

SUMMARY REPORT OF THE MEETING OF THE EUROPEAN
ASSOCIATION OF JUDGES - WORKING GROUP OF THE IAJ

Helsinki, 17 June 1990

Present: Mr. Voss, Vice-President of the IAJ, charged with European matters; Mr. Woratsch, President of the IAJ; the Secretary General, Mr. Longo, and the Deputy Secretaries General, Mr. Meriggiola and Mr. Bonomo.

The following delegates represented their respective national associations:

AUSTRIA	Mr. Markel
BELGIUM	Mr. Van Gerven
DENMARK	Mr. Larsen
FEDERAL REPUBLIC OF GERMANY	Mr. Voss
FINLAND	Mr. Kiuru
FRANCE	Mr. Riolacci
GREECE	Mr. Sergakis and Mr. Tentes
ICELAND	Mr. Björnsson and Mr. Ingvarsdóttir
IRELAND	Mr. Mc Carthy
ITALY	Mr. Caliendo
LIECHTENSTEIN	Mr. Rederer
LUXEBURG	Mr. Penning
MALTA	Mr. Agius
NORWAY	Mr. Cristiansen
NETHERLANDS	Mr. Broekhoven and Mr. Holthuis
PORTUGAL	Mr. Sa'Nogueira (Vice-President IAJ)
SPAIN	Mr. Galan
SWEDEN	Mr. Palm
SWITZERLAND	Mr. Abravanel (Vice-President IAJ) and Mr. Balscheit
UNITED KINGDOM	Sir Nicholas Phillips

1. General report and cooperation with the EEC Parliament.

Mr. Voss, who chaired the meeting, informed the participants about the activities carried on so far in order to collaborate with European international organizations. In particular, he referred to the meeting held in Strasbourg in December 1989, at the invitation of the Legal Affairs Commission of the European Parliament and to the meeting held in Bonn in March 1990, at the invitation of the "Deutscher Richterbund".

He regretted that only some member associations (Belgium, Denmark, Federal Republic of Germany, Spain and United Kingdom) had sent reports on the points raised by the Legal Affairs Commission of the European Parliament (1. The study of Community law by the judges; 2. possibility of simplification and clarification of Community law; 3. application of Community law by the national judges). He therefore reminded other national associations of the member countries of the EEC to send the Secretariat General their observations on the above mentioned points as soon as possible, so that the reports could be forwarded (in their original languages) to the Legal Affairs Commission of the European Parliament before the end of July 1990.

Mr. Voss specified that the future work concerning European problems will be done by two different groups of associations according to the matters under discussion. One group will be made up by the associations of the member countries of the EEC, and the other by all the European associations. He stressed that it is essential for the satisfactory outcome of the work that the national associations appoint for each meeting a colleague who is specialized in the subject under specific consideration.

As far as the costs of the meetings are concerned (when the meetings do not take place at the same place as those of the Central Council and of the Study Commissions), each

national association will have to pay the expenses for its delegate, including bed and breakfast.

Mr. Voss also informed the participants that the Presidency Committee of the IAJ had approved the proposal to do the above-mentioned work under the name "European Association of Judges - Working Group of the International Association of Judges".

Mr. Meriggiola then reported that he had had a meeting with two legal advisers of the EEC Parliament at the end of May 1990, and that he knew that a meeting open to the participation of delegates from the associations of the member countries of the EEC would be organized in October 1990. He emphasized that according to the main interests of the European Parliament the problem of the application of Community law in the national systems should be examined with special reference to the following four areas: 1) informatics; 2) banks; 3) commercial matters; 4) environment.

2. Cooperation with the Council of Europe.

Mr. Voss read out a letter of June 1st, 1990, addressed by the Secretary General of the Council of Europe to the IAJ and to some other non-governmental organizations (such as Amnesty International and the International Commission of Jurists) concerning the "coordination of programmes of assistance to Central and East European countries". He stressed the importance of helping the Council of Europe in these programmes after the relevant political changes and movements towards democracy which have recently taken place in those parts of Europe. He also emphasized that, even if the IAJ has no money to intervene directly, it has highly qualified manpower available, which could be placed at the disposal of the Council of Europe. Moreover, the member associations have economic resources part of which could be

devoted to the aim of helping our colleagues of the above-mentioned countries to learn how to act as independent judges in a democratic society.

Mr. Markel illustrated the activities recently carried out in this regard by the Austrian Association of Judges. They had contacts with colleagues from Hungary, Czechoslovakia, Poland and Romania. In Hungary a completely new association of judges has been set up this year and it has already made an application to become member of the IAJ. In Czechoslovakia there are plans to create a national association of judges. In Romania, there is only a general association of jurists, and the political situation is not yet clear enough. The danger in the above-mentioned countries is that the most qualified jurists tend to become lawyers and notaries, instead of judges, in order to earn more money. The Austrian Association, however, is planning to have a meeting with colleagues from Hungary, Czechoslovakia and Yugoslavia.

Mr. Voss then read out the following letter that had been prepared in order to give a positive answer to the Council of Europe:

" Dear Secretary General,

With reference to your kind letter of June 1st, 1990, I take pleasure in informing you that the proposals and plans of action you mentioned in the letter have been submitted for consideration to the "European Association of Judges - Working Group of the International Association of Judges" in its meeting held in Helsinki on June 17, 1990.

Having very favourably considered said proposals and plans, the meeting resolved:

- 1) To put expert manpower (some specialized members of the judiciaries of the European countries) at the disposal of the Council of Europe within the framework of the coordination of the assistance programme to the Central and East European countries;
- 2) to disseminate among the individual members of the

European national associations adhering to the IAJ the widest possible information concerning such assistance programme, in order to stimulate their most effective participation and contribution;

3) to inform the judges of the Central and East European countries of the results of the work carried out so far by the Study-Commissions of the IAJ, regarding the protection of the Human Rights, fair trial, the independence of the judiciary, etc.;

4) to take any other initiatives which may reveal themselves appropriate in the future for reaching, in cooperation with the Council of Europe, the ends indicated in your letter.

Moreover, please be informed that some of our member associations have already established an active cooperation with many judges of Central and East European countries, and that the Austrian Judges' Association will organize a joint meeting with some representatives of the judiciaries of Hungary, Czechoslovakia and Yugoslavia next autumn."

No objections were raised concerning this answer.

3. Miscellanea.

Mr. Sergakis informed those present that two Greek members of the European Parliament had presented a project for permanent in-service training of the national judges in Community law and of the harmonization of national laws on the point of the remuneration of judges. It was stressed that the final aim was to ensure that judges were paid by the member countries of the EEC on the basis of a fixed rate in relation to the remuneration of the judges of the European Courts. In order to support this initiative, Mr. Sergakis asked the other European associations to give, before the forthcoming holiday season, data on the remuneration of judges in their countries.

A long discussion followed among the participants. Some of them were in favour of the collection of these data, which could be interesting also for other member associations; others pointed out that the data could sometimes give arguments to lower the remuneration of the judges instead of increasing it. In any case it was advisable to prepare a questionnaire in order to be able to compare te data collected.

Eventually, it was decided to send the Greek colleagues the material already available (the matter was examined by the 1st Study-Commission at its meeting in Berlin in 1988) and to prepare for the future a very carefully drawn-up questionnaire in order to collect data for internal use of the national associations.