

Strasbourg, 10 November 2017

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

**18th plenary meeting
Strasbourg, 8-10 November 2017**

ABRIDGED MEETING REPORT

A. FOREWORD

1. The Consultative Council of European Judges (CCJE) held its 18th plenary meeting in Strasbourg on 8-10 November 2017. It was chaired by Nils ENGSTAD (Norway), President of the CCJE. The agenda is appended and the 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 Opinion No. 20(2017) "on the role of courts with respect to the uniform application of the law";

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 Council of Europe member States in 2017" (CCJE (2017) 5) prepared by the CCJE's Bureau following the proposal by the Secretary General of the Council of Europe in the framework of his Report on the "State of democracy, human rights and the rule of law in Europe - an imperative for the security of Europe" and contributing to the implementation of the Council of Europe's Plan of Action on strengthening judicial independence and impartiality;
 - 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. 20(2017) "on the role of courts in respect of the uniform application of the law" (CCJE(2017)4), 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** the member States to ensure its distribution as far as possible among decision-makers and professionals of justice, including its translation where needed;

4. **welcomed** the "Report on judicial independence and impartiality in Council of Europe member States in 2017" (CCJE (2017) 5) prepared by the Bureau following the proposal by the Secretary General of the Council of Europe in the framework of his Report on the "State of democracy, human rights and the rule of law in Europe - an imperative for the security 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 information provided by the delegation of Turkey;

agreed that this report would be submitted to the Secretary General of the Council of Europe and to the Committee of Ministers so that they can take note of it, and would then be published; **agreed** that possible comments to the report by the member States would be appended to the report and published together with it;

5. **adopted** a Statement on the situation of the independence of the judiciary in Poland (CCJE(2017)9);
6. **welcomed and endorsed** the opinion of the CCJE Bureau following the request of the Bulgarian Judges Association to provide an opinion with respect to the amendments of 11 August 2017 of the Bulgarian Judicial System Act (CCJE-BU (2017)10);
7. **noted with satisfaction** the information of the CCJE members in respect of Georgia, Italy, Poland and Romania, who gave particular visibility to the work of the CCJE and allowed the CCJE's opinions to be used in national works or reforms;
8. **welcomed** the 2017 Report by the Secretary General of the Council of Europe: "State of democracy, human rights and the rule of law: Populism - How strong are Europe's checks and balances?";
9. **recalled** 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; to that end, **reiterated its invitation to its members** to indicate their availability to take part in a pool of experts to be requested to work accordingly;
10. **decided** to focus its 2018 Opinion on "Judicial integrity and corruption" and **instructed its Bureau and the select group appointed for 2018** to prepare a draft Opinion on this issue to be adopted at its 19th plenary meeting; **welcomed** the exchange of views at the European Conference of Judges held on this subject in Strasbourg on 7 November 2017 and **instructed its select group** to take this into account when preparing this Opinion;
11. **decided** to define a "Checklist on the independence of the judiciary and judges";
12. **appointed** Orlando AFONSO (Portugal), Nino BAKAKURI (Georgia), Anke EILERS (Germany), Nils ENGSTAD (Norway), Viktor GORODOVENKO (Ukraine), Kathrin KLETT (Switzerland), Mirjana POPOVIĆ (Montenegro), Gerhard REISSNER (Austria) and Raffaele SABATO (Italy) as members, and Canòlic MINGORANCE CAIRAT (Andorra) and Marc DE WERD (Netherlands) as substitute members to the select group (CCJE-GT) responsible for preparing the 2018 draft Opinion to be submitted to the 19th plenary meeting of the CCJE;
13. **welcomed** the initiative of its Gender Rapporteur, Aneta ARNAUDOVSKA ("the former Yugoslav Republic of Macedonia"), to collect information on how gender issues are addressed within judicial systems, so as to enrich the policy of the Council of Europe in this respect, **thanked** the 30 delegations which have already replied to the questionnaire sent to this effect and **invited** the CCJE members in respect of those states that have not yet replied to this questionnaire to do so as soon as possible ;

14. **took note** of the information by the delegation of Mexico, as an Observer State, the representative of the European Committee for Legal Cooperation (CDCJ), as well as by its observers, in particular the European Association of Judges (EAJ) and the *Magistrats européens pour la démocratie et les libertés* (MEDEL);
15. **agreed** that the CCJE could take part in the work of the European Law Initiative (ELI) and **entrusted its Secretariat** to follow the appropriate procedure to make it possible;
16. **reiterated its invitation to the member States** to appoint deputy-members to the CCJE – bearing in mind that the Council of Europe will only bear the travel and per diem for one member per delegation as regards the attendance of the meetings;
17. **elected** Duro SESSA (Croatia) as President, and Nina BETETTO (Slovenia) as Vice-President for 2018; **warmly thanked** Nils ENGSTAD (Norway) for his commitment as President of the CCJE during the two last years;
18. **designated** Aneta ARNAUDOVSKA (« the former Yugoslav Republic of Macedonia ») as Gender Equality Rapporteur for 2018;
19. **proposed** to hold its 19th plenary meeting on 7 - 9 November 2018;

proposed to hold the 34th and 35th meetings of the select group (CCJE-GT) on 21-23 March 2017 and 13-15 June 2018 respectively; **thanked the judicial authorities of Portugal and Croatia** for the invitation to possibly hold a meeting of the select group in 2018 and 2019 respectively;

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.

APPENDIX I

AGENDA

1. **Adoption of the agenda**
2. **Information by the President, the CCJE members and the Secretariat**

Delegations are invited, in particular, to inform the CCJE on various events (since November 2016) where they have introduced the work of the CCJE.

3. **CCJE Opinion No. 20(2017)**
 - Examination, in view of its adoption, of the draft Opinion No. 20 on “The role of courts with respect to the uniform application of the law”
4. **Follow-up to the 2016 report of the Secretary General of the Council of Europe on the “State of democracy, human rights and the rule of law - a security imperative for Europe” and the preparation of the report of the CCJE Bureau on judicial independence and impartiality in the Council of Europe member States in 2017**
5. **Working methods of the CCJE**
 - Election of the President and of the Vice-President of the CCJE for 2018
 - Election of a member of the CCJE Bureau for 2018/2019
 - Appointment of the CCJE’s Working Group for 2018
 - Appointment of the CCJE Gender Equality Rapporteur for 2018
6. **Calendar of the CCJE’s and CCJE-GT’s meetings in 2018**
7. **Any other business**

APPENDIX II

List of participants / *Liste des participants*

ALBANIA/ALBANIE:

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ANDORRA/ANDORRE

Ms Canòlic MINGORANCE CAIRAT, Judge, Seu de la Justicia Av Tarragona, 58-62, AD 700 ANDORRA la Vella

ARMENIA/ARMENIE:

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

AUSTRIA/AUTRICHE:

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

AZERBAIJAN/AZERBAIDJAN

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

BELGIUM/BELGIQUE:

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

BOSNIA AND HERZEGOVINA/BOSNIE ET HERZEGOVINE:

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BULGARIA/BULGARIE:

Ms Maiia ROUSSEVA, Judge, Supreme Court of Cassation, 2 Vitosha Boulevard, SOFIA

CROATIA/CROATIE:

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CYPRUS/CHYPRE:

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CZECH REPUBLIC/REPUBLIQUE TCHEQUE:

Mr Luboš DÖRFL, Président of the Regional Court in Usti nad Labem, Narodniho odboje, 1274 400 92, USTI NAD LABEM

DENMARK/DANEMARK:

Ms Linda LAURITSEN, Judge, City Court of Roskilde, Ved Ringen 1, DK-4000, ROSKILDE
Ms Lene Pagter KRISTENSEN, Judge of the Supreme Court, Prins Joergens Gaard 13, COPENHAGEN

ESTONIA/ESTONIE:

Mr Meelis EERIK, Estonian Association of Judges, Chairman, Kentmanni 13, 15158 TALLINN

FINLAND/FINLANDE:

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Ms Päivi HIRVELÄ, Judge of the Supreme Court, POB 301, 00171 HELSINKI

FRANCE:

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GEORGIA/GEORGIE:

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GERMANY/ALLEMAGNE:

Ms Anke EILERS, Presiding Judge, Court of Appeal, Cologne, Oberlandesgericht Köln

GREECE/GRECE:

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(apologised/excusé)

HUNGARY/HONGRIE:

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Mr Helgi I. JONSSON, Supreme Court Judge, The Court House at Arnarhóll, 101 REYKJAVIK

IRELAND/IRLANDE:

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ITALY/ITALIE:

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LUXEMBOURG:

M. Jean-Claude WIWINIUS, Président de la Cour Supérieure de Justice du Luxembourg et Président de la Cour Constitutionnelle, LUXEMBOURG

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MALTA/MALTE

Mr Justice Tonio MALLIA, Judge, Court of Appeal, Republic str., VALLETTA

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NORWAY/NORVEGE:

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Mr Dagfinn GRØNVIK, Judge, City Court, OSLO

POLAND/POLOGNE:

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**“THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”/“L’EX-REPUBLIQUE
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