



Draft minutes Executive Board meeting

Date: 9 March 2015
Venue: ENCJ Office, Brussels
Time: 10:30 – 17:00 hrs

1. Opening and news

1.1. Minutes Board meeting 1 December 2014

The minutes were approved.

The Board decided that after each Board meeting a summarised report of the board will be sent to the members and observers.

1.2. Reports/ meetings

- The involvement of Germany seems to be increasing. They sent five representatives to the meeting of Project 1 in Bucharest. Geoffrey Vos has been invited to meet with the Ministry in Berlin. A date has yet to be decided.
- Geoffrey Vos attended the Global Law Summit (the 800 year anniversary of *magna carta*) in London. He met with several parties and tried to persuade them to be more active in our Network (Germany, Austria, Turkey).
- Geoffrey Vos and Monique Van der Goes attended the Venice commission in December. The report of the meeting was sent to the members of the board.
- Horatius Dumbrava reported on the CCPE meeting in Rome. His report of the meeting was sent to the members of the board. The board decided that one person from the CCPE will be invited to the General Assembly.
- Geoffrey Vos had lunch with Ms. Jourova, European Commissioner for Justice, in London. She seemed particularly interested in a project on evaluating the quality of justice. She was also invited to the General Assembly. Her participation is not yet confirmed.
- Geoffrey Vos attended the CCJE meeting in Strasbourg where the report on the Evaluation of Judges was adopted and their future opinion on the Balance of Powers was discussed.
- 19th January 2015 Geoffrey Vos addressed the Legal Affairs Committee of the European Parliament. Other speakers were Ms Jourova and Mr Timmermans.
- Luca Palamara reported that in Italy a proposed law on civil liability of judges/prosecutors for decisions taken in their professional capacity is perceived as being a threat to judicial independence.

- All speeches delivered at the various meetings are available on the [ENCJ website](#).

1.3. Invitations received

- Geoffrey Vos will attend the international conference in Brno, Czech Republic. The conference aims to provide a discussion forum on finding an ideal model of the National Judicial Council.
- ENCJ received an invitation to give a speech on victims at the annual conference of Victim Support Europe. Geoffrey Vos cannot go. None of the other Board members indicated that they would be available.
- From May 22 to 24 the 30th anniversary of Medel will take place in Athens. A formal invitation has not yet been received. Since Geoffrey Vos will probably not be able to attend, Luca Palamara will go in his place.

2. Functioning of the Association

- 2.1** The French Council started a new mandate in 2015. Until now the network still hasn't received the name of the new nominee on behalf of CSM France for the executive board.

2.2 Portfolios

The members of the board received a note to explain what's expected of them regarding to their responsibilities.

The board members are also allocated members or observers who they should ask to report on implementation of ENCJ practices and principles.

The board members are expected to write a report to the board in relation to individual countries for which they are responsible as well as to write a report on their individual responsibilities.

The office will send them the questionnaire on the implementation of ENCJ reports as well as contact details for each of the members and observers. **[action all Board Members]**

The board members reported on their individual countries:

- Katarzyna Gonera:
The Latvian Council was re-elected but has the same composition as the previous council.
The Lithuanian has also a new composition.
The Estonian Council visited Poland in October 2014. It is a court administration. They are thinking about applying to join the network as an observer.
- Horatius Dumbravia:
The National Judicial Council of Hungary still has not applied for membership of ENCJ. The board will contact them before the general assembly.
In Serbia, a lustration law is before Parliament. The Spanish Council will cooperate with Serbian Prosecutors Council in a Twinning Project. They will send experts and will come back to the Board for experts from the ENCJ.

- The situation in Slovakia as regards the security clearance of judges is still unresolved. The case is pending before the constitutional court. Meanwhile the new leadership of the judiciary (President of the Supreme Court and President of the Council) are eager to restore trust in the judiciary. The Board decided that a courtesy visit will be organised to Bratislava. (President/ Board Member Horatius Dumbrava and director Monique van der Goes).
- Monique reported that Joze Strus discussed with the Croatian Council the possibility of their joining the ENCJ. They have funds for membership fee but not yet for travel. They spoke to the Minister and asked for extra funds to be able to become members of ENCJ (hopefully at the Hague). The Croatian Council will have a new composition as of March. The office will contact them to discuss membership.
- The Spanish council is cooperating with Greece. They will discuss involvement of Greece in ENCJ. The Office will send a formal letter to the President of the Supreme Court.

2.3 Partnership Agreement European Commission / Finances 2014/2015

On 27th February 2015 Mr Kees Sterk on behalf of the Netherlands Raad voor de Rechtspraak and Diana Laboikate on behalf of the Lithuanian Council audited the financial administration and the accounts of the ENCJ for the year 2014, in accordance with regulation 7 of the Financial Regulations of the Association. The auditors will advise that the Board should consider the continuity of the finances.

2.4 Finances - membership and observers fees

The Board approved the new ENCJ membership fee calculation model. The members will be informed and will be asked for their approval. The observers will also be asked for their comments on the observers' contribution proposal.

3. ENCJ strategic and action plan 2014-2018 – Implementation

3.1 Work plan and project teams 2014-2015

- The Board agreed that it was for the Board, rather than any project group, to decide what is to be published on behalf of the ENCJ. In addition, a member council may decide to withhold information from publication by ENCJ if it chooses.
- Project 1 – subgroup prosecutors:
There won't be a questionnaire this year. The board agreed that there will be only one report and an annex to the main report. Next year's work will be further discussed in the board meeting in May.
- The survey on independence of judges will go out on Monday 16th March 2015 and will close on 3rd April 2015.
- Project 2 - Discipline:
Project 2 will hold their final meeting on 17th April 2015 where the report will be finalised.

- The board discussed ideas for projects for next year. The following suggestions were considered:
 1. Indicators of the quality of justice;
 2. Liability of judges and complaints;
 3. The financing of judicial systems;
 4. Civil Society representation in Councils;
 5. IT and e-Justice.

3.2 ENCJ Newsletter and website

The board discussed the outlines and content of the newsletter. The newsletter could be used to collect news from every council. To that end members of the board should obtain information which is newsworthy from the countries for which they are responsible. Nuria will present a draft of newsletter on the next board meeting. In the meanwhile the office will explore the possibilities for a website based newsletter.

3.3 EU Justice Scoreboard

Joze Strus (EC) joined the meeting and presented the 2015 EU Justice Scoreboard which went public that same morning.

The EU encouraged the ENCJ to continue working on effectiveness of the safeguards. The ENCJ can choose one aspect so the EU Commission can reflect on that and go into it in more depth, e.g. IT.

The EU also finds quality very important. More indicators on quality would be most welcome since CEPEJ does not have sufficiently nuanced information on this subject.

4. General Assembly the Hague 2015 (for discussion)

4.1 Draft programme

- The board would like to invite someone from the European Court of Justice to speak on effective justice, independence and accountability and the quality of justice at the GA. Possible speakers could be Koen Lenaerts or Allan Rosas, both judges at the European Court of Justice [Post-meeting notes: Ms Eleanor Sharpston, Advocate General at the CJEU has accepted our invitation to speak at the GA].
- In addition to members and observers the Councils of Kosovo, Ukraine and Georgia will be invited as well as the CCPE.
- Four members of the board will end their mandate at the General Assembly (Spain, France, Romania and Italy). All of them can be re-elected. The call for candidates will be sent in the first week of April at the latest.

4.2 Peer Session methodology

A note was presented on the methodology of the peer session. The board agreed with the proposal.

4.3 Session on Judicial Training with EJTN

The board proposed that the EJTN could cover the following at its session:

1. Training ENCJ standards;
2. Max Planck training cultural communication;
3. National justice systems do not adequately co-operate with training programmes and attendances.

5. External relations

5.2 Cooperation with CoE (Venice Commission / CCJE / CEPEJ)

The board decided only to go to every other meeting of CEPEJ (1 plenary – 1 WG) instead of all 4.

6. Closing

- The next meeting of the executive board will be on Monday 18th May 2015 in Brussels.
- The General Assembly 2016 will be held either 1st – 3rd June or 8th -10th 2016 in Warsaw.