



CCJE(2019)7

Strasbourg, 8 November 2019

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## CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

20<sup>th</sup> plenary meeting  
Strasbourg, 6-8 November 2019

### ABRIDGED MEETING REPORT

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#### A. FOREWORD

1. The Consultative Council of European Judges (CCJE) held its 20<sup>th</sup> plenary meeting in Strasbourg on 6 - 8 November 2019. It was chaired by Duro SESSA (Croatia), President of the CCJE. The agenda and the list of participants are appended to the present report.

#### B. ITEMS SUBMITTED TO THE COMMITTEE OF MINISTERS FOR DECISION

2. The CCJE invited the Committee of Ministers:
  - a. to take note of Opinion No. 22 (2019) entitled "The role of judicial assistants";  
  
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 may take account of it in their own work;
  - b. to take note of the Report on judicial independence and impartiality in the Council of Europe member States (2019 edition) prepared by the CCJE Bureau;
  - c. 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. 22 (2019) entitled "The role of judicial assistants" (document CCJE(2019)6), subject to possible amendments on the form by its Bureau, which is entrusted to have any such amendments introduced if needed, in order to ensure consistency between the English and French versions;

**decided** to submit it to the Committee of Ministers to take note of it; **invited** member States to ensure its distribution as far as possible among decision-makers and professionals of justice, including its translation where needed;

4. **celebrated** its 20<sup>th</sup> anniversary and, on this occasion, exchanged views with the President of the European Court of Human Rights as regards the latter's case law on the situation of judges and their independence, and the contribution of the CCJE to the work of the European Court of Human Rights;

**noted** the appreciation of the President of the European Court of Human Rights of the soft standards developed by the CCJE and the fact that numerous judgments of the Court, including Grand Chamber cases, contain references to, and quotations from, the CCJE Opinions and the CCJE Magna Carta of Judges;

**welcomed** the proposal of the President of the European Court of Human Rights to establish institutional co-operation between the Court and the CCJE, and to appoint accordingly focal points from each side; further **welcomed** the regular participation of the Court's focal point in the CCJE plenary meetings, as well as in the meetings of the CCJE Working Group;

5. **took note** of the Report on judicial independence and impartiality in the Council of Europe member States (2019 edition) prepared by the CCJE Bureau following the proposal by the Secretary General of the Council of Europe and contributing to the implementation of the Council of Europe's Plan of Action on strengthening judicial independence and impartiality;

**took note** of the fact that this report does not contain ratings or rankings of member States' performance and does not constitute a monitoring mechanism;

**agreed** that the report would be submitted to the Committee of Ministers so that they can take note of it, and would then be published; **agreed** that comments on the report by member States as regards any factual mistakes would be appended to the report and published together with it;

6. **welcomed** the information provided by the CCJE President and Vice-President, as well as by other members, about their extensive efforts to disseminate the CCJE Opinions and standards and promote their implementation at national level;

7. **welcomed** the information provided by the CCJE President on the 7<sup>th</sup> Intercultural Workshop on Democracy organised jointly by the CCJE, the Venice Commission and the European Commission for the Efficiency of Justice (CEPEJ) on 28-29 October 2019, within the framework of the French Chairmanship of the Committee of Ministers of the Council of Europe, on the topic of High Councils for the Judiciary and the Independence of the Judiciary;

8. **welcomed** the close co-operation between the CCJE and the Venice Commission, having noted the participation of the CCJE in the preparation of joint Opinions with the Venice Commission as regards situations in Armenia, Georgia, the Republic of Moldova and Ukraine;

9. **noted** the information provided by the CCJE member in respect of Slovakia expressing concerns as regards the situation on the Judicial Council and the independence of the judiciary in Slovakia, and indicating that the CCJE would be invited to render an opinion on this matter;

10. **recalled**, in the context of increasing threats to judicial independence in Council of Europe member States, the 2018 Report by the Secretary General of the Council of Europe on the State of Democracy, Human Rights and Rule of Law in Europe focusing on the role of institutions and threats to institutions;
11. **underlined** that 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;
12. **decided** to focus its 2020 Opinion on the role of judicial associations and **instructed its Bureau and the Working Group appointed for 2020** to prepare a draft Opinion on this issue to be adopted at its 21<sup>st</sup> plenary meeting;
13. **appointed** Nino BAKAKURI (Georgia), Jasmina ĆOSIĆ DEDOVIĆ (Bosnia and Herzegovina), Nils ENGSTAD (Norway), Viktor GORODOVENKO (Ukraine), Rubén Antonio JIMÉNEZ FERNÁNDEZ (Spain), Canòlic MINGORANCE CAIRAT (Andorra), Leonie REYNOLDS (Ireland), Maiia ROUSSEVA (Bulgaria), Marc DE WERD (the Netherlands) as members, and Nicoletta ALOJ (Italy), Gianluca GRASSO (Italy), Aida POPA (Romania) as substitute members of the Working Group responsible for preparing the 2020 draft Opinion to be submitted to the 21<sup>st</sup> plenary meeting of the CCJE;
14. **elected** Nina BETETTO (Slovenia) as President, and Kim LEWISON (United Kingdom) as Vice-President for 2020; **warmly thanked** Duro SESSA (Croatia) for his dedication and commitment as President of the CCJE in 2018-2019; **elected** Duro SESSA (Croatia) as member of the CCJE Bureau for 2020-2021;
15. **designated** Mirjana POPOVIĆ (Montenegro) as Gender Equality Rapporteur for 2020;
16. **proposed** to hold its 21<sup>st</sup> plenary meeting on 4-6 November 2020;
17. **proposed** to hold the 38<sup>th</sup> and 39<sup>th</sup> meetings of the Working Group on 25-27 March 2020 and 24-26 June 2020 respectively;
18. **noted** that the decision concerning the venue of the meetings would be taken at a later stage, according to the rules of the Council of Europe.

**AGENDA**

- 1. Adoption of the agenda**
- 2. Information by the President, the CCJE members and the Secretariat**
- 3. CCJE Opinion No. 22 (2019)**
  - Examination, with a view to its adoption, of draft Opinion No. 22 entitled “The role of judicial assistants”
- 4. Following up the proposal of the Secretary General of the Council of Europe and contributing to the implementation of the Council of Europe Plan of Action on strengthening judicial independence and impartiality, presentation of the Report of the CCJE Bureau on judicial independence and impartiality in the Council of Europe member States (2019 edition)**
- 5. Working methods of the CCJE**
  - Election of the President and of the Vice-President of the CCJE for 2020
  - Election of member(s) of the CCJE Bureau for 2020/2021
  - Appointment of the CCJE’s Working Group for 2020
  - Appointment of the CCJE Gender Equality Rapporteur for 2020
- 6. Calendar of the CCJE’s and CCJE-GT’s meetings in 2020**
- 7. Any other business**

## LIST OF PARTICIPANTS

MEMBER STATES / *ETATS MEMBRES***ALBANIA/ALBANIE:**

Ms Joana QELESHI, President of the First Instance Court of Durrës, TIRANA  
(*apologised/excusée*)

**ANDORRA/ANDORRE:**

Mme Canòlic MINGORANCE CAIRAT, Magistrat au Tribunal de Corts (chambre criminelle),  
Seu de la Justícia, ANDORRA LA VELLA

**ARMENIA/ARMÉNIE:**

Mr Stepan MIKAYELYAN, Judge of the Cassation Court of Armenia, YEREVAN

**AUSTRIA/AUTRICHE:**

Mr Gerhard REISSNER, Vice-President of the Austrian Association of Judges, Honorary  
President of the European Association of Judges (EAJ), President of the District Court of  
Floridsdorf, VIENNA

Ms Yvonne SUMMER, Vice-President of the Austrian Association of Judges, President of the  
District Court of Dornbirn, DORNBIRN

**AZERBAIJAN/AZERBAIDJAN:**

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

Mr Abiddin HUSEYNOV, Judge of Baku Court of Appeal, BAKU

**BELGIUM/BELGIQUE:**

M. Eric de FORMANOIR de la CAZERIE, Conseiller à la Cour de cassation de Belgique,  
Cour de cassation, BRUXELLES

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

Ms Jasmina ČOŠIĆ DEDOVIĆ, Judge of the Court of Bosnia and Herzegovina (Criminal  
Division), SARAJEVO

**BULGARIA/BULGARIE:**

Ms Maiia ROUSSEVA, Judge, Supreme Court of Cassation, SOFIA

**CROATIA/CROATIE:**

Mr Duro SESSA, (**President of the CCJE/Président du CCJE**), President of the Supreme  
Court of Croatia, ZAGREB

**CYPRUS/CHYPRE:**

Mr Stelios NATHANAEL, Judge of the Supreme Court, NICOSIA

**CZECH REPUBLIC/RÉPUBLIQUE TCHÈQUE:**

Mr Luboš DÖRFL, President of the Regional Court in Ústí nad Labem, ÚSTÍ NAD LABEM

**DENMARK/DANEMARK:**

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

Ms Linda LAURITSEN, Judge of the City Court of Roskilde, ROSKILDE

**ESTONIA/ESTONIE:**

Mr Meelis EERIK, President of the Regional Court of Civil and Criminal Matters in Tallinn, TALLINN

**FINLAND/FINLANDE:**

Mr Kimmo VANNE, Judge of the Turku Court of Appeal, Chairman of the Union of Judges of Finland, TURKU

**FRANCE:****GEORGIA/GÉORGIE:**

Ms Nino BAKAKURI, Judge of the Supreme Court of Georgia, TBILISI

**GERMANY/ALLEMAGNE:**

Dr Anke EILERS, Presiding Judge in the Cologne Court of Appeal, KÖLN

**GREECE/GRÈCE:**

Ms Sofia KARISTINEOU-MAGOULA, Judge, Supreme Court of Civil and Penal Law, THESSALONIKI  
(apologised/excusée)

**HUNGARY/HONGRIE:**

Dr. Árpád OROSZ, Judge, Deputy Head of the Civil Department of the Curia of Hungary, BUDAPEST

**ICELAND/ISLANDE:**

Mr Karl AXELSSON, Supreme Court Judge, The Court House at Arnarhóll, REYKJAVIK

**IRELAND/IRLANDE:**

Ms Justice Leonie REYNOLDS, The High Court, Four Courts, DUBLIN

**ITALY/ITALIE:**

Ms Nicoletta ALOJ, Judge at the Court of Turin, TURIN

Mr Gianluca GRASSO, Judge at the Documentation and Study Office, Italian Court of Cassation, ROME

**LATVIA/LETONIE:**

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

**LIECHTENSTEIN:**

M. Dietmar BAUR, Juge, Cour de Justice, Fürstliches Landgericht, VADUZ  
(apologised/excusé)

**LITHUANIA/LITUANIE:**

Ms Sigita RUDĖNAITĖ, Chairman of the Civil Division of the Supreme Court of Lithuania, VILNIUS

**LUXEMBOURG:**

Mme Marianne HARLES, Premier Conseiller à la Cour d'appel, Cour Supérieure de Justice, LUXEMBOURG

**MALTA/MALTE:**

Mr Justice Tonio MALLIA, Judge of the Court of Appeal, Courts of Justice, VALLETTA

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

Mr Radu ȚURCANU, Chairman of Chișinău Court, CHISINAU  
(apologised/excusé)

**MONACO:**

M. Jérôme FOUGERAS-LAVERGNOLLE, Premier Juge, Président du Tribunal Correctionnel de Monaco, MONACO

**MONTENEGRO/MONTÉNÉGRO:**

Ms Mirjana POPOVIĆ, Judge, High Court of Podgorica, PODGORICA  
(apologised/excusée)

**NETHERLANDS/PAYS-BAS:**

Prof. Mr Marc DE WERD, Judge of the Amsterdam Court of Appeal – De Rechtspraak, Professor of European Law at Maastricht University, MAASTRICHT  
(apologised/excusé)

**NORTH MACEDONIA/MACÉDOINE DU NORD:**

Mr Shpend DEVAJA, Judge at the Supreme Court, SKOPJE  
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Mr Nils Asbjorn ENGSTAD, Judge, Hålogaland Court of Appeal, TROMSØ

Mr Wiggo Storhaug LARSEN, President of the Norwegian Association of Judges, Judge of the Gulating Court of Appeal, BERGEN

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Ms Teresa KURCYUSZ-FURMANIK, Judge of the Regional Administrative Court in Gliwice, Office of the National Council of the Judiciary of Poland, WARSAW

**PORTUGAL:**

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

**ROMANIA/ROUMANIE:**

Mme Rodica Aida POPA, Juge et docteur en droit, Haute Cour de Cassation et de Justice de la Roumanie (section criminelle), BUCAREST  
(apologised/excusée)

**RUSSIAN FEDERATION/FÉDÉRATION DE RUSSIE:**

Mr Viktor MOMOTOV, Justice of the Supreme Court, MOSCOW  
(apologised/excusé)

**SERBIA/SERBIE:**

Ms Spomenka ZARIĆ, Judge of the Supreme Court of Cassation, BELGRADE

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**SLOVENIA/SLOVÉNIE:**

Ms Nina BETETTO, (*Vice-President of the CCJE/Vice-Président du CCJE*), Judge of the Supreme Court, LJUBLJANA

**SPAIN/ESPAGNE:**

Mr Rubén Antonio JIMÉNEZ FERNÁNDEZ, Senior Judge, President of the Social Chamber of the High Court of Justice of Murcia, MURCIA

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Ms Helena JÄDERBLOM, President of the Supreme Administrative Court, STOCKHOLM

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

**SWITZERLAND/SUISSE:**

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Mr Yaşar ŞİMŞEK, Senior Judge, Member of the Supreme Board of Judges and Prosecutors - First Chamber, ANKARA

Ms Emine Burcu SINOPLU, Rapporteur Judge, Foreign Affairs and Project Bureau, ANKARA

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**UKRAINE:**

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**UNITED KINGDOM/ ROYAUME-UNI:**

Lord Justice Kim LEWISON, Royal Courts of Justice, LONDON

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Prof. Ms Anne SANDERS, Professor for Civil law, Company law and comparative judicial studies at Bielefeld University, BIELEFELD, Germany

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#### **Association of European Administrative Judges / Fédération européenne des juges administratifs (AEAJ / FEJA)**

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#### **European Association of Judges / Association européenne des Magistrats (EAJ / AEM)**

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#### **Magistrats européens pour la démocratie et les libertés (MEDEL)**

Mr Filipe MARQUES, President of MEDEL, BERLIN, Germany

### **EUROPEAN COURT OF HUMAN RIGHTS (ECtHR) COUR EUROPÉENNE DES DROITS DE L'HOMME (CourEDH)**

Mr Linos-Alexandre SICILIANOS, President of the European Court of Human Rights / *Président de la Cour européenne des droits de l'homme*

Ms Julia LAFFRANQUE, Judge of the European Court of Human Rights / *Juge de la Cour européenne des droits de l'homme*

### **OTHER PARTICIPANTS / AUTRES PARTICIPANTS**

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Mr Jean-Jacques KUSTER, Honorary President, European Union of Rechtspfleger – EUR, STRASBOURG, France

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

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Mr Artashes MELIKYAN, Secretary/Head of the Secretariat of the CCJE / *Secrétaire/Chef du Secrétariat du CCJE*

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**INTERPRETERS / INTERPRÈTES**

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