

law; c) the "Deutscher Richterbund" gave a negative answer to the Spanish judicial association "Francisco de Victoria", which had proposed that a European federation of association of judges should be created; d) at the beginning of the year, Mr. Voss was asked by the Minister of Justice of the "Land" Rhineland Palatinate to appoint a German expert as a member of the Academy of European Law in Trier. He then proposed that a group of experts from the European Association of Judges - Working Group of the International Association of Judges - should be appointed and the Minister agreed. Mr. Voss indicated three experts (one from EC countries, one from non-EC countries and one from Eastern countries, namely Mr. Henning from Germany, Mr. Palm from Sweden, and Mr. Horecky from Hungary), and a fourth was added (from France) on the basis of the opinions expressed by the national associations. Unfortunately, only two of these colleagues participated in the first meeting; e) the Committee of six which was established in Crans-Montana in order to draft a proposal for a training programme for judges in Community Law met in the Hague at the end of June, 1992 (see point 3); f) Mr Voss was unable to take part in a meeting in Brussels where the 9th annual report on the application of Community Law was discussed. Mr. Krings attended the meeting and made a report (enclosure B; g) a meeting was organized in Lisbon by the Portuguese Association of Judges at the end of June on the subject "The statute of the European judge" (see point 5). Mr. Voss did not participate, because he could not find a seat on a suitable flight.

Mr. Voss stressed that it is important that we always present ourselves to the EC authorities as representatives of the European Association of Judges - Working Group of the International Association of Judges, and that the problems, in his opinion, should be discussed within the European association beforehand.

2. 9th Annual Report of the European Community on Commission monitoring the application of Community Law.

No observations were made either on the annual report, which had not been previously sent out, or on the already mentioned report from Mr. Krings (enclosure B). Mr. Voss remarked that the annual report was very long and hoped that the following year it could be received a little earlier, in order to have time to examine and discuss it.

3. Proposal for a training programme for judges in Community Law.

Mr. Broekhoven made a short presentation of the report, which was prepared by the Committee of six. He said that it was a practical educational programme, and a large part of the proposal was based on the experience he and his colleagues had had in Holland. The document could not be seen as final, because the situation of European Law ought to be reconsidered every one or two years. He hoped that the report would be sent to the European Parliament and Commission as well as to the existing training

institutes for judges, which exist in different countries. Problems concerning the financial resources, the teachers and the localization of the courses should then be considered.

Mr. Voss thanked the Committee for the very good work which had been done.

After some discussion, it was agreed that the report would be sent to the institutions mentioned by Mr. Broekhoven.

4. Report on the activities concerning co-operation with the Council of Europe.

Mr. Meriggiola informed those present that in the framework of the Council of Europe Demosthenes assistance programme several experts from the IAJ had been invited to take part in seminars and meetings for East European judges organized in various countries (such as Bulgaria, Hungary, Czechoslovakia, Poland, Estonia and Russia). The task of these experts was to explain the fundamental principles of the administration of justice in a democracy. The Demosthenes programme will continue in 1993 and also deal with specific subjects (e.g. the application of the European Convention on the protection of human rights).

Mr. Voss regretted that the EC and the Council of Europe often asked the advice of our association without giving enough time to consider and discuss the matter.

He then said that the "Europäische Union der Rechtspfleger" (European Association of the Clerks of Court) had proposed a co-operation between our organizations.

Mrs. Girard-Thuilier and Mr. Sergakis declared that they were in favour of this co-operation, which already exists at national level and is important for the good functioning of the administration of justice. Mrs. Nygaard Haug commented that the European Association had already many problems to face concerning judges; therefore it was too early to discuss other problems with clerks. Mr. Voss and Mr. Broekhoven supported this opinion.

Mr. Meriggiola specified that the letter received from the Clerks' Association concerned in particular the issue of the harmonization of the laws and procedures.

Eventually, it was decided that a letter would be sent to the Clerks's Association telling them that we are interested in their activities.

Mr. Voss then asked those present whether the subject of the European Social Charter needed any comments and received a negative answer.

Mr. Galan-Menéndez gave some brief information on a meeting in Strasbourg in May of the Project Group on Efficiency and Fairness of Civil Justice. A written report had already been sent to the President of the IAJ and to the Secretary General (enclosure C). Another meeting was planned for October 1992. Mr. Voss stressed the importance of the matter that should be discussed in our future meetings; a specific working group could be established, if necessary.

Mr. Christiansen pointed out that it was important to know in advance what is going on in the international organizations for the EAJ to have time to prepare an opinion or a policy. He added that we are looking for a special representative in

Strasbourg. Moreover, when there are documents with hundreds of pages, a preparatory examination should be made in order to identify the parts of interest for our organization; however this is beyond the present capacity of the Presidency and of the Secretariat General. The problem is financial, because people should be paid for this work.

5. The statute of the European judge.

In consideration of the importance of the matter and of the valuable work already done by the Portuguese and Spanish colleagues, Mr. Voss proposed that a working group should be set up. He expressed the wish for a native English speaking colleague to take part in the group in order to avoid possible misunderstandings.

There was agreement on this proposal.

Mr. Woratsch was appointed president of the group, that would also include Mr. Rodriguez Arribas, Mrs. Girard-Thuilier, Mr. Payan Martins, Mr. Larsen, Mr. Meriggiola and an English speaking colleague, who will be indicated later by Sir Nicholas Phillips.

Mr. Voss added that anyone who wanted to make remarks or proposals could address them to Mr. Woratsch. The group should make a draft statute explaining after each sentence the reasons for the proposal. The national associations will receive the document, which will be discussed at our next meeting.

6. Programmes of the activities of the Liaison Committee of Non-Governmental Organizations.

Mr. Voss remarked that the only point of interest for our organization is the European Convention on the Recognition of Legal Personality of the International NGOs. As we did not know when the point would be examined, we hoped to receive the documents in time to discuss them.

Finally, Mr. Voss said that it was necessary to meet twice a year. We have the agreement that bed and breakfast is to be paid for each association for its delegate. The host has only to arrange the accomodation and to provide the room for the meeting. The German association can organize the meeting on this basis.

The provisional date for the meeting is March 20, 1993.



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

Sevilla (Spain), 27 September 1992

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

The following national associations were represented:

AUSTRIA	Mr. Markel and Mr. Woratsch (Honorary President of the IAJ)
BELGIUM	Mr. Delvoie and Mr. Joachim
DENMARK	Mr. Larsen
FINLAND	Mr. Kiuru
FRANCE	Mrs. Girard-Thuillier
GERMANY	Mr. Voss and Mr. Henning
GREECE	Mr. Sergakis and Mr. Tentis
ICELAND	Mr. Kristianson and Mr. Sigurdsson
IRELAND	Mr. McCarthy
ITALY	Mr. Caliendo and Mr. Giacalone
LUXEMBOURG	Mr. Santer
MALTA	Mr. Agius
NETHERLANDS	Mr. Broekhoven and Mr. Holthuis
NORWAY	Mr. Christiansen, Mr. Dolva, Mrs. Nygaard Haug and Mr. Laake
PORTUGAL	Mr. Payan Martins
SPAIN	Mr. Galan Menendez and Mr. Rodriguez Arribas (Vice-President of the IAJ)
SWITZERLAND	Mr. Abravanel (First Vice-President of the IAJ) and Mr. Zappelli
SWEDEN	Mr. Franke and Mr. Palm
UNITED KINGDOM	Sir Nicholas Phillips and Mr. Allan

1. Report on the activities concerning co-operation with the European Community.

Mr. Voss made a report on the activities which followed the Crans-Montana meeting. Among other things, he referred to the following points: a) the Legal Affairs Commission of the European Parliament asked for observations on the 8th annual report of the Commission of the EC concerning the application of Community Law. As the time was very short, only some associations communicated their comments; Mr. Voss prepared a short report (enclosure A); b) some representatives of the IAJ were invited to Brussels on January 21, 1992, together with some representatives of the MEDEL (Magistrats Européens pour la Démocratie et la Liberté) in order to discuss the above-mentioned 8th annual report. Mr. Voss, Mrs. Girard-Thuillier, Mr. Larsen and Mr. Meriggiola took part in the meeting, where not only the application of Community Law was discussed, but also its clarification and codification as well as education in the same