

Strasbourg, 15 November 2013

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## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

14<sup>th</sup> meeting  
Strasbourg, 13-15 November 2013

## ABRIDGED MEETING REPORT

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### A. FOREWORD

1. The Consultative Council of European Judges (CCJE) held its 14<sup>th</sup> plenary meeting in Strasbourg, on 13-15 November 2013, 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 the Opinion No. 16 (2013) on “The relations between judges and lawyers”  
  
and to note that this document would be forwarded to the relevant bodies in the member states, which 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 its updated report on the situation of the judiciary and judges in the member States of the Council of Europe;
  - c. to adopt its Terms of Reference for 2014-2015;
  - d. to take note of this report as a whole.

### C. LIST OF ITEMS DISCUSSED AND DECISIONS TAKEN BY THE CCJE

The CCJE

3. **adopted** its Opinion No. 16 (2013) on “The relations between judges and lawyers” (CCJE(2013)4), subject to possible amendments on the form by its Bureau, which is entrusted to do so if needed, in order to ensure the good consistency of the English and French versions;  
  
**decided** to submit it to the Committee of Ministers to take note of it; **invited** the member States to ensure its distribution as far as possible among decision-makers, judges and lawyers, including its translation where

needed; **decided** to transmit it also to the CDCJ, CDDH, CEPEJ and the Venice Commission so that they take it into account in the course of their work;

4. **thanked** in particular the CCBE, which has recently received the status of observer, for its contribution to the drafting of this Opinion;
5. **adopted** the updated report on the situation of the judiciary and judges in the member States of the Council of Europe (CCJE(2013)5), subject to the possible amendments on the form by its Bureau, which is entrusted to do so if needed, and taking note of the comments made by its member in respect of Greece as regards the limited representation of the Association of Judges mentioned in paragraph 41, and by the delegation in respect of Turkey which indicated that there was no intention of the Government to propose such legislation as is mentioned in paragraph 61;

**decided** to submit it to the Committee of Ministers to take note of it,

6. **recalled** that, in accordance with its Terms of Reference, it was at the disposal of the Committee of Ministers and other bodies of the Council of Europe (particularly the Secretary General and the Parliamentary Assembly) to prepare opinions concerning the specific situation of judges in given member States;
7. **took note** of the CCJE Activity Report for 2013 (CCJE(2013)6) prepared by the Bureau and **welcomed** the involvement of its members who promoted the Opinions and the work of the CCJE in the course of the year within the framework of other fora;
8. **approved** its draft Terms of Reference for 2014-2015, which mandated it to prepare in particular an opinion on “the justice, evaluation and independence” and an opinion on “the open and transparent justice: accountability of judicial systems”, and **decided** to transmit it to the Committee of Ministers for adoption;
9. **proposed**, for future Terms of Reference, to keep in mind the following topics: “relations between judges and the legislative and executive powers” and “networking of justice”;
10. **instructed** its Bureau to define the modalities for evaluating the impact of the Opinions of the CCJE in the member States;
11. **appointed** Mr Orlando AFONSO (Portugal), Mr José Francisco COBO SÀENZ (Spain), Mr Nils ENGSTAD (Norway), Ms Aida-Rodica POPA (Romania), Mr Gerhard REISSNER (Austria), Mr Raffaele SABATO (Italy), Mr Duro SESSA (Croatia), Mr Jean-Claude WIWINIUS (Luxembourg), Mr Osman Nesuh YILDIZ (Turkey) as members, and Mr Alain LACABARATS (France) and Ms Katarzyna GONERA (Poland) as substitute members to the select group responsible for preparing the draft Opinion on “the justice, evaluation and independence” (CCJE-GT) to be submitted to the 15<sup>th</sup> plenary meeting of the CCJE;
12. **elected** Mr Bart van LIEROP (Netherlands) as President, and **elected** Mr Richard AIKENS (United Kingdom) as Vice-President for 2014; **elected** Mr Johannes RIEDEL (Germany) as the Bureau member replacing Mr AIKENS for 2014;
13. **emphasised its strong appreciation** for the work of Mr Gerhard REISSNER (Austria) as the President of the CCJE in 2012 and 2013;
14. **designated** Ms Aida-Rodica POPA (Romania) as the Gender Equality Rapporteur for 2014;
15. **proposed** to hold its 15<sup>th</sup> plenary meeting from 22 to 24 October 2014; **thanked** its member in respect of Turkey for the invitation to hold it in Istanbul;
16. **proposed** to hold the 26<sup>th</sup> and 27<sup>th</sup> meetings of the select group (CCJE-GT) on 17-19 March 2014 and 23-26 June 2014 respectively; **thanked** its member in respect of Germany for the invitation to hold the 27<sup>th</sup> meeting in Berlin and to supplement it with a meeting with the Scientific Commission on Judicial Self-Government.

## **APPENDIX**

### **AGENDA**

- 1. Adoption of the agenda**
- 2. Information by the President, the CCJE members and the Secretariat**
- 3. CCJE Opinion N°16(2013)**
  - Examination, in view of its adoption, of the draft Opinion N°16 on “The relations between judges and lawyers”
- 4. Situation Report on the judiciary and judges in the Council of Europe member States**
  - Examination, in view of its adoption, of the updated version of the “Situation Report on the judiciary and judges in the Council of Europe member States” – 2013 Edition.
- 5. Terms of Reference for 2014 and 2015**
- 6. Working methods of the CCJE**
  - Election of the President and of the Vice-President of the CCJE
  - Possible election of one member of the CCJE Bureau
  - Appointment of the CCJE’s Working Group for 2014
  - Appointment of the CCJE Gender Equality Rapporteur for 2014
- 7. Calendar of the CCJE’s and CCJE-GT’s meetings in 2014**
- 8. Any other business**

# LIST OF PARTICIPANTS *LISTE DES PARTICIPANTS*

## MEMBER STATES / ETATS MEMBRES

### **ALBANIA/ALBANIE:**

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

### **ARMENIA/ARMENIE:**

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

(excused/excusé)

### **AUSTRIA/AUTRICHE:**

Mr Gerhard REISSNER, (Chair of the CCJE/Président du CCJE)

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

### **AZERBAIJAN**

Mr Khagani MAMMADOV, Judge, Supreme Court of the Republic of Azerbaijan, BAKU

### **BELGIUM/BELGIQUE:**

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

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

Ms Meddzida KRESO, Court of Bosnia and Herzegovina, SARAJEVO

(excused/excusée)

### **BULGARIA/BULGARIE:**

Ms Maiia ROUSSEVA, Judge, Sofia City Court, SOFIA

### **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, PRAGUE

### **DENMARK/DANEMARK:**

Mr 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 Timo ESKO, President, Turku Court of Appeal, Finland, TURKU

Mr Pertti NIEMINEN, Chief Justice, Kouvola Court of Appeal

### **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, KÖLN, Vice President of the Constitutional Court of North Rhine-Westphalia

**GREECE/GRECE:**

Mr Gerassimos FOURLANOS, Judge of the Supreme Court, ATHENS

**HUNGARY/HONGRIE:**

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

**ICELAND/ISLANDE:**

Mr Helgi JÓNSSON, President of the District Court of Reykjavík, The Court House at Lækjartorg, REYKJAVÍK

**IRELAND/IRLANDE:**

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

**ITALY/ITALIE:**

Mr Raffaele SABATO, Councillor, Supreme Court of Cassation (Rome, Italy); Member, Board of Directors, School for the Judiciary (Rome, Italy),

**LATVIA/LETTONIE:**

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

(excused/excusée)

**LIECHTENSTEIN:**

M. Dietmar BAUR, Judge, Princely Court, 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, Palais de Justice, MONACO

**MONTENEGRO/MONTENEGRO:**

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

**NETHERLANDS/PAYS-BAS:**

Mr Bart van LIEROP, (Vice-Chair of the CCJE/Vice-Président du CCJE) Senior Justice of the Administrative High Court for Trade and Industry (*College van Beroep voor het bedrijfsleven*) The Hague  
Mr M.F.M.M. de WERD, Justice, Amsterdam Court of Appeal in the Netherlands

**NORWAY/NORVEGE:**

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

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

**POLAND/POLOGNE:**

Ms Katarzyna GONERA, Judge of the Supreme Court (Labour Law, Social Security and Public Affairs Chamber), member of the National Council of the Judiciary of Poland, Office of the National Council of the Judiciary of Poland, International Cooperation Department, WARSAW

**PORTUGAL:**

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

**REPUBLIC OF MOLDOVA / REPUBLIC DE MOLDOVA:**

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

**ROMANIA/ROUMANIE:**

Ms Aida–Rodica POPA, Judge of the High Court of Cassation and Justice, BUCHAREST

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE:**

Mr Nikolay ROMANENKOV, Justice of the Supreme Court, MOSCOW

Ms Magomed KARATAYEV, Chairman of the Supreme Court of the Chechen Republic of the Russian Federation

Ms Rimma SHATOVKINA, Chairperson of the Novosibirsk Regional Court of the Russian Federation

Mr Alexander DEMENTYEV, Chairman of the Sverdlovsk Regional Court of the Russian Federation

Ms Albina KIRILLOVA, Chairman of the Supreme Court of the Republic of Buryatia of the Russian Federation

Ms Olga BRATUSEVA, Head of Division of organisational support of supervising the execution of decisions of ECHR and the Constitutional Court of the Russian Federation at the Supreme Court of the Russian Federation

Ms Madina ZAINETDINOVA, Judge of the Shalinsky City Court of the Chechen Republic of the Russian Federation

Mr Alexey DMITRIEV, Deputy Head of the Board for organisational-legal support of judicial activity of the Judicial Department at the Supreme Court of the Russian Federation

Ms Lidia CHADERINA, Senior Consultant of the International Legal Cooperation Division of the Judicial Department at the Supreme Court of the Russian Federation

**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, President of the 2<sup>nd</sup> Seccion at the Audiencia Provincial (Navarra), PAMPLONA

**SWEDEN/ SUEDE:**

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

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

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

(excused/excusée)

**TURKEY/TURQUIE:**

Mr Mehmet ÖZDEMİR, Judge Rapporteur, Ministry of Justice,

Mr. Mahmut ŞEN, Judge, Head of Administrative Court of Ankara,

Mr Osman Nesuh YILDIZ, Reporter Judge, High Council for Judges and Prosecutors

**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, Strand, LONDON

## **SCIENTIFIC EXPERT / EXPERT CONSULTANT**

Natalie FRICERO, Palais Adeila, Nice,

## **OBSERVER STATES/ ETATS OBSERVATEURS**

### **MISSION OF JAPAN TO THE COUNCIL OF EUROPE / MISSION PERMANENTE DU JAPON AUPRÈS DU CONSEIL DE L'EUROPE:**

Mr Yoshiki YAMAURA, Justice of the Supreme Court

Mr Tai OYA, Chiba District Court

Mr Takaaki SHINTAKU, Consul, Consulate-General of Japan, STRASBOURG, STRASBOURG

Ms Kyoko HIROTA, Interpret

## **CCBE**

Mr Aldo BULGARELLI, First Vice-President, CCBE, Conseil des barreaux européens – Les avocats européens pour le droit et la justice, BRUXELLES

Mr Simone CUOMO, Conseiller juridique senior / Senior Legal Advisor, CCBE, Conseil des barreaux européens – Les avocats européens pour le droit et la justice, BRUXELLES

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

Mr Paolo CORDER, member of the CSM Italy and member of the ENCJ Executive board

## **MAGISTRATS EUROPEENS POUR LA DEMOCRATIE ET LES LIBERTES MEDEL**

Thomas GUDDAT, Desk Officer Justice, Saxon State Ministry of Justice and for European affairs, Liaison Office in Brussels, BRUSSELS

## **FEDERATION EUROPEENNE DES JUGES ADMINISTRATIFS / ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES**

M. Pierre VINCENT, Presiding Judge, Nancy Administrative court of Appeal, NANCY

## **COUNCIL OF EUROPE'S SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE Division for the independence and the efficiency of Justice Division pour l'indépendance et l'efficacité de la justice**

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

M. Stéphane LEYENBERGER, Secretary to the CCJE / *Secrétaire du CCJE*

Mr Artashes MELIKYAN, Co-Secretary of the CCJE / *Co-Secrétaire du CCJE*

Ms Emily WALKER, Assistant / *Assistante*

M. Jean-Pierre GEILLER, Administration and Finances / *Administration et Finances*

Mme Annette SATTEL : Administration and Networks / *Administration et réseaux*

## **INTERPRETERS / INTERPRETES**

Gillain WAKENHUT  
Christopher TYCZKA  
Chloé CHENETIER