



Mr. Konstantinos Tsiaras
Minister of Justice

Your Excellency,

I have the honour to address you in my capacity as new elected president of the European Association of Judges (EAJ).

As you certainly will remember EAJ in spring of this year expressed its concerns in a letter addressed to your attention but also in a Resolution adopted by the General Assembly of EAJ on May 22nd 2021, that our Member Association- Greek Association of Judges, *Enosi Dikastón kai Eisangeleon*, was not involved by the competent authorities and was not sufficiently and timely informed on essential legislative projects with regard to amendments in the legal framework of judges and the judiciary. EAJ reminded in these documents that such practice is against European standards which require such involvement.

Now once again our member association claims that again the Greek Association of Judges is not involved regarding the new legal project which will introduce new ways of judicial training for judges.

The Greek Association assured us the commitment of the Greek judges to an ongoing training and confirmed that it welcomes improvements in the training system for judges.

But the Greek association assesses the proposal, which was put forward, as a possible infringement of the independence of judges. It is proposed that judges of first and second instance courts shall be obliged to go through examinations after attending the obligatory training. The Greek Association stressed that interpretation of law could not be assessed outside the judicial function and only through a system of remedies and cannot be part of an examination in a training system of sitting judges.

The EAJ first of all underlines that in-service training of judges is a right and a duty of judges to safeguard a high-quality administration of the judicial function.¹

Whilst initial training in many justice systems is finalized by an examination, which should prove the success of the training, and such success is a requirement for an appointment, it indeed is dangerous to examine the outcome of in-service training of appointed sitting judges. Their ability

¹ CCJE Opinion 4 (2003) on Appropriate Initial and Inservice Training for Judges at National and European Levels, paras 3 – 5, 11, 31-37; CM Recommendation 2010/12 on Judges: Independence, Efficiency and Responsibilities paras, 56, 57, 65, Judicial Training Principles point 3 of the European Judicial Training Network (EJTN).

to exercise their function could be proved by an assessment of their work, which - as EAJ was informed – is foreseen in Greece on a regular basis.

A testing of participants of in-service training of judges indeed implies the risk of undue impact on the independence of the judge concerned.

Opinion 4 of the CCJE therefore consequently states that in principle “participation in judges training initiatives should not be subject to qualitative assessment, their participation in itself, objectively considered, may however be taken into account to professional evaluation of judges.”²


The EAJ fully agrees with this standard, which is also followed by other Council of Europe member States, which provide in-service training.

In this respect following the above-mentioned standard it must be underlined:

- Interpretation of law could not be assessed outside the judicial function and only through a system of remedies and cannot be part of an examination in a training system of sitting judges.
- It is not in accordance with the professional status of a judge to continuously be graded, through written examinations in theoretical courses, examinations that may affect promotion and career advancement.
- Obligation imposed on judges to accede to the opinion of various teachers of the seminar on legal issues, so to succeed on the examinations, is contrary to the principle of judicial independence.

Your Excellency, may I ask you to take these considerations into account. Please be assured that EAJ is available for any further exchange on this issue.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Duro Sessa', with a stylized flourish at the end.

Duro Sessa
President of the EAJ

² CCJE Opinion 4 (2003) para 40 ii.