



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



DE ΕΓΧΩΡΙΩΝ ΕΠΙΘΕΤΩΝ
ΔΕΣ ΚΟΙΝΩΝ ΖΗΤΗΜΑΤΩΝ ΔΙΚΑΙΟΝΟΜΙΑΣ
ΚΕΝΤΡΟΥ ΔΕΣ ΠΡΕΣΙΔΕΝΤΩΝ
ΟΙ ΤΩΝ ΕΥΡΩΠΑΪΚΩΝ ΕΝΩΣΕΩΝ
ΟΙ ΤΩΝ ΖΗΤΗΜΑΤΩΝ ΔΙΚΑΙΟΝΟΜΙΑΣ
ΚΕΝΤΡΟΝ ΟΙ ΤΩΝ ΠΡΕΣΙΔΕΝΤΩΝ

Draft meeting minutes ENCJ – ACA-Europe – EAJ – RPCJSUE

European Network of Councils for the Judiciary (ENCJ);
Association of the Councils of State and Supreme Administrative Jurisdictions of the EU (ACA-Europe);
European Association of Judges (EAJ);
Network of the Presidents of the Supreme Judicial Courts of the European Union (RPCJSUE)

Date: Monday 28 September 2020

Time: 15:30 hrs CET

Through Webex

In attendance : Filippo Donati, President of the ENCJ, Klaus Rennert, President of the ACA-Europe, José Igreja Matos, President of the European Association of Judges, Joris Casneuf, Secretariat General (Brussels), Aleksandra Switalska, ENCJ Office.

1. Opening by Mr Filippo Donati – President of the ENCJ

The ENCJ President Mr Donati, warmly welcomed all participants, expressing his gratitude for their presence. He acknowledged that he has taken office following Mr Kees Sterk's end of mandate. Mr Donati explained that due to the health problems, the President of the Network of the Presidents of the Supreme Judicial Courts of the European Union, Mr Wiwinius was not able to attend this meeting.

The ENCJ President underlined the existence of a set of problems regarding the judiciary in Europe. In order to prevent and face problems judiciaries are tackling, an open dialogue between all the judiciary networks – the main actors for the judiciary for the European space, would be opportune.

2. Introduction of participants

The EAJ President Mr Matos welcomed all participants and congratulate the President of ENCJ for this initiative. It has been now one year since the cooperation has been established. The President Mr Matos acknowledged that time is pressing; all networks need to uphold the judicial independence and democracy.

The ACA-Europe President Mr Rennert, appreciated being invited and emphasized the need to speak one to another (between presidents of judicial networks) to deal with common problems of judiciaries in Europe. Mr Rennert introduced Mr Casneuf, from the ACA-Europe representation in Brussels.

3. Strengthening the position of the Judiciary in Europe & developing a common message

Taking into account an increasing integration amongst the judiciaries in Europe, the ENCJ President *Mr Donati* highlighted the need for European Institutions to pay more attention to them. Furthermore, *Mr Donati* acknowledged that the judicial networks are the main actors for the judiciary in a European space. An open dialogue might help to better understand the outstanding problems and to avoid

contradictions between the judicial networks. It is also desirable, if possible, to speak with one voice on certain items.

The ENCJ President highlighted that the President of the European Commission *Ursula von der Leyen* in State of the Union speech, delivered on 16th of September 2020, made it clear that the Rule of Law is the main subject to be addressed in incoming years and she has recalled that the European Commission is determined to uphold the Rule of Law within the European Union.

The EAJ President noted that all judicial networks are different institutions. The main divergence lies in fact in a level of intervention. However they all share the same common principles. The initiative of developing common principles is desirable and necessary.

4. Conference on the Future of Europe – involvement of the judiciary

The ENCJ President acknowledged that with the *Conference on the Future of Europe*, initially planned to start on the 9th of May 2020, it would be opportune for all networks to elaborate common principles or some basic ideas to be represented. Even though, the details of possible involvement in the conference have not been published yet, *Mr Donati* expressed his willingness in starting the discussion of the possible involvement of the judicial networks.

The ENCJ President proposed, if the presidents of judicial networks agree, that together they might play a role in representing the judiciaries in Europe. It could be advisable to prepare a common document and have a role in the *Conference on the Future of Europe*, he continued.

Regarding the above-mentioned proposal, the EAJ President *Mr Matos* has firmly expressed his personal consent to join forces and to elaborate a document reflecting all three judicial networks' united position. In his point of view, it is important to address the *Conference on the Future of Europe* together. However, *Mr Matos* needs to present to the board a proposal. The ACA-Europe President *Mr Rennert* agreed with the proposal.

5. The case of Poland

The ENCJ President started by expressing his concerns on the suspension by the Dutch court extraditions to Poland (in pursuit of a European arrest warrant) over judicial independence concerns. Furthermore, the Polish courts just declared that they would not execute the European Arrest warrant issued by the Dutch Council because of alleged existing doubts on whether the Dutch courts are independents. These significant tensions risk to diminish the existing cooperation in the judicial sector, *Mr Donati* continued. The European Commission has proposed the new mechanism of linking EU funds to the respect of the Rule of Law. The implementation of the latter measure would be key in ensuring the respect of the Rule of Law, however it is still unclear whether such a mechanism will be in force. The EAJ President *Mr Matos* acknowledged that EAJ is considering to react yet again to the very difficult situation observed in Poland regarding the judiciary branch.

The ACA-Europe President *Mr Rennert* acknowledged that a common resolution of all judicial networks might be complicated to achieve but *Mr Rennert* would speak to the board.

6. Proposal for periodic meetings of the presidents of judicial networks

It was proposed by the ENCJ President *Mr Donati* to set up periodic meetings of the presidents of judicial networks. The idea of informal meetings, organised on a monthly basis is to discuss the current issues and to get to know each other better. *Mr Donati* highlighted that the idea is not to unite organisations but since the networks have a common denominator, it is this common denominator that will enable all the networks to develop the strength to represent the judiciary in the European space. *Mr Rennert* agreed with the proposal and *Mr. Matos* also agreed.

Additional remarks :

The ACA-Europe President *Mr Rennert* shared his insights about the financing of the network he presides. According to *Mr Rennert* during the Barroso's Commission, the institutional financing applied. As a result, the ACA-Europe organisation was not held to account for every project and direction it decided to follow. However, this has changed with Juncker's Commission. *Mr Rennert* asked how the other networks are financed and what is their position; whether it would be possible to speak to the EC President *Ursula von der Leyen* to ask the European Commission to return to the previous mode of financing.

The EAJ President *Mr Matos* acknowledged that the EAJ is not financed by the European Union.

The ENCJ President *Mr Donati* highlighted that it is important for the judicial networks, in the mid-term to achieve a bigger role. Financing is key to developing networks' activities but at the same time attention should be paid to the independence. Judicial networks should preserve their independence.

Closing remarks :

The ENCJ Office will propose a date for another meeting (max. 30 min) next month.