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SUMMARY REPORT OF THE MEETING HELD BY THE EUROPEAN  
ASSOCIATION OF JUDGES - REGIONAL GROUP OF THE IAJ  
Amsterdam (The Netherlands) - Sunday, September 22, 1996

The meeting was chaired by Mrs. Pâquerette Girard-Thuilier, Vice President of the IAJ, President of the European Association of Judges - Regional Group of the IAJ. In attendance were the President of the IAJ, Mr. Rainer Voss, the Honorary President Mr. Woratsch, the Vice President Mr. Sergakis, the Deputy General Secretaries Mr Meriggiola, Mr Massimo Bonomo and Mr Giacomo Oberto, the Assistant to the Secretariat General, Mr Di Cerbo, as well as the following delegates, representing their respective associations, which are members of the International Association of Judges and of the European Association of Judges:

AUSTRIA  
CZECH REPUBLIC  
DENMARK  
ESTONIA  
FINLAND  
FRANCE  
F.Y.R.O.M.  
GERMANY  
GREECE  
ICELAND  
IRELAND  
ISRAEL  
ITALY  
LIECHTENSTEIN  
LUXEMBOURG  
MALTA  
NETHERLANDS  
NORWAY  
PORTUGAL  
RUMANIA  
SLOVAKIA  
SLOVENIA  
SPAIN  
SWEDEN  
SWITZERLAND  
UNITED KINGDOM

Mr Markel  
Mr Vyklicky  
Mrs Scharling  
Mr Kutsar  
Mr Kiuru  
Mr Kriegk and Mr Pernollet  
Mr Kotchov, Mrs Caca-Nikolovska  
Mr Henning  
Mr Tentes  
Mr Hakonardottir  
Mr Lavan  
Mr Lindenstrauss (observer)  
Mr Abbate, Mr Caliendo and Mr Lupo  
Mr Mislik  
Mr Bour and Mrs Meyer  
Mr Agius  
Mr Broekhoven  
Mr Eidesen and Mr Smukkestad  
Mr Reis Figueira  
Mrs Costiniu  
Mr Bradac, Mrs Brunovska and Mr  
Majcharak  
Mrs Tratnik  
Mrs Atienza  
Mr Carrick  
Mr Gass and Mr Zappelli  
Lord Justice Phillips

1. Information from the President and the Secretariat General.

At 9.30 a.m. the President opened the session and thanked, in the name of the European Association of Judges, the Dutch colleagues for their impeccable organisation of the meeting and their hospitality. She then said that Mr Henkes (Belgium) had apologised for not attending this meeting of the EAJ on account of important commitments in the office.

Afterwards she thanked the German colleagues for having prepared a German version of the presentation note of the EAJ and invited the Italian and Spanish colleagues to draft an Italian and a Spanish version of the same note.

Mr Bonomo, for the Secretariat General, invited all the delegates taking part in international initiatives to kindly send the Secretariat General a short report concerning their activities, to be published in the EAJ bulletin. He also added that he had taken part in a seminar in Tbilissi, Georgia organised by the Council of Europe at the end of August, where he came into contact with our colleagues of that country, who are trying to set up an association of judges. He reminded the audience that Mr Markel had been invited in June to Kazakhstan by CEELI ("Central and Eastern European Law Initiative" of the American Bar Association). Mr Abravanel had been in the Ukraine in June and Mr Oberto in Slovakia for the Council of Europe. The Finnish colleagues had organised a seminar in September for judges from Latvia.

The President said that topic 2.-1 of the agenda would be treated in the afternoon in the presence of our colleague Mrs Pel, who had attended the working group concerning the access of consumers to justice.

## 2. Report on the activities concerning the co-operation with the European Union:

### 2.-2 Relations with the General Direction of the Environment, training session in November 1996.

The President reiterated the difficulty of setting up programs with financial aid from the European Union and she stressed the fact that at the end of August the funds for the seminar on environmental law, which is to take place 4-8 November 1996 at the Centre for European Studies of Strasbourg, had not yet arrived. She said she had several meetings in Strasbourg with the head of the juridical service Mr Kremlis; during these meetings it was decided that the Commission would take care of the participants' travel and lodging expenses.

The President said that the official languages of the seminar would be English and French with no simultaneous translation and then distributed to the delegates a sheet containing the programme, some explanations concerning travel and lodging expenses and an information form. She asked the member associations to contact the judges who had been selected to take part in the seminar and to invite them to send the Centre of European Studies their address, telephone, fax, etc., and to fill in the information form which had been distributed. The participants in the seminar are kindly requested to inform the EAJ and their respective national associations of the results of the seminar.

Mr Sergakis said that he would like to organise a seminar in Greece in 1997 or in 1998 on the subject of environmental law with the financial support of the Commission of Brussels. The President expressed her regret that these initiatives are not available to representatives of countries outside the European Union. Mrs Costiniu expressed her hope that representatives of countries outside the European Union be admitted as observers to these meetings. Mr Eidesen asked if it were opportune for the EAJ to take interest in problems of substantive law concerning only a part of the member associations. Mr Markel said that it is important for the EAJ to take interest in questions that concern all European countries.

Mr Voss said that he was sure that the EAJ had already tried to do everything possible to open these seminars up to countries outside the European Union, but that it would be necessary to insist again in the future; in any case, these are very important initiatives for E.U. countries, where community law fully constitutes a fundamental part of all legal system. Mr Eidesen asked that the following item be put on the agenda of the next meeting of the EAJ: "How the different national associations of judges contribute to the creation of substantial law".

### 2.-3 Draft plan of Commission for judges' training.

The President reported that two years ago the Commission had created a group of experts composed of judges, professors and lawyers. She asked Mr Broekhoven, who is a member of this working group on behalf of The Netherlands, to inform the delegates on this topic. Mr Broekhoven briefly reported the results of the meetings of this expert committee, which had already finished its work. A first result was the setting up of the "Schumann Plan", which gives the opportunity to training institutes of different countries of organising seminars on community law. The Dutch training centre would gather the persons who are in charge of the training of judges in the different E.U. countries, in order to organise common training plans on community law. He said that on the 16th October a meeting of the heads of the training institutes would take place in the Netherlands, with the financial support of the Commission and of the Dutch government; the aim of this meeting would be to gather ideas on the theme of judicial training in community law.

### 2.-4 Draft decision on a programme for promotion and exchanges for practitioners of Justice.

The President said that after the meeting in Bratislava she had received a draft decision on a joint action adopted by the Council of the European Union concerning a programme of incentives and exchanges for practitioners in the Justice area. She explained the difference between this programme and the "Schumann Plan" and said that for the moment it was a question of a draft project, which ought to bear the name of the Dutch Jurist "Grotius"; a copy of this draft decision was distributed to the delegates. The President said that, within the framework of this project, many initiatives could be developed in the countries whose associations are members of the EAJ.

### 2.-5 Working paper for the working group on the intergovernmental Conference.

The President stressed the importance of this subject. It was necessary—she said—that the judicial power makes itself heard through the EAJ, which is the one and only association representing the associations of all the E.U. countries. The President also said that the Commission was interested in the problem of the execution of the decisions of the Court sitting in Luxembourg. She stressed the need to keep in touch with this institution. She asked Mrs. Atienza to get in touch with the Spanish attorney general to the European Court of Justice in order to prepare a meeting with the EAJ on the theme of Maastricht's "Third Pillar".

Upon the proposal of the President, the assembly decided that the German association would organise a meeting of the working group on Maastricht's "Third Pillar", co-ordinated by Mr Henkes. Spain would also be a member of this group. The meeting would be held in Bonn from the 17th to the 18th January 1997, in order to prepare the discussion which would take place during the next meeting in Milan and the meeting with the Court of Justice.

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

The President said that the EAJ had been invited by the Council of Europe to the meeting which would take place in Strasbourg from 9 to 11 October, in order to organise the assistance programme for the Central and Eastern European Countries. The assembly appointed Mr Broekhoven and Mr Gass as delegates to this meeting, on behalf of the EAJ. The President asked the two delegates to explain to the Council of Europe the need to invite to these meetings, as delegates of the concerned countries, judges who are working in the Courts (and, among them, representatives of the national associations) and not only representatives of the ministries of justice. Mr Broekhoven and Mr Gass will report on the results of this meeting during the next EAJ meeting. The President will contact Mr De Vel, director of legal affairs of

the Council of Europe, in order to explain to the Council of Europe the need to invite to their meetings, as delegates of the concerned countries, judges who are working in the Courts (and, among them, representatives of the national associations) and not only representatives of the ministries of justice.

### 3.-1 Relations with the Direction of Human Rights.

The President said that one of the yearly sessions of the NGOs concerning human rights would take place in Strasbourg from 23 to 26 September 1996. From 14 to 16 November a meeting on the theme of organised crime would take place in Taormina, Italy. It would be interesting for the EAJ to put on the agenda the problem of the implementation of the decisions of the European Court for Human Rights.

Mr Meriggiola reported on the meetings at the Council of Europe concerning this matter. He said that these meetings are held three times a year and focus on problems of application of the convention on human rights. At the end of these discussions the Human Rights Direction works out some recommendations. The President expressed her hope to meet officially with Mr Imbert, Director of Human Rights, during her next stay in Strasbourg.

### 4. Report on the Consultative Committee of ERA.

The President underlined that the EAJ is a member of the Consultative Committee of ERA in Trier and she said that, in her capacity of representative of the EAJ, she took part with Mr Voss at the meeting of this Committee on May 24. During this meeting the Committee fixed the following subject for ERA's annual 1998 congress: "The perspectives of judiciary co-operation in the Third Pillar of Maastricht's Treaty".

### 2.-1 Draft directive and draft recommendation upon access to justice of consumers.

The President said that the subject had been already treated in Bratislava. After the meeting of the EAJ the working group on this subject debated this issue once more in Paris, during the month of June. The group issued some remarks in French on the draft directive and draft recommendation. This blueprint foresees the solution of "across borders" disputes between some E.U. countries (Belgium, France, Germany, The Netherlands). Mrs Pel, who was member of this group, explained the remarks and the proposals which had been worked out. Mr Kriegk remarked that it is always necessary to distinguish between "justiciable" and consumer.

### 3.-2 Report on the effects of the work of EAJ-IAJ in the countries of eastern and central Europe and possible new ways of intervention.

The President stressed the importance of the Bratislava meeting, which had been the first one of the EAJ in a country of Central and Eastern Europe. She asked the delegates from these countries to explain what had been the effects of this meeting and of the subsequent press conference. Mrs Brunowska illustrated the importance of the impact of the Bratislava meeting on the situation of the judicial power in her country. Mr Kiuru described the action developed by his association in favour of the colleagues of Latvia and Lithuania. The President said she would like the EAJ to study the problems of central and eastern European countries, so that difficulties could be prevented before they arise.

Mrs Costiniu said she agreed with the proposal that the central and eastern European countries organise themselves in order to discuss common problems. The President proposed that the EAJ meetings be held every two years in one of these countries. Many of the delegates agreed on this proposal. A long and lively debate took place concerning the role of the EAJ

vis-à-vis these countries, and on the bilateral initiatives of "patronage" and on the relations with the Council of Europe and with CEELI in the training activity for judges.

### 3.-3 Relation with the CEELI in eastern and central Europe.

Mr Markel explained the importance and the effectiveness of the action carried out by CEELI (Central and Eastern European Law Initiative), which is a branch of the American Bar Association, in the central and eastern European countries, as well as in the Asiatic countries which were part of the Soviet Union. He expressed the hope that contacts with this organism could be intensified and that the representatives of the EAJ take more and more part in the training initiatives organised by CEELI. This organisation—continued Mr Markel—is interested in presenting to the central and eastern European countries not only the common law systems, but also the different systems from continental Europe. He said that Mrs Peppys, who had attended the Bratislava meeting as a CEELI liaison for Slovakia, was appointed as the person in charge for the problems of the judiciary of all central and eastern European countries. The President thanked Mr Markel for his active co-operation with CEELI and expressed the hope that contacts with CEELI could be intensified.

### 5. Report on the meeting in collaboration with MEDEL/ERA/EAJ, on the European judges' charter.

The President told the assembly that this was the first conference organised with MEDEL. It was a successful conference, as was shown by the fact that 110 persons took part in it, coming from all Europe (while only about 70-80 were expected). On each theme two rapporteurs intervened, one for the EAJ and the other one for the MEDEL, which demonstrated the ideological differences of two associations. She invited the delegates who took part in this conference to express their opinions and asked if it would be desirable to organise such meeting in the future. Many delegates took the floor and expressed positive judgements on this meeting, but they expressed also the hope that in the next conferences of this kind the debates be less focused on internal problems of the different national associations. The President said that in the future it could be possible to organise a meeting in another country, as for instance Spain or The Netherlands.

### 6. Report on the working group of the IAJ on the universal judges' charter.

The President recalled that a draft universal judges' charter, with a preamble, had been distributed both in the English and in the French versions. She also remarked that this was not a topic for the EAJ, but that it had to be debated in the Central Council of the IAJ. She explained that, since the working group was composed of representatives of the EAJ as well as by representatives of the Ibero-American working group, she hoped that the European members would express their opinions.

Mrs Atienza, on behalf of the members of this group, said that the group had met on 21 and 22 June to work on the statutes elaborated by the Ibero-American group and by the EAJ. The two texts were compared, article by article. After a long and lively discussion, the assembly decided that the President would contact the President of the IAJ in order to verify whether the theme of the universal statute of judges, which is falling under the competence of the Central Council, could be discussed before the meeting of the Central Council, at the next meeting of the EAJ.

### 7. Presentation of the budget of EAJ.

The President reminded the audience of the discussion on this topic in Bratislava and the decision which had been adopted to not propose an increase of the contributions paid by

the national associations. This decision had also been shared by the Ibero-American and by the African working group of the IAJ. The Presidency Committee, for its part, had proposed to increase from 10 to 15 million lira the contribution to the regional groups of the IAJ (5 million lira for each group).

#### 8. Miscellanea.

Mr Eidesen suggested that there be placed on the agenda of the next meeting the topic of the activity of the EAJ during its meetings. He said he would prepare a paper on this subject to be presented before the next meeting. The President said that the next meeting would take place in Milan, Italy, in February-March 1997. She thanked once again the Dutch colleagues for the perfect organisation of the meeting.

The meeting ended at 6.00 p.m.