

Strasbourg, 19 February 2007

CCJE(2006)20

*CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)*

---

7th meeting - Strasbourg, 8-10 November 2006  
Meeting report

---

**LIST OF THE MAIN DECISIONS TAKEN BY THE CCJE:**

**adopted** Opinion No. 8 on “The role of judges in the protection of the rule of law and human rights in the context of terrorism”;

**adopted** Opinion No. 9 on “The role of national judges in ensuring an effective application of international and European law”;

**adopted** the “Report for the attention of the Committee of Ministers on the measures to be taken in order to make proper use in member states of the Opinions given by the CCJE”, in accordance with the Action Plan of the 3rd Summit of Heads of State and Government;

**adopted** the draft terms of reference of the CCJE as revised in conformity with Resolution Res(2005)47, providing for it to have a Bureau consisting of the Chair, the Vice-Chair and two other members of the committee; these terms of reference expiring on 31 December 2007;

**adopted** the questionnaire concerning Councils for the Judiciary with a view to the preparation of an opinion in 2007 (CCJE (2006) 2), instructed its members to reply to the questionnaire, consulting national Councils for the Judiciary where appropriate, and to submit the replies to the Secretariat by 15 January 2007;

**instructed** its working party to analyse the replies to this questionnaire and prepare a draft opinion on Councils for the Judiciary, in keeping with the terms of reference given to the CCJE by the Committee of Ministers, with the assistance of experts to be appointed by the Secretariat; the draft opinion would be submitted to the 8th plenary meeting of the CCJE;

**supported** the organisation in 2007 of the 3rd European Conference of Judges on the theme: “Which Councils for Justice?”, which would provide input for its deliberations with a view to preparing an opinion on that question, welcomed the invitation from the Italian Council for the Judiciary to the Council of Europe to hold the Conference in Rome and thanked its task force for the preparatory work done in co-operation with the European Network of Councils for the Judiciary;

**welcomed** the establishment of the Consultative Council of European Prosecutors (CCPE) and stressed the need to maintain a good flow of dialogue between the two bodies in order to ensure the coherency of their actions and develop synergies where appropriate;

**having** taken into consideration the letter addressed to the CCJE by the Association of Romanian Magistrates and the relevant information given by the member of the CCJE in respect of Romania, adopted a declaration regarding the draft legislative amendments concerning the status of judges in Romania and decided to submit it to the Association of Romanian Magistrates, the European Association of Judges and the relevant authorities in Romania and to publish it on its website;

**decided** unanimously to grant observer status to the European Judges Group for Mediation (GEMME) and the European Judicial Training Network (EJTN), in keeping with Committee of Ministers Resolution Res(2005)47.

1. The Consultative Council of European Judges (CCJE) held its 7th meeting in Strasbourg from 8 to 10 November 2006, with Mr Raffaele SABATO (Italy) in the Chair. The agenda is set out in Appendix I to this report and the list of participants in Appendix II.

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

2. Mr Roberto LAMPONI, Director of Legal Co-operation, announced that the Secretariat of the CCJE would now be provided by the Division for the Judiciary and Legal Programmes, which was also responsible for the Secretariat of the CEPEJ. He introduced the new team responsible for the CCJE: Mr Stéphane LEYENBERGER, Secretary to the CCJE, Ms Muriel DECOT, co-Secretary to the CCJE, Mr Jean-Pierre GEILLER, documentation officer, Ms Sandrine MAROLLEAU, communication officer, and Ms Emily WALKER, assistant. The purpose of the restructuring was to improve co-ordination of the activities concerning the operation of justice and develop synergies between Council of Europe bodies, in keeping with the wishes of the Committee of Ministers.

3. In connection with such synergies, one member proposed improving the flow of information concerning the work of other Council of Europe committees which might be of interest to the CCJE such as that of the Venice Commission.

4. The Chair of the CCJE thanked Mr Roberto LAMPONI for his relentless support for the CCJE's activities. He also thanked the Romanian and Cypriot authorities for the magnificent way in which they had hosted the 10th (Bucharest, 22-24 March 2006) and 11th (Nicosia, 21-23 June 2006) meetings of the CCJE working party (CCJE-GT). Lastly, he welcomed the new members of the CCJE.

5. The CCJE also extended warm thanks to Ms Danuta WIŚNIEWSKA-CAZALS, who had run the CCJE Secretariat capably and effectively since the CCJE had been set up in 2000.

### **2. Draft Opinions of the CCJE for 2006**

6. In preparing the draft opinion for 2006 as provided for in the CCJE's terms of reference, the CCJE-GT had felt that, before actually studying judges' role in relation to terrorism, the CCJE should review the means and resources judges needed in order to act effectively in an international context, given that national judges were the guarantors of compliance with and proper application of the international and European treaties to which their countries were parties, in particular the European Convention on Human Rights (see report on the 10th meeting of the CCJE-GT, document CCJE-GT(2006)6).

7. The CCJE-GT had therefore agreed to propose the adoption of two separate opinions: one on the role of national judges in the effective application of international and European law (Opinion No. 9) and the other on judges' role in striking a balance between protecting the public interest and human rights in the context of terrorism (Opinion No. 8).

8. The CCJE expressed warm thanks to the experts, Mr Daniel FRANSEN (Belgium) and Mr Jacek CHLEBNY (Poland), for the reports they had prepared for the CCJE-GT, which had provided valuable input for the preparation of Opinions Nos. 8 and 9.

#### **a. Opinion No. 8 on the role of judges in the protection of the rule of law and human rights in the context of terrorism**

9. The CCJE considered draft Opinion No. 8 as prepared by the CCJE-GT (document CCJE(2006)3), in the light of a detailed presentation by Mr Raffaele SABATO (introduction), Mr Alain LACABARATS (general presentation) and Mr Otto MALLMANN (administrative

measures), who had drawn up the draft text, to which all members of the working party had contributed.

10. It also considered the comments on the draft opinion presented before the meeting by Slovenia (document CCJE(2006)15), the Steering Committee for Human Rights (CDDH) (document CCJE(2006)16) and the Vice-Chair of the Committee of Legal Advisers on Public International Law (CAHDI) (document CCJE(2006)17).

11. The text sought, in particular, to review the existing texts on combating terrorism and the issue of proper balance in the work of judges called upon to hear terrorism cases, which were particularly sensitive, where they had to apply the law to combat terrorism while at the same time respecting the rules of procedure, human rights and, in particular, the rights of the defence. The specific nature of the crimes concerned meant that judges had a particularly important role to play, for instance, in scrutinising the preventive measures taken by the administrative authorities in handling evidence and obtaining statements.

12. As suggested by the CDDH, the CCJE agreed to alter the title initially proposed and replace the expression “in striking a balance between protecting the public interest and human rights” with “in the protection of the rule of law and human rights”, as the title should not give the impression that there was a balance to be struck or any possible “trade-off” between the fundamental rights of the individual and the protection of the public interest.

13. The CCJE also adopted some of the proposed amendments concerning administrative measures and the detention of suspects presented by the MEDEL representative during the meeting.

14. The CCJE adopted by consensus Opinion No. (2006) 8 on “The role of judges in the protection of the rule of law and human rights in the context of terrorism”, subject to any stylistic changes which might be made by the Secretariat.

15. The CCJE thanked Mr Giancarlo GUARINO, Professor of International Law at the University of Naples and a specialist in terrorism cases, for agreeing to read through the draft opinion at the CCJE-GT’s request.

16. The CCJE also welcomed the offer from the Council of Europe’s Directorate of Communication to publish a press release on the adoption of the opinion and thanked Mr Alain LACABARATS for drawing it up. The Secretariat would send the press release to all CCJE members.

**b. Opinion No. 9 on “The role of national judges in ensuring an effective application of international and European law”**

17. The CCJE considered draft Opinion No. 9 as prepared by the CCJE-GT (document CCJE(2006)1), in the light of a detailed presentation by Ms Julia LAFFRANQUE, who had drawn up the draft text, to which all members of the working party had contributed.

18. It also considered the comments on the draft opinion presented before the meeting by Romania (document CCJE(2006)12) and the Vice-Chair of the Committee of Legal Advisers on Public International Law (CAHDI) (document CCJE(2006)17).

19. The text highlighted the need to provide judges with the necessary information about international legal instruments and to organise dialogue between national and European judicial bodies. It also sought to find solutions to the difficulties national courts had in applying international and European law.

20. The CCJE agreed to shorten the title initially proposed by deleting the last section (“and a genuine co-operation with international judicial institutions”), which was deemed redundant.

21. The CCJE adopted by consensus Opinion No (2006) 9 on “The role of national judges in ensuring an effective application of international and European law”, subject to any stylistic changes which might be made by the Secretariat.

22. In keeping with the proposals made to the Committee of Ministers on ensuring that proper use was made of the CCJE’s opinions, it agreed to transmit the opinions adopted at the meeting to the Committee of Ministers for forwarding to the competent authorities in the member states and, where appropriate, for translation into the corresponding languages.

### **3. Report by the CCJE to the Committee of Ministers on the proper use of the opinions**

23. In the Action Plan adopted at their Third Summit (Warsaw, 16-17 May 2005), the Heads of State and Government of Council of Europe member states had decided “to make proper use of the opinions given by the Consultative Council of Judges of Europe (CCJE) in order to help member states to deliver justice fairly and rapidly and to develop alternative means for the settlement of disputes.” With a view to implementing the Action Plan, the Committee of Ministers had assigned the CCJE the task of “prepar[ing] (...) a report containing detailed proposals on the measures to be taken in order to make proper use in member states of the opinions given by the CCJE.” The CCJE-GT had prepared a draft report (document CCJE(2006)4), which was submitted to the CCJE for consideration, along with comments from Romania (document CCJE(2006)10).

24. In particular, the CCJE underlined the need for its opinions and other work to be more widely publicised. In this connection, it urged members to have the opinions translated into their national languages (other than English and French) and instructed the Secretariat to distribute the opinions and the conference proceedings as widely as possible in the form of publications and through the website.

25. The report also called for intensification of the CCJE’s role, in particular through increased practical assistance to member states and diversification of its activity, including, for instance, the possibility of it preparing concrete opinions on specific issues concerning judges at short notice at the request of relevant bodies.

26. The CCJE adopted by consensus the report on proper use of the opinions, subject to any stylistic changes which the Secretariat might make, and decided to transmit it to the Committee of Ministers as a contribution to the implementation of the Action Plan of the Third Summit of Heads of State and Government.

### **4. 2007 work programme**

#### **a. Draft opinion for 2007**

27. For 2007, the Committee of Ministers had assigned the CCJE the task of preparing an opinion on the structure and role of judicial service commissions or other equivalent independent bodies as essential elements in states governed by the rule of law for ensuring balance between the legislature, the executive and the judiciary.

#### *Questionnaire*

28. For the preparation of the 2007 opinion, a questionnaire on councils for the judiciary drawn up by the Vice-Chair of the CCJE and the Secretariat was submitted to the CCJE for

consideration (document CCJE(2006)2). The questionnaire began with the general context concerning the judiciary and then concerning councils for the judiciary, before moving on to more specific questions concerning the composition, resources and tasks of such councils and concluding with more qualitative questions concerning self-assessment and future trends. Through the questions, it sought to obtain a picture of the situation in the member states, taking account of the diversity of systems, whether or not they had judicial service commissions or councils for the judiciary. The introduction to the questionnaire referred to this diversity.

29. The CCJE adopted the questionnaire on councils for the judiciary, noting that member states could provide explanations in the replies if they deemed this necessary. Minor changes could still now be sent to the Secretariat, which would have the task of consulting the Venice Commission and then sending out the final version of the questionnaire to all CCJE members very shortly after the meeting.

30. The CCJE instructed its members to reply to the questionnaire, consulting national councils for the judiciary where appropriate, and to submit the replies to the Secretariat by 15 January 2007.

### *Experts*

31. The CCJE instructed the Secretariat to appoint two experts, preferably judges who had been members of a council for the judiciary. They would be asked to prepare a report analysing the replies to the questionnaire and setting out practical recommendations based on their own experience, which CCJE-GT members would use as a basis when preparing the draft opinion. The Venice Commission would also have to be consulted about the draft opinion before the 8th plenary meeting, as the issues relating to councils for the judiciary very often had a constitutional basis, which was an area dealt with by the commission.

### *3rd Conference of Judges*

32. As the issue of councils for the judiciary was a sensitive one requiring proper consideration beforehand, the CCJE supported the organisation in 2007 of the 3rd European Conference of Judges on the theme "Which Councils for Justice?" It had already supported two such conferences in the past:

- 1st Conference of Judges on "The Early Settlement of Disputes and the Role of Judges" held in Strasbourg on 24 and 25 November 2003, which had led to Opinion No. 6;
- 2nd Conference of Judges on "Justice and the Media" held in Krakow on 25 and 26 April 2005, which had led to Opinion No. 7.

33. A task force to prepare the conference had been set up, comprising Mr Raffaele SABATO, Mr Orlando AFONSO and Mr Alain LACABARATS, the Secretariat and members of the European Network of Councils for the Judiciary (ENCJ), which would also be involved in organising the conference.

34. In this connection, the CCJE welcomed Ms Edith VAN DER BROEK (Belgium), member of the ENCJ, who was to report on the task force meeting held in Paris on 25 October 2006<sup>1</sup>. The CCJE welcomed this co-operation with the network and thanked it for its active involvement in organising the event.

---

<sup>1</sup> The task force held its first meeting in The Hague on 17 February 2006 with the participation of Mr Alain LACABARATS and its second meeting in Wroclaw on 25 and 26 May 2006 with the participation of Mr Orlando AFONSO.

35. The CCJE held an exchange of views on the draft programme for the conference prepared by the task force (document CCJE(2006)11).

36. A member of the task force stressed the need to link the theme of the conference with the question of the independence of judges and the related issues. Insofar as there had already been much work at national and international level concerning councils for the judiciary, it was also noted that the conference would not seek to cover the subject in an exhaustive manner, but would confine itself to relevant current issues in all member states. One of these concerned the advisability of setting up councils for the judiciary or judicial service commissions, which did not exist in some systems and could be regarded as a constraint. On this particular point, it was suggested that speakers from countries which did not have institutions of this kind or non-judges such as lawyers or political figures should be invited to address the conference.

37. The CCJE referred to the conclusions of the multilateral meeting which the Council of Europe had held in Madrid (General Council for the Judiciary) in 1996 on the subject of judicial service commissions.

38. It entrusted the Secretariat to finalise the programme of the conference, taking into account what had been discussed at the present meeting.

39. The CCJE expressed its sincere gratitude to the Italian Council for the Judiciary (CSM), which had not only invited the Council of Europe to hold the conference in Rome but had also agreed to allocate the sum of €30 000 for the organisation of the event. It would be held in the Italian Council for the Judiciary's premises on 26 and 27 March 2007.

40. It would be an open conference without registration fees; a registration form would be posted on the CCJE website. The Council of Europe would send invitations to all permanent delegations, with copies to the members of the CCJE and the ENCJ. The observers would also be invited to take part in the conference. The invitation would encourage states to appoint representatives of national councils for the judiciary.

41. In order to give the event maximum publicity, each CCJE national delegation would be responsible for promoting the conference in its respective country. The Secretariat would be responsible for publicising the conference in other Council of Europe bodies and via the CCJE and Council of Europe websites. The ENCJ was also invited to urge national councils for the judiciary to promote the conference.

## **5. CCJE working arrangements**

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

42. The CCJE elected its Chair and Vice-Chair in accordance with Resolution Res(2005)47 on committees and subordinate bodies, their terms of reference and working methods. Mr Raffaele SABATO and Ms Julia LAFFRANQUE were re-elected Chair and Vice-Chair respectively for one year.

### **b. Creation of a Bureau of the CCJE**

43. In order to relieve the CCJE of administrative tasks and enable it and the CCJE-GT to concentrate on substantive issues, the CCJE agreed to propose to the Committee of Ministers that a Bureau consisting of the Chair, the Vice-Chair and two other members be set up.

44. Some CCJE members expressed reservations about the establishment of a Bureau and wondered about the point of such a body, given the specific nature of the CCJE and the tasks it had to perform. Other members were in favour of setting up a Bureau, provided that the activities of the Bureau and the working party were properly linked up, which included Bureau members being able to take part in working party meetings. The establishment of a Bureau had already been proposed in a document which the CCJE had discussed at its sixth plenary meeting (CCJE structures and working methods, document CCJE(2005)30).

45. The Secretariat pointed out that the Bureau would be responsible for preparing a number of matters by and for the CCJE, on which it would have to report to the plenary meetings. This meant that the CCJE's existing working methods would not be altered but merely made more efficient through this preparatory work.

46. The CCJE approved the establishment of a Bureau by consensus.

47. Subject to the adoption by the Committee of Ministers of accordingly revised terms of reference, the CCJE elected Mr Alain LACABARATS and Mr Gerhard REISSNER (Austria) members of the Bureau of the CCJE for 2007.

#### **c. Appointment of the CCJE Working Party for 2007**

48. In accordance with paragraph 14.b. of Resolution Res(2005)47 worded as follows: "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 agreed to set up a working party tasked, in particular, with drawing up the draft opinion on councils for the judiciary for the 8th plenary meeting.

49. To prevent the establishment of the Bureau having an impact on the CCJE's 2007 budget, it was proposed that a nine-member working party should be appointed.

50. The CCJE appointed Mr Orlando AFONSO (Portugal), Ms Aneta ARNAUDOVSKA ("the former Yugoslav Republic of Macedonia"), Mr Nils ENGSTAD (Norway), Mr Otto MALLMANN (Germany), Mr Stepan MIKAELIAN (Armenia), Mr Stelios NATHANAEL (Cyprus), Mr Kevin O'HIGGINS (Ireland), Mr René VERSCHUUR (the Netherlands) and Mr Jean-Claude WIWINIUS (Luxembourg) members of the 2007 working party.

51. It agreed that, as far as possible, the CCJE-GT's meetings would be linked with those of the Bureau so that Bureau members could take part in the CCJE-GT meetings.

52. To enable it to perform its task, it also asked the CCJE-GT to establish, as quickly as possible, a framework for effective and trusting co-operation between all the bodies involved in drafting the 2007 opinion, ie the CCJE-GT, the Bureau, CCJE members, the task force responsible for organising the conference, the ENCJ and the Venice Commission, etc.

#### **d. Revision of the terms of reference of the CCJE**

53. Following the adoption by the Committee of Ministers on 14 December 2005 of Resolution Res(2005)47, all terms of reference of existing committees had to be brought into line with the new rules.

54. The Secretariat therefore submitted draft revised terms of reference of the CCJE for 2007 (document CCJE(2006)26REV), with no changes to the content as adopted by the Committee of Ministers on 15 February 2006, except for the reference to the establishment of a Bureau and to the observers (see below). The new terms of reference would expire on



31 December 2007. The Secretariat had consulted the relevant Council of Europe departments when preparing the preliminary draft revised terms of reference.

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

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

55. The CCJE welcomed the Chair of the Consultative Council of European Prosecutors (CCPE), Mr Harald RANGE (Germany). He said that, although judges and prosecutors performed different duties, they did have many points in common. He also reported on the meeting held in Moscow on 6 July 2006 immediately after the 7th Conference of Prosecutors General of Europe (CPGE) organised as part of the Russian Chairmanship of the Committee of Ministers. The purpose had been to agree the CCPE's future lines of action: the role of prosecutors in relation to persons deprived of their liberty, the responsibility of prosecutors in relation to young offenders and prosecutors and the media.

56. The Chair of the CCJE suggested that the CCPE be invited to take part in the 3rd Conference of Judges since prosecutors were covered by judicial service commissions under certain systems.

57. Another topic of common interest was also highlighted: the transition between the professions of judge and prosecutor.

58. The CCJE welcomed this initial exchange of views and the establishment of the Consultative Council of European Prosecutors (CCPE) and stressed the need to maintain a good flow of dialogue between the two bodies in order to ensure the coherency of their actions and develop synergies where appropriate.

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

59. The CCJE welcomed the Chair of the European Commission for the Efficiency of Justice (CEPEJ), Mr Eberhard DESCH (Germany), with a view to agreeing details of the CCJE's possible involvement in the CEPEJ's current work on evaluating European judicial systems, namely the report on European Judicial Systems (2006 edition).

60. Mr Eberhard DESCH said that, on the basis of the information gathered, the CEPEJ now had the task of looking more closely at particular areas of the report such as access to justice, the workload of courts and judges and the execution of judgments.

61. In this connection, he therefore proposed that the CCJE analyse the information in the report concerning the status of judges, in particular recruitment, professional guarantees, systems of professional and lay judges and disciplinary matters. In-depth analysis of the CEPEJ's findings here, in particular from the viewpoint of the CCJE's opinions, could reveal major trends, for instance, while also highlighting shortcomings in the report and recommendations to be made. For the CEPEJ, it would be a vital contribution to the continuation of its work in evaluating judicial systems.

62. He was also sure that the fact that the two bodies now shared a Secretariat would ensure greater effectiveness in this proposed co-operation.

63. The CCJE welcomed the 2006 edition of the report on "European Judicial Systems" prepared by the CEPEJ and praised the body's key current and future role in effective co-ordination with the European Union's work in the area of judicial systems. It welcomed the CEPEJ's proposal for co-operation and pointed out that, as already stated in Opinion No. 6, it paid particular attention to gathering data in the field of justice.

64. It noted that joint activity of this kind by the committees responsible for justice systems could produce valuable insights into democratic justice, leading to joint recommendations useful to the whole of Europe.

65. Following this exchange of views, the CCJE instructed its Bureau, in accordance with the CEPEJ's proposal, to analyse specifically the information on the status of judges, in consultation with its working party, in order to draw the appropriate conclusions for member states' public justice policies and for its own work.

66. The CCJE also informed the Chair of the CEPEJ that the CCJE would be represented at the CEPEJ's next meeting, to be held in Strasbourg from 6 to 8 December 2006.

### **c. Lisbon Network**

67. The Lisbon Network had prepared a draft report on the contribution by judicial training bodies to the practical implementation of Opinion No. 4 on appropriate initial and in-service training for judges at national and European levels (document RL-GT(2006)1Add).

68. The CCJE welcomed the Secretary of the Lisbon Network, Mr Jean CLAUS, who was to present the draft report and propose the possible involvement of the CCJE in these activities concerning implementation of Opinion No. 4.

69. The CCJE welcomed this initiative, which fitted in with the measures proposed to facilitate the implementation of opinions, and invited the Lisbon Network widely to publicise the proposed measures, with the Secretariat's support.

### **7. Observers**

70. The CCJE decided unanimously to grant observer status to the European Judges' Group for Mediation (GEMME) and the European Judicial Training Network (EJTN), in keeping with Committee of Ministers Resolution Res(2005)47.

71. Although mediation was not part of the work programme for 2007, the CCJE nevertheless acceded to GEMME's request with a view to subsequent general co-operation.

72. The CCJE also thanked the Japanese delegation for the great interest it showed in its work, as reflected in the size and regular attendance of its delegation.

### **8. Presentation of the CCJE's new website (under construction)**

73. Ms Sandrine MAROLLEAU presented the CCJE's new website, which she was developing. The new site would only go online after the meeting and could therefore be altered in accordance with members' suggestions.

74. It was pointed out that, although the site had its own direct address ([www.coe.int/ccje](http://www.coe.int/ccje)), access from the Council of Europe's general website remained complicated. The CCJE wished that the site could be made more directly accessible from the site of the Directorate General of Legal Affairs (DGI).

75. The CCJE welcomed the development of its internet site and of the communication policy presented by the Secretariat and asked its members to make the necessary contacts so that links could be included to relevant sites of national judiciaries (for instance, judicial service commissions, supreme courts, etc).

## **9. Calendar of meetings of the CCJE and the CCJE-GT in 2007**

76. The CCJE agreed the following draft calendar for its meetings in 2007, subject to the availability of funding:
- 3rd Conference of Judges: Rome, **26-27 March 2007**<sup>2</sup>
  - 1st meeting of the CCJE-GT: **28-29 March 2007**<sup>3</sup>
  - 2nd meeting of the CCJE-GT: 25-26 June 2007
  - 8th plenary meeting of the CCJE: 21-23 November 2007

The above dates might be altered, depending on the activity of the Council of Europe. The Secretariat would keep the CCJE informed of any changes.

77. The CCJE took note of the invitation from Austria to hold the 2nd meeting of the CCJE-GT at Graz Appeal Court and to hold an exchange of views on that occasion between the CCJE-GT and the Austrian judicial authorities in connection with the discussions currently under way in Austria on the possible establishment of a council for the judiciary in the country.

78. The Secretariat pointed out that, as a rule, Council of Europe committee meetings were held in Strasbourg. Under Resolution Res(2005)47, however, the Secretary General could, exceptionally, authorise the convocation of committee meetings elsewhere, in accordance with the principles of sound management and within the resources available, which implied that holding a meeting elsewhere should be budget-neutral compared to holding it in Strasbourg. The Secretariat would make a corresponding request and notify the CCJE of the Secretary General's decision.

## **10. Any other business**

### **a. Regional conference on councils for the judiciary organised by the Council of Europe in Sarajevo**

79. The CCJE appointed Ms Mezdida KRESO, CCJE member for Bosnia and Herzegovina, to take part in the conference.

### **b. Judicial partnership between courts, judges and judges' associations**

80. Further to the request made by the CCJE-GT at its 10th meeting (Bucharest, 22-24 March 2006), the CCJE took note of the report presented by Mr Gerhard REISSNER (document CCJE(2006)6) on ways of expanding judicial partnerships between courts, judges and judges' associations.

### **c. Relations between the CCJE and Portugal**

81. Mr Raffaele SABATO said that he had been invited to represent the CCJE at the official ceremony marking the installation of the President of the Portuguese Supreme Court. The CCJE welcomed this invitation from a national supreme court and expressed support for the reforms Portugal was planning as part of its Pact for Justice.

---

<sup>2</sup> Following the meeting, the Italian Council for the Judiciary requested that the conference be held a week later than originally planned. The dates of 20 and 21 March 2007 initially agreed by the CCJE are therefore no longer valid.

<sup>3</sup> As the first meeting of the CCJE-GT is to be held in Rome immediately after the conference, the date of which has been altered, it will also be held a week later than originally planned. The dates of 22 and 23 March 2007 initially agreed by the CCJE are therefore no longer valid.

82. The CCJE member for Portugal announced that Portugal was currently preparing a major conference on the independence of the judiciary as part of these reforms and that the CCJE would be invited to attend.

**d. State of justice in Romania**

83. The CCJE took note of

- a letter sent to it by the Association of Romanian Magistrates expressing concern about proposed legislative amendments concerning the status of judges in Romania;
- a presentation of the situation by the CCJE member for Romania, who endorsed the association's action, explaining that the proposed amendments opened the way for administrative supervision of judicial decisions.

84. On the basis of the information supplied to it, the CCJE adopted a declaration regarding the situation in Romania, in which it noted, in particular, that administrative and disciplinary supervision of judicial decisions directly undermined the independence of the judiciary, which was vital in any democratic state.

85. It agreed to forward the declaration, along with a covering document signed by the Director General of Legal Affairs of the Council of Europe, to the Association of Romanian Magistrates, the European Association of Judges and the relevant authorities in Romania and to publish it on its website.

86. In general terms, the CCJE believed that it was very much part of its remit to respond rapidly to states which called on its authority and expertise to alert the international judicial community to a national problem concerning the status of judges. Slovenia pointed out that action of this kind which it had taken the previous year regarding a similar problem had had a major impact in the country.

**e. Co-operation with the Steering Committee on the Media and New Communication Services (CDMC)**

87. As the situation had not changed since the previous plenary meeting, the CCJE instructed the Secretariat to keep it abreast of developments and pass on any relevant information which might require additional action by the CCJE.

**f. Topics to be covered by the opinions to be adopted by the CCJE in 2008 and 2009**

88. Following an exchange of views, and on the basis of the global action plan for judges in Europe, the CCJE proposed the following topics for consideration in its future opinions :

- Role of judges in relation to prosecutors
- Role of inspectorates
- Role of court registrars
- Execution of judicial decisions
- Judges' powers and the efficiency of justice

89. The CCJE agreed not to take a decision on its future topics for the time being. It would review the matter at its next plenary meeting in the light of developments in the judicial situation in Europe and the relevant ongoing work at the Council of Europe (for instance, monitoring by the Committee of Ministers and work by the CEPEJ) so that its action was as relevant as possible to the concerns of the moment.

**APPENDIX I****AGENDA**

- 1. Opening of the meeting**
- 2. Adoption of the agenda**
- 3. Introduction and information by the Secretariat**
- 4. Draft Opinions of the CCJE for 2006**

Examination, with a view to adoption, of:

- draft Opinion No. 8 on “The role of judges in striking a balance between protecting the public interest and human rights in the context of terrorism”;
  - draft Opinion No. 9 on “The role of national judges in ensuring an effective application of international and European law and a genuine co-operation with international judicial institutions”
- 5. Report by the CCJE to the Committee of Ministers on the proper use of the opinions**

Examination, with a view to adoption, of a report for the attention of the Committee of Ministers on the measures to be taken in order to make proper use in member states of the opinions given by the CCJE

- 6. 2007 work programme**

Draft Opinion 2007:

- Examination of a questionnaire on the topic of the opinion with a view to its adoption
- Appointment of possible experts

Preparation of the 3rd European Conference of Judges (on the theme of the 2007 Opinion):

- Discussion of the agenda, venue and date of the conference
- Co-operation with the European Network of Councils for the Judiciary

- 7. CCJE working arrangements**

- Election of the Chair and the Vice-Chair of the CCJE
- Creation of a Bureau of the CCJE
- Appointment of the CCJE Working Party for 2007
- Revision of the terms of reference of the CCJE

- 8. Relations between the CCJE and other bodies of the Council of Europe (CCPE/CEPEJ/Lisbon Network)**

- Exchange of views with the Chair of the Consultative Council of European Prosecutors (CCPE), Mr Harald RANGE (Germany), with a view to identifying possible synergies with the CCJE
- Possible involvement of the CCJE in the current work of the European Commission for the Efficiency of Justice (CEPEJ) on evaluation of European judicial systems
- Possible involvement of the CCJE in the Lisbon Network's current work on the implementation of Opinion No. 4 of the CCJE

## **9. Observers**

Examination of the requests for observer status with the CCJE from:

- GEMME
- European Judicial Training Network

## **10. Presentation of the CCJE's new website (under construction)**

## **11. Calendar of meetings of the CCJE and the CCJE-GT in 2007**

## **12. Any other business**

- Judicial partnership between courts, judges and judges' associations
- State of justice in Slovenia, Portugal and Romania
- Co-operation with the Steering Committee on the Media and New Communication Services (CDMC)
- Topics to be covered by the opinions to be adopted by the CCJE in 2008 and 2009

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

Mr Stepan MIKAELYAN, Judge of the Malatia-Sebastia Community Court of Armenia, Tzaturian 34/96, 375008 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 Higher Court of Appeal of Graz, Oberlandesgericht Graz, Marburger Kai 49, 8010, GRAZ

**AZERBAIJAN/AZERBAÏDJAN :****BELGIUM/BELGIQUE :**

Mrs DECONINCK, Conseiller à la Cour de cassation, BRUXELLES

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

Mrs Mezdida KRESO, Court of Bosnia and Herzegovina, Kraljice Jelena 88, 71000 SARAJEVO,

**BULGARIA/BULGARIE :**

Mrs Maiia ROUSSEVA, Judge, Sofia City Court, "Krasno selo" – "borovo" bl 225 vh "d" ap 78, 1680 SOFIA

**CROATIA/CROATIE :**

Mr Duro SESSA, Judge, Court of Appeal, Trg Nikole Šubića Zrinjskog 5, 10 000 ZAGREB  
Tel: +385 1 4801 169, Fax: +385 1 4801 138, E-mail: djuro.sessa@zg.t-com.hr

**CYPRUS/CHYPRE :**

Mr Stelios NATHANAEL, Judge, President of the Nicosia District Court, Charalambos Mouskos Street, 1405, NICOSIA

**CZECH REPUBLIC/REPUBLIQUE TCHEQUE :**

Mr. Jiří LNENICKA, Presiding Judge of the High Court in Prague, Nám Hirdinu, 1300, PRAGUE

**DENMARK/DANEMARK :**

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

**ESTONIA/ESTONIE :**

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

**FINLAND/FINLANDE :**

Mr Gustav BYGGLIN, Justice, Supreme Court, P.O. Box 301, Pohjoisesplanadi 3, 00170, HELSINKI

**FRANCE :**

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

**GEORGIA/GEORGIE :**

M. Irakli ADEISHVILI, Chairman, civil affairs, Tbilisi City Court, 1 Ketevan Tsamebuli Av. TBILISI

**GERMANY/ALLEMAGNE :**

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

**GREECE/GRECE :**

Mr Spyridon KOLIVAS, Vice President of the Supreme Court of Greece, Alexandras Street 121, ATHENS

**HUNGARY/HONGRIE :**

Mr Károly HORECZKY, Justice in the Supreme Court, Markó utca 16, 1055, BUDAPEST

**ICELAND/ISLANDE :**

Mr Justice Hjördís HÁKONARDÓTTIR Justice of the Supreme Court of Iceland, Lindargata, 150, REYKJAVÍK

**IRELAND/IRLANDE :**

Mr Kevin O'HIGGINS, Judge of the High Court, 4 Courts, DUBLIN 7

**ITALY/ITALIE :**

M. Raffaele SABATO, Juge à la Cour d'Appel, Viale Europa, 130, 80053, CASTELLAMMARE DI STABIA – NAPLES (Chairman of the CCJE/Président du CCJE)

**LATVIA/LETTONIE :**

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

**LIECHTENSTEIN :**

Mr Lothar HAGEN, Judge, Court of Justice, Äulestrasse 70, 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, Premier Conseiller à la Cour d'Appel, B.P. 15, 2010, LUXEMBOURG

M. Jean-Marie HENGEN, Juge de Paix Directeur, Justice de Paix Esch-sur Alzette, Place de la Résistance-Brill, 4137, ESCH-SUR-ALZETTE

**MALTA/MALTE :**



Mr Joseph David CAMILLERI, Judge, Constitutional Court, the Courts of Justice, Republic Street, VALLETTA

Mr Justice Geoffrey VALENZIA, «Francesca», Triq Is-Sikka, Attard

**MOLDOVA :**

M. Mihai POALELUNGI, Vice-President of the Supreme Court of Justice of the Republic of Moldova, 70 Kogalniceanu str, 2009 CHISINAU

**MONACO :**

Mme Isabelle BERRO-LEFEVRE, Premier Juge, Palais de Justice, 5 rue Colonel Bellando de Castro, 98000 MONACO

**NETHERLANDS/PAYS-BAS :**

Mr R. VERSCHUUR, Justice at the Court of Appeal of Leeuwarden, P.O. Box 1704, 8901 CA LEEUWARDEN

Mr Bart VAN LIEROP, Justice at the Court of Appeal of The Hague, Postbus 20302, 2500 EH DEN HAAG

**NORWAY/NORVEGE :**

Mr Lars Oftedal BROCH, Justice, Supreme Court of Norway, OSLO

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

**POLAND/POLOGNE :**

Mrs 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

**ROMANIA/ROUMANIE :**

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

**RUSSIAN FEDERATION / FEDERATION DE RUSSIE :**

**SAN MARINO / SAINT-MARIN:**

**SERBIA / SERBIE :**

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

**SLOVAKIA/SLOVAQUIE :**

Mr Milan KARABIN, President of the Supreme Court of the Slovak Republic, Župré námestie 13, 814 90, BRATISLAVA

**SLOVENIA/SLOVENIE :**

Mr Aleš ZALAR, District Court Judge, District Court of Ljubljana, Taučarseva 9, 1000 LJUBLJANA

**SPAIN/ESPAGNE :**

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

**SWEDEN/ SUEDE :****SWITZERLAND / SUISSE :**

M. Ulrich MEYER, Tribunal Fédéral, Schweizerhofquai 6, 6004, LUCERNE

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

Mrs Aneta ARNAUDOVSKA, Judge, Director of the Academy for Training of Judges and Prosecutors, ul vasil gorgov 22/28, SKOPJE

**TURKEY/TURQUIE:**

Mr Behget Tufan TURAN, Judge, Head of Department in the Ministry of Justice, Müdürlüğü, Adalet Bakanlığı, Milli Müdafaa Cad., EK-1 Bina, BAKANLIKLAR-ANKARA

**UKRAINE :**

Mr Viktor GORODOVENKO, Head of the Melitopol district court of Zaporizhska, 72319 – 90 Dzerginskiyi, MELITOPOL, Zaporozhe Region

**UNITED KINGDOM/ ROYAUME-UNI**

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

**OBSERVER STATES/ ETATS OBSERVATEURS**

**HOLY SEE/SAINT-SIEGE :** (Apologised / *Excusé*)

**JAPAN/JAPON:**

Mr Osamu TSUNO, Justice of the Supreme Court of Japan

Mr Kentaro OKA, Judge, Tokyo Family Court

Ms Mizue NORO, Liaison Officer, Secretary Division, General Secretariat, the Supreme Court of Japan, 4-2 Hayabusa-cho, Chiyoda-ku, Tokyo, 102-8651

Mr Yasushi FUKU, Consul, Consulate General of Japan, Tour Europe, 20 Place des Halles, STRASBOURG

**MEXICO/MEXIQUE:** (Apologised / *Excusé*)

**MONTENEGRO:**

Mr Zoran PAZIN, President of the Basic Court in Podgorica (Montenegro), 13 Jul BB, 81000, PODGORICA

**OBSERVERS / OBSERVATEURS****ASSOCIATION “MAGISTRATS EUROPEENS POUR LA DEMOCRATIE ET LES LIBERTES” (MEDEL)**

M. Emilio GATTI, Juge, Tribunale di Genova, Piazza Portoria, GENOVA

**ASSOCIATION OF EUROPEAN ADMINISTRATIVE JUDGES/ FEDERATION DES JUGES ADMINISTRATIFS EUROPEENS**

M. Pierre VINCENT, Président, Cour Administrative d'Appel, 6 rue du Haut-Bourgeois, F-54035 NANCY CEDEX

**ASSOCIATION EUROPEEN DES MAGISTRATS**

Mr Virgilijus VALANČIUS, President of the Supreme Administrative Court of Lithuania, Tilto 17/4, 2600 VILNIUS

**OTHER / AUTRES**

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

Mrs Edith VAN DEN BROECK, Présidente du Conseil Supérieur de la Justice, Avenue Louise 65 BA, B-1050 BRUXELLES, Belgique

**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS (CCPE)**

Mr Harald RANGE, Chairman, Generalstaatsanwaltschaft Celle, Schlossplatz 2, 29221 CELLE

**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE / COMMISSION EUROPÉENNE POUR L'EFFICACITÉ DE LA JUSTICE (CEPEJ)**

Eberhard DESCH, Head of Division of International Law, Federal Ministry of Justice, 11 015 BERLIN, Chair of the CEPEJ/Président de la CEPEJ

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

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

Directorate General I – Legal Affairs / *Direction Général I – Affaires Juridiques*

M. Roberto LAMPONI, Director of Legal Co-operation / *Directeur de la Coopération Juridique*, Tel : + 33 (0)3 88 41 22 06, Fax : +33 (0) 88 41 37 43, E-mail : [roberto.lamponi@coe.int](mailto:roberto.lamponi@coe.int)

M. Stéphane LEYENBERGER, Secretary of the CCJE, *Secrétaire du CCJE*, Téléphone: + 33 (0)3 88 41 34 12, Fax : +33 (0) 88 41 37 43, E-mail : [stephane.leyenber@coe.int](mailto:stephane.leyenber@coe.int)

Mme Muriel DECOT, Co-Secretary of the CCJE, *Co-Secrétaire du CCJE*, Téléphone: + 33 (0)3 90 21 44 55, Fax : +33 (0) 88 41 37 43, E-mail : [muriel.decot@coe.int](mailto:muriel.decot@coe.int)

Mme Sandrine MAROLLEAU, Webmaster, Téléphone: + 33 (0)3 90 21 52 08, Fax : +33 (0) 88 41 37 43, E-mail : [sandrine.marolleau@coe.int](mailto:sandrine.marolleau@coe.int)

Mme Emily WALKER, Assistant, Department of Private Law, *Assistante*, Tel. +33 (0)3 90 21 48 39, Fax: +33 (0)3 90 21 56 48, E-mail: [emily.walker@coe.int](mailto:emily.walker@coe.int)

**INTERPRETERS / INTERPRETES**

Mme Chloé CHENETIER  
Mme Isabelle MARCHINI  
Mme Jennifer GRIFFITH

