



**MINUTES
OF THE MEETING OF THE
EUROPEAN ASSOCIATION OF JUDGES
Athens (Greece), 2nd of June 2023
(9.30 a.m. – 4.30 p.m.)**

The meeting started at 9.30 a.m.

In attendance were:

- the IAJ President, Mr. José Manuel Igreja Matos;
- the EAJ President, Mr. Duro Sessa;
- the Vice Presidents Ms. Sabine Matejka and Mr. Mikael Sjoberg;
- the IAJ Vice President and President of the Ibero-American Group, Mr. Walter Barone;
- the Honorary Presidents Mr. Gerhard Reissner and Mr. Günter Woratsch;
- the Deputy Secretaries General, Mr. Raffaele Gargiulo and Mr. Galileo d'Agostino;
- the delegates of the following associations, which are members of the International Association of Judges and of the European Association of Judges:

ARMENIA	ITALY
AUSTRIA	LATVIA
AZERBAIJAN	LIECHTENSTEIN
BELGIUM (PROXY TO FRANCE)	LITHUANIA
BOSNIA AND HERZEGOVINA	LUXEMBOURG
BULGARIA	MALTA
CROATIA	NETHERLANDS
CYPRUS	NORWAY
CZECH REPUBLIC	POLAND
DENMARK	PORTUGAL
ESTONIA	ROMANIA
FINLAND	SERBIA
FRANCE	SLOVAKIA
GEORGIA	SLOVENIA
GERMANY	SPAIN
GREECE	SWEDEN
HUNGARY	SWITZERLAND
ICELAND	UKRAINE
IRELAND	UNITED KINGDOM
ISRAEL	

The Assistant to the Secretary-General carried out a check on votes and proxies: 39 members were present or represented.

The President greeted in particular the Ukrainian delegation and thanked the Greek Association for having made possible its attendance.

The President asked the Assembly whether the agenda of the meeting was approved and the Assembly agreed.

1. Approval of the minutes of the previous EAJ Meeting;

The Assembly unanimously approved the minutes of the meeting held in Tel Aviv on 18 September 2023.

2. Report of the President and members of the EAJ Board.

The President focused on some main aspects of his activity.

First, the participation to the meetings of the Czech and Slovak Associations.

Second, the lawsuits that the EAJ started against EU organs, together with MEDEL, Judges for Judges, and the European Association of Administrative Judges: one is against the Council and the other is against the Commission. The latter was initiated after the Council replied that it was not its duty to decide about the attribution of funds to Poland and the evaluation of the respect of the milestones. The hearing should take place in mid-July and there are 50% of possibilities to succeed but an important result has already been achieved, i.e., to affirm the procedural right of associations to file a lawsuit.

The President attended a meeting in Sarajevo on the use of social media and possible risks deriving from it.

In cooperation with the Polish Association *Iustitia*, the President addressed a letter to the Committee of Ministers of the Council of Europe concerning the enforcement by Poland of the ECtHR's sentences. The President of the Committee of Ministers will meet representatives of NGOs next week.

Last but not least, the President mentioned the vetting procedure ongoing in Albania, and scheduled to start soon in Moldova, which seems increasingly appealing in countries candidate for admission in the EU and also in EU member States. The President attended a meeting of experts on the projected vetting in Moldova and could verify how disturbing is the way the local authorities intend to perform it. In Albania, the vetting is being conducted for 5 years, the judiciary is blocked and the end is not foreseen. Vetting will, most probably, be in the EAJ agenda for years in the future.

Vice President Matejka informed the Assembly about the cooperation with the Academy of European Law (ERA) where the EAJ seats, represented by Ms. Matejka herself, as member of the board of trustees. ERA established a Forum of the Legal Professions, an inter-professional platform of exchange whose aim is to launch a structured dialogue among the representations of legal professions in Europe. The partnership includes, among others, the European Network of Councils for the Judiciary (ENCJ), the Association of European Administrative Judges (AEAJ), the Network of the Presidents of the Supreme Judicial Courts of the Member States, the European Union of Judicial Officers.

The theme of the last conference, in December 2022, was "Maintaining the attractiveness of the legal professions: how can we anticipate future trends". In December 2023 the conference will focus on the role of media and their cooperation with legal professions.

Ms. Matejka attended also a conference of the CEELI Institute in Prague dealing with judicial councils, judges associations, vetting and freedom of expressions. She presided over the panel on the role of judges' associations.

Vice President Sjoberg participated with President Sessa to the Workshop on Procedures for Protecting the Rule of Law that took place in November 2022 in Lund, Sweden. He also took part in a conference held in Warsaw, Poland, in April this year on the topic "Tribunal established by Law" where he gave a lecture on the appointment of judges in Denmark.

The Assembly unanimously approved the report of the President.

The President proposed, and the Assembly agreed, to deal together with the items 3 and 5.

3. Working Group on the Situation of the EAJ's Member Associations – (Report of the President);

5. Situation of judiciary in Member Countries:

Mr. Stephan Gass, Chairman of the WG, referred to his written report and pointed out that he had sent to the EU Commission the contribution for the 2023 report on the rule of law and that the WG had worked on many requests of resolutions and statements sent by Member Associations.

President Sessa thanked the WG highlighting that in between two meetings it may happen that a quick reaction to some event is needed and, in these cases, the EAJ Board always consults the WG, whose support is always accurate and precious.

Croatia: Mr. Kontrec took the floor explaining that judges' salaries in his country are made of a base figure to which is applied a coefficient depending on the position of the concerned judge in the judiciary. The base figure is now lower than ten years ago. Moreover, the salaries of civil servants have been regularly increased following negotiations between the government and civil servant's trade unions and, as a consequence, it may happen that a judge sitting at first instance earns less than the court officials.

These circumstances are discouraging people from joining the judiciary and the remedies envisaged by the Government, with a little raise in the salaries, are not enough to solve the problem.

Mr. Gass read the draft resolution prepared for this case and Mr. Bartninkas (Lithuania) asked whether, suffering the judiciary in his country of a similar problem, the two questions could be dealt with together. Mr. Fierstra (Netherlands), considering that the salary issue seemed common to various countries, proposed to draft a general statement requesting national Governments to adequate judicial salaries to European standard.

President Sessa noted that a general statement, even if possible and perhaps to be adopted in Taiwan, would be less effective in the dialectic of individual associations with their governments.

Honorary President Reissner recalled the study on salaries carried out by the EAJ about ten years ago.

After slight revisions, the Assembly unanimously approved the resolution on the remuneration of judges in Croatia.

Armenia: Mr. Harutyunyan took the floor and informed the Assembly about the lack of transparency and of merit criteria in the appointment of the five non-judicial members of the Supreme Judicial Council and about the fact that the Minister of Justice has the power to start disciplinary proceedings against judges. Moreover, he stressed the issue of the limitations to the restriction of freedom of expression of judges realized by the establishment of a “network of speakers”, authorized to speak on behalf of the judiciary.

Mr. Gass read the draft resolution prepared for this case and, after slight revisions, the Assembly unanimously approved the resolution on current issues affecting judicial independence in Armenia.

France: Mrs. Vaillant told the Assembly that the USM was heard by the Venice Commission on the composition of the French High Council and the status of the judiciary since in France the present composition of the Council is not equal and does not correspond to European standards.

It is now foreseen a disciplinary procedure according to which anyone who is not happy with a judgement rendered in his/her case may obtain that disciplinary proceedings are initiated against the judge. Moreover, if the commission charged to evaluate the case states that the person's grievance does not deserve attention, the file will be sent to the Minister of Justice who can initiate administrative proceedings on his own initiative. There is a serious risk of judges being destabilized in their daily work. The Association is not against the pursuit when there is a serious problem but this is not the case.

Mr. Gass read the draft resolution prepared for this case and, after slight revisions, the Assembly unanimously approved the resolution on the draft law on judge's accountability in France.

Lithuania: Mr. Bartninkas explained that in his country judges were facing salary problems similar to those of the colleagues in Croatia, i.e., a system based on coefficient, the long-lasting freezing of the salaries, the different approach applied towards other public employees and the consequences in terms of attractiveness of the profession of judge.

Mr. Gass read the draft resolution prepared for this case and, after slight revisions, the Assembly unanimously approved the resolution on remuneration of judges and the underfunding of courts in Lithuania.

Bulgaria: Mr. Mazgalov explained the Assembly that the basic problem regarding judicial independence in Bulgaria is the composition of the Supreme Judicial Council only 6 of whose 25 members are effectively elected by judges. A further problem is the way of conducting the elections of the members of the Supreme Judicial Council representing the judges and, in particular, the lack of transparency in the remote electronic voting.

Mr. Gass read the draft statement prepared for this case and, after slight revisions, the Assembly unanimously approved it.

Hungary: Ms. Halasz reported about the process of adopting the Hungarian judicial reform package, after the EU Commission requested 27 conditions to be fulfilled and related legislation to be amended in order to access European funds, and its anomalies. She also reported on some unresolved issues, such as the appointment and the duration of the mandate of the President of the Curia.

President Sessa pointed out that the Association was not asking for a resolution but for the Assembly to authorize him to address a note to the EU Commission. The Assembly unanimously approved.

Poland: Mrs. Zabłudowska made an overall report on the situation of the judiciary in Poland where members of the National Council of the Judiciary are politically controlled, 6 out of 11 members of the disciplinary chamber are judges newly appointed and judges are harassed in various forms. The Committee of Ministers of the Council of Europe will deal with the situation on the 5th of June.

Mr. Kempfle (Germany) took the floor thanking Iustitia and all Polish judges for their fight to protect European values and for their example.

Israel: Mr. Levi took the floor to inform the Assembly that, for the moment, the announced reform of the judicial system was not approved, and an intervention by the EAJ was not needed.

Italy: Mr. Di Giorgio expressed the concerns of the Italian Association over the coercive measures reportedly taken against ICC officials by the Investigative Committee of the Russian Federation. The measures appear to be related to the prosecution by the ICC of the gravest international crimes, and might result in a serious interference to the exercise of that mandate. The Italian Association asked the IAJ to express solidarity with the judges and prosecutors involved and with the ICC as a whole. President Igreja Matos took note of the request, agreeing on the international, more than regional, dimension of the problem and announcing that it will be dealt with by the Presidency Committee in its forthcoming meeting next week.

Romania: Ms. Ciuca explained that a recent draft law on the modification of service pensions dramatically changes the procedure, the conditions of granting and the amount of the service pension of judges: it raises the retirement age, calculates the pension based on the average income of 25 years of work, imposes over-taxation of judges' pensions and recalculates all pensions currently in payment.

Due to the short notice, the President proposed that the EAJ Board reacts with the help of the WG by sending a letter to the local authorities, which will then be followed by a more structured action. Ms. Costiniu took the floor and replied that the association has been a member for more than 30 years, and that a resolution is needed since the issue is urgent: the judiciary and the law concerning it have become a campaign issue for the upcoming elections, without real attention to the substance of the theme.

Honorary President Reissner pointed out that this is a serious last-minute problem. Nothing can be written that is detailed enough and considers everything underneath, but there are clear principles in the Universal Charter and clear principles at the European level that also relate to social security and pensions and that may be enough for even a short text.

The Working Group prepared a text for this case and Mr. Gass read the draft resolution: after slight revisions, the Assembly unanimously approved the resolution on judicial pensions in Romania.

Slovakia: Mr. Frantisek said that thanks to the EAJ statement, the most problematic part of the law (transfer without notice) was abolished and today a transfer can only be made with the consent of the concerned judge and, if this is lacking, only for reasons of strict necessity. The Slovak Association started two cases before the Constitutional Court also invoking documents drafted by the EAJ on the judicial map. On the issue of freedom of expression, which affects Mr. Frantisek directly because he was subject to disciplinary proceedings, it was established that the only basis of the proceedings was his criticism of the reform and, as a consequence, the proceedings were dismissed.

Slovenia: Ms. Roblek informed the Assembly about the change of the Constitution: Slovenia is the only country where judges are elected by the Parliament on the proposal of the Judicial Council and this provision is about to be changed. The Government has established a commission that has not yet accepted the proposal of the Slovenia Association (appointment of judges by the President of the Republic on the proposal of the Judicial Council).

Ukraine: Mrs. Yevtushenko spoke about the war and its impact on the country, where missiles also hit the courts, that nevertheless continue to work. Mr. Gorodovenko expressed the gratitude of the Ukrainian Association for the support received. Several regions, occupied or under hostilities, are in need also of basic equipment to work and he asked the EAJ to patronize specific regions affected by military aggression.

Mr. Picken (UK) took the floor asking the Assembly to express a special thanks to the WG, whose members work in the drafting of resolutions even during the breaks. He exhorted all delegation to be better prepared and to make their request with proper notice, since the drafting of official EAJ statements is a great burden for Mr. Gass and the entire WG. Even though extraordinary needs may always emerge, it would be preferable to minimize their impact as much as possible.

The President joined Mr. Picken in the thanks and underlined how difficult can be for the Assembly to ignore requests of help, however late they may be.

4. Working Group “Ways to Brussels” – (Report of the President);

The President of the WG could not attend the meeting and, therefore, the report was commented by a member of the Group, Ms. Janja Roblek.

6. Budget of EAJ;

The General Secretariat informed the Assembly about the budget and the expenses of the Group (see enclosure).

President Sessa informed the Assembly about the activities related to the Provident Fund for Turkish judges.

7. Cooperation with other judicial networks and associations;

President Sessa highlighted the existence of two lines of cooperation. The first consists of the regular meetings with the ENCJ, where the EAJ sits as a member, and with the Network of Presidents of the Supreme Courts. ENCJ discusses important topics and will meet next time in Ljubljana (Slovenia), where Ms. Roblek will represent the EAJ. ENCJ is also well connected with EU institutions and so is the Network: this circumstance will help the EAJ to approach the EU Commission more easily.

The second line is the cooperation with other associations, such as MEDEL, J4J and the Association of Administrative Judges. This cooperation brought two main results, the lawsuit against Poland and the platform for Turkey. The next action, that is an outcome of the work done within the platform, is that on 21 June there will be a side event on Turkey of the session of the COE Parliament and Mr. Sessa and President Igreja Matos will take the floor.

President Sessa then mentioned a recent phenomenon. There are new associations of judges in countries that already expresses an IAJ member. These associations cannot join the IAJ, but they address the IAJ, send documents, and invite its Board to their events. Sometimes these reports and letters have a very serious substantive content and the IAJ cannot ignore them. What has been done so far is to inform the IAJ member in the concerned country about these initiatives but it could be worthwhile to implement the cooperation with these subjects. The IAJ has statutory limits that other supranational associations do not have and risks leaving these new contacts in the hands of the other NGOs. This is an issue for the IAJ as a whole to revise the Constitution, but within the EAJ could start a reflection on possible approaches to cooperation, tailored-made, because in every country the situation is different and so are the relationships between associations. The positive fact is that they look for the support of the IAJ and the EAJ because they trust them and, therefore, have expectations.

8. Miscellaneous (i.e., IAJ WG of assistance to judges);

President Sessa recalled the Assembly that the report drafted by Mr. Blake had been disseminated.

9. Future meetings.

Mrs. Zabłudowska took the floor to invite the EAJ to gather in Poland in April 2024: dates and city will be communicated further on. President Sessa thanked Iustitia for its willingness to host the meeting and underlined the importance of the EAJ presence in Poland.

President Sessa thanked the Greek Association for the perfect organization of the meeting and all delegates for their fruitful participation.

The President closed the meeting at 17.00.

Resolution on current issues affecting judicial independence in Armenia: <https://www.iaj-uim.org/iuw/wp-content/uploads/2023/06/EAJ-statement-on-current-issues-affecting-judicial-independence-in-Armenia.pdf>

Statement on the Bulgarian High Council for the judiciary: <https://www.iaj-uim.org/iuw/wp-content/uploads/2023/06/Statement-on-Bulgaria-2023.pdf>

Resolution on the remuneration of judges in Croatia: <https://www.iaj-uim.org/iuw/wp-content/uploads/2023/06/EAJ-resolution-on-salaries-of-judges-in-Croatia.pdf>

Resolution on the draft law on judge's accountability in France: <https://www.iaj-uim.org/iuw/wp-content/uploads/2023/06/EAJ-resolution-on-the-situation-in-France.pdf>

Resolution on remuneration of judges and the underfunding of courts in Lithuania: <https://www.iaj-uim.org/iuw/wp-content/uploads/2023/06/EAJ-resolution-on-remuneration-of-judges-and-the-underfunding-of-courts-in-Lithuania-approved.pdf>

Resolution on judicial pensions in Romania: <https://www.iaj-uim.org/iuw/wp-content/uploads/2023/06/EAJ-resolution-on-judicial-pensions-in-Romania.pdf>