sapporo District Court (Japan)

Mr MINAMI Hiroyuki, Consul, Consulate-General of Japan, "Tour Europe", 20 Place des Halles, 67000 Strasbourg, France

## OBSERVERS / OBSERVATEURS

### **EUROPEAN ASSOCIATION OF JUDGES (EAJ) / ASSOCIATION EUROPEENNE DE JUGES (AEJ)**

Ms Maja TRATNIK, Honorary President of the International Association of Judges (Slovenia)

Chief Judge Bjørn SOLBAKKEN, President of the International Association of Judges (Norway)

### **FEDERATION EUROPEENNE DES JUGES ADMINISTRATIFS (FEJA) / EUROPEAN ASSOCIATION OF ADMINISTRATIVE JUDGES (AEAJ)**

Ms Jasna SEGAN, Vice-President AEAJ, Vice-President of the Administrative Court of Slovenia

### **EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY (ENCJ) / RESEAU EUROPEEN DES CONSEILS DE LA JUSTICE (RECJ)**

M. Miro CERAR, Vice-President of the Judicial Council of the Republic of Slovenia

### **EUROPEAN COURT OF HUMAN RIGHTS / COUR EUROPEENNE DES DROITS DE L'HOMME**

(Apologised/ Excusé)

### **EUROPEAN COMMITTEE ON CRIME PROBLEMS / COMITÉ EUROPÉEN POUR LES PROBLÈMES CRIMINELS**

M. Nikola MATOVSKI, Professeur, Faculté de Droit de l'Université « S-TS Cyrille et Methode » Rue Mile Popjordanov 56 A, MKD - 1000 SKOPJE

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

Eberhard DESCH, Head of Division of International Law, Bundesministerium der Justiz / Federal Ministry of Justice, 11 015 BERLIN

## **COUNCIL OF EUROPE'S SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE**

(CCJE E-mail : [ccje@coe.int](mailto:ccje@coe.int))

Fax : + 33 (0)3 88 41 37 43

Directorate General of Human Rights and Legal Affairs / Justice Division  
*Direction Générale des droits de l'Homme et des affaires juridiques / Division de la Justice*

M. Philippe BOILLAT, Director General/ *Directeur Général*

M. Stéphane LEYENBERGER, Acting Head of the Justice Division/ *Chef de la Division a.i.*

Mme Muriel DECOT, Secretary to the CCJE / *Secrétaire du CCJE*

Mme Emily WALKER, Assistant/Assistant