



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

ENCJ

2017-2018

**Work plan**



Co-funded by the Justice Programme of the European Union

## INTRODUCTION

At the General assembly in Paris in June 2017 the ENCJ 2018-2021 strategic plan will be adopted. The 2017-2018 work plan sets out the actions that the ENCJ wishes to undertake from July 2017 to June 2018 with the aim of attaining the strategic objectives set out in the 2018-2021 Strategic Plan.

### 1. THE FUNCTIONING OF THE ASSOCIATION

#### 1.1. The General Assembly

The 2018 General Assembly meeting will take place in Lisbon 30 May-1 June 2018 and will be hosted by the Conselho Superior da Magistratura. At the meeting a new President will need to be elected as well as four Members of the Executive Board.

#### 1.2 The Executive Board

The Executive Board will meet four times in the summer and autumn 2017 and in February and May 2018. It will monitor the activities of the project teams (within the framework of the Strategic Plan) and other relevant files.

##### 1.2.1 Finances of the Association

The Executive Board is responsible for the budgetary issues of the Association. In the second half of 2017 the Framework Partnership Agreement with the European Commission for 2018-2021 needs to be secured. Once selected an Operating Grant proposal for 2018 also needs to be submitted.

##### 1.2.2 The Permanent Office

###### Staff

The Executive Board is responsible for the functioning of the ENCJ's Permanent Office. The office currently has a staff of 1.4 fte (Monique van der Goes Director 1 fte/ Natalie Callebaut 0.4 fte) The Office will continue to organise all meetings of the ENCJ bodies: the General Assembly and the Executive Board. The Office also deals with the financial management of the Association (EC Subvention/drafting budgets/preparing accounts/raising payments etc.)

###### Internship programme

The ENCJ's Internship Programme will restart after the summer in a slightly altered format. Two interns will be welcomed to Brussels for two weeks in October. A Call for Applications will be launched after the 2017 General Assembly. The ENCJ does not pay salary but a *per diem* is paid to cover accommodation and living expenses in Brussels. Travel to Brussels is also paid for by the ENCJ

##### 1.2.3 Relations and cooperation with Members and Observers

###### Communication

The ENCJ website will be renewed in 2017. New features will be introduced including the possibility to develop ENCJ wiki-pages containing detailed information on the functioning of the judicial systems in Europe. The Board will invite Members and Observers to share more news with each other through the ENCJ website. The third annual ENCJ report will be published early 2018. Members will be asked to send their national reports by early October 2017.

###### Requests for Assistance

The President and/or other representatives may occasionally visit ENCJ Members or Observers (especially when a new Council mandate begins) to discuss their involvement in the ENCJ and to ensure the continuity of this involvement. The ENCJ may also receive requests for cooperation from Members or Observers. The Board will support Councils for the Judiciary and similar independent bodies in the EU and in candidate and prospective candidate states especially where such bodies face challenges to their justice systems.

### **Request for Information**

The sharing of information and best practices between the Members and Observers of the ENCJ is an important feature of the network. This work could be further developed by collecting, summarizing and disseminating the information. A new website tool will be developed to share information more effectively.

### **Advocacy and awareness raising**

The ENCJ, and in particular the Executive Board, will continue its efforts to provide support for the independence, accountability and quality of judiciaries in Europe and to promote understanding of and respect for judicial independence

## **1.2.4 External relations and cooperation**

The ambitions set out in the Strategic Plan 2018-2021 will need to be put into practice by the Executive Board. It will study how to best implement the strategic objectives set out. The first priority will be how to initiate a dialogue on the Rule of Law and the role of the judiciary in a democratic state.

The ENCJ President or his representative will speak, when invited, at a number of events and conferences organised by other bodies (for instance FRA, ELI, the network of Presidents of the Supreme Courts of the EU etc.). These contacts are important as all these bodies are influential with judicial systems across Europe. Close contacts will strengthen the outcomes of the activities of the various networks.

The Board will also follow developments that could effect the co-operation between the judiciaries in Europe such as the establishment of a Network of European Inspection Services and the initiative of the CJEU to create the European Judicial Network consisting of the Constitutional and Highest national Courts (civil/criminal and administrative).

### **European Commission and EU Justice Scoreboard**

The ENCJ will continue to invest in its relations with the European Commission. This will enable it to contribute actively to the development and implementation of EU policies in the relevant areas.

The ENCJ will respond, when called upon by the European Commission within the EU Framework to strengthen the Rule of Law. The ENCJ will also continue to strengthen ties with DG Enlargement (NEAR) with a view to promoting independent and accountable justice systems in EU and wider Europe.

### **European Parliament**

Further links will be developed with the JURI and LIBE committee of the European Parliament through the secretariats of these committees and in contacts with specific MEPs. The ENCJ will follow the developments in relation to the Pact on Democracy, Rule of Law and Human Rights.

### **Court of Justice of the European Union**

The CJEU is an observer to the ENCJ. The President will develop further ties and areas of cooperation will be identified.

### **Council of Europe**

The ENCJ is represented in the **CCJE** meetings and contributes to the annual CCJE opinions. ENCJ is an observer in **CEPEJ** and participates in their Quality Working Group. The ENCJ and the **Venice Commission** have had a first official meeting in December 2014 when ENCJ was invited to present its work at the meeting of the Venice Commission. ENCJ wishes to have stronger links and collaboration with the above mentioned organisations and will strive to set up regular meetings and or concrete cooperation on specific issues.

### **European Judicial Training Network - EJTN**

The EU is a Union of shared values. This also applies to the judiciaries. Each judge needs to have a thorough understanding of these shared values in the field of justice. To achieve this objective the co-operation with EJTN will be continued to promote training on non-substantive issues such as judicial ethics and knowledge of justice systems of other Member States.

### **European Law Institute - ELI**

The ELI-ENCJ project team will finalise its work in 2017. A second consultation of the stakeholders is planned for June/July. The project team has produced a draft statement of European best practice in relation to the approach that courts and judges should adopt in interacting with all types of ADR processes. They also drafted a set of recommendations as to the best European models that can be developed and applied for coherent access to DRPs in respect of different types of dispute, and towards which Member States may wish to progress. The second consultation will seek the view of stakeholders including the ENCJ Members and Observers as to the appropriateness of the recommendations.

### **Council of Bars and Law Societies of Europe - CCBE**

In the autumn of 2017 the CCBE will make the results of the survey among lawyers on their perception of the independence of the judiciary public. The outcomes will be studied and further joint-actions may be developed as a result.

## **2. MAIN PROJECTS**

The planned activities for 2017-2018 originate from the ENCJ Strategic Plan 2018-2021. **The 1<sup>st</sup> and 2<sup>nd</sup> project will have their first meeting on 5-6 October in Vilnius.**

### **Project 1 Independence, Accountability and Quality of the Judiciary - continuation**

The project will be continued and have several components:

#### **Independence and Accountability**

1. Use of the outcomes of the 2016-2017 report:
  - Organise dialogue group meetings to discuss the challenges identified through the application of the indicators and the results of the survey.
  - Invite all councils and other governing bodies study the outcomes for their judiciaries and set concrete priorities for change, where needed, and to inform the ENCJ about their plans in the end of 2017 or the beginning of 2018.
  - Discuss the main challenges that identified across Europe especially the lack of insight as to the experiences of court users.
2. External review of the methodology and performance indicators by the scientific community and by partners of the ENCJ (both within and outside the Judiciary). This should be done in the first part of 2018, as it could lead to the further revision of indicators and survey. A revision could then be implemented in 2018/2019.
3. Possibly organise a survey among lay judges on their independence.
4. Intensify the co-operation with the CCBE and study the results of the survey among judges executed by them.

## Quality of justice

1. Further development of indicators on quality of justice. Refine the quality indicators by critically reviewing the indicators and the way that these are measured and scored. In addition, it has to be discussed how the questionnaire should preferably be answered, allowing for input from the judges. This should all take place in the second half of 2017.
2. Once this has been done, implementation of the indicators by all members and observers of the ENCJ. This should take place in the first half of 2018.
3. Further steps would include taking up the areas of quality that have not yet been addressed. Also, it could be considered then to extend the survey among judges to quality.

## Project 2 Public confidence and the Image of Justice

As the last public confidence surveys that were done in the light of the 2017 EU Justice Scoreboard show, low public confidence in the judiciary is still an issue. The project will look at various aspects of public confidence and the image of justice and will identify remedies that can be taken on by Councils for the Judiciary and other judicial authorities. Moreover, the 2016 survey among judges on their independence show that the impact of the media on the decisions of judges is increasing and is large in most countries. The influence of social media is much smaller than that of the traditional media, but is increasing in nearly all countries. The activities could include:

- Study the ways in which the image of justice can be improved and public confidence can be influenced and design a general action plan that can be use by national judicial authorities.
- Promote the development of a key message for the Councils based on core values
- Map and identify best practices in judicial outreach activities
- Study the relations with (social) media and update the 2012 ENCJ report on Justice, Society and the Media especially as regards the role of Councils for the Judiciary

## Project 3 Set up of ENCJ Digital Justice Forum

In the first half of 2018 the ENCJ Digital Justice Forum will be launched. The forum will consist of one representative of each ENCJ Member and the interested Observers. Through electronic exchanges and an annual seminar, the aim of the forum is:

- to promote Digital Justice and the modernization of justice and identify challenges and opportunities;
- to exchange best practices and developments on national level;
- to provide a judicial perspective on e-Justice to the European Commission.

The launch of the forum take place in Amsterdam in March/April 2018.