



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

ENCJ Working Group on strengthening mutual confidence in the European Union - Report to The General Assembly on the 6th/7th June 2007

At the annual conference of the European Network of Councils for the Judiciary in Wroclaw on 25 - 26 May, 2006, the General Assembly decided to establish six Working Groups. The topics of the Working Groups resulted from the interactive sessions which were organised on the first day of the Conference.

The Working Group on Strengthening Mutual Confidence was established to consider methods of strengthening mutual confidence amongst the members of the European Network of Councils for the Judiciary. Membership of the Working Group is set out in Appendix A, attached to this document.

Terms of Reference

It was noted that the work of the group would include:

- Clarification of the meaning of the term 'mutual confidence'
- Meeting representatives of the European Commission
- Considering the reality of mutual confidence from the point of view of the judicial decision maker
- Considering methods of assisting the development of mutual confidence amongst the judiciary of the European Union

Objective

It was envisaged that the objective would be to advise on methods of developing information, contacts and systems to enable the growth of mutual confidence amongst the judiciary in the European Union.

Result

A result anticipated of this Working Group was to present to the next General Assembly:

1. Suggestions on methods of developing mutual confidence and mutual co-operation between members of the judiciary in the European Member States.
2. Suggestions on methods by which the ENCJ could provide relevant expertise to the EU institutions.

ENCJ

The ENCJ is a new organisation in the European Union and reflects key developments which have been taking place.

The objectives of the ENCJ, as stated in the charter, are:-

(1) Within the framework of the creation of the European Area of freedom, security and justice, the objectives of the ENCJ are co-operation between members on the following:-

- analysis of and information on the structures and competencies of members;
- exchange of experience in relation to how the judiciary is organised and how it functions;
- issues pertaining to the independence of the Judiciary and other issues of common interest; and
- provision of expertise, experience and proposals to European Union institutions and other national and international organisations.

(2) The ENCJ shall exclusively pursue objectives of a non-profit making character.

The Council of the European Union adopted the Hague Programme at their meeting in Brussels on Friday 5th November, 2004. In paragraph 3.2 it addressed the relevance of the work of judges and the position of the ENCJ. It states:

"3.2 - Confidence - building and mutual trust

Judicial cooperation both in criminal and civil matters could be further enhanced by strengthening mutual trust and by progressive development of a European Judicial culture based on diversity of the legal systems of the member States and unity through European Law. In an enlarged European Union, mutual confidence shall be based on

the certainty that all European citizens have access to a judicial system meeting high standards of quality. In order to facilitate full implementation of the principle of mutual recognition, a system providing for objective and impartial evaluation of the implementation of EU policies in the field of justice, while fully respecting the independence of the judiciary and consistent with all the existing European mechanisms, must be established.

Strengthening mutual confidence requires an explicit effort to improve mutual understanding among judicial authorities and different legal systems. In this regard, networks of judicial organisations and institutions, such as the network of the Councils for the Judiciary, the European Network of Supreme Courts, and the European Judicial Training Network, should be supported by the Union."

This Working Group is the embodiment of the required effort. The Working Group illustrates this development in the European Union.

In 1970 Jean Monnet saidⁱ:

"Our community is not a coal and steel producers association, it is the beginning of Europe."

This "beginning of Europe" rings true today in our arena, in that the cooperation between the Councils of the Judiciary in Europe is developing. What began as the European Coal and Steel Community became the European Economic Community and eventually the European Union. What began with coal and steel has become today's Union. The founding fathers of the European Union spoke of a "closer Europe" and in many respects Europeans are closer today than ever before. The judges and prosecutors of the European Union work with laws which are being harmonised, with Directives and Regulations enjoying similar application across the Union. We are here to discuss how we can create an environment where we can work together in order to enjoy a rapport with one another and facilitate a "closer Europe" with mutual confidence.

Silence

One important feature in the growth of the EU has been the silence of the Councils for the Judiciary. When we consider government structures - we think in the way of Montesquieuⁱⁱ - the legislature, the executive and the judiciary. In the EU there is the parliament, where representatives from all the States meet and work. The heads of government meet and plan the future. The ECJ decides the cases which come before it. There has been a lacuna, there have not been effective avenues of communication between the National Councils for the Judiciary and between the Judicial Councils and the institutions of the EU.

As the EU expands in the Justice field this silence has become more obvious.
Hence the ENCJ and its Working Groups have been established and flourished.

Meaning of term 'Mutual Confidence'

What is mutual confidence? It is difficult to conceptualise and define. There may not be any conclusive abstract definition. A theoretical approach may not be the best. The preamble to the European Coal and Steel Community stated:

"Recognising that Europe can be built only through practical achievements which will first of all create real solidarity. . ."

Perhaps the best approach is to consider practical achievements. Perhaps that is one of the best methods of moving forward?

Another approach is to analyse it from two perspectives - 'mutual' and 'confidence'.

Mutual

'Mutual' refers to the coming together of members from across the European Union, as in the ENCJ and this Working Group. This coming together leads to rapport, which is the key building block of mutual confidence. If we develop a rapport with one another, it will assist the development of confidence in each other.

'Mutual' may also refer to shared experiences. Thus, for example, perhaps we should consider how colleagues in other Member States apply European laws?

'Mutual' may refer to parties or persons being in agreement, having an understanding, a common goal which to be achieved. This concept of 'mutual' has brought us here, to this Conference, in agreement on developing ties between the National Councils for the Judiciary.

Confidence

To develop confidence it is required that we have more information on, and communication with, each other's Council for the Judiciary and legal systems. In Europe there are various models of Councils for the Judiciary and legal systems - some are closer aligned than others. Essentially there are twenty seven legal systems. The most important difference in relation to legal systems is between the civil law systems and the common law systems. However, each legal system is unique. And, as we stress in Europe, there is strength in diversity.

We are here as a group of jurists, working together on a project to develop mutual confidence. The more we work together, communicate and co-operate, the more we will get to know about legal systems and Councils for the Judiciary, and the more likely it is that confidence in each other will grow.

Thus the concept of mutual confidence is broad. There are many aspects to mutual confidence. In **Appendix B** is attached a diagram which represents some of the relevant matters which may be considered.

European Judges

The Councils for the Judiciary represent judges, *inter alia*. However national judges are also judges of the European Union. It is vital that there be an exchange of information as to how the laws are being implemented by judicial colleagues across the Union. This is an important area which we may consider for the purpose of our recommendations, and for future work.

Number of Judges

A significant factor in considering the issue of mutual confidence amongst the Councils for the Judiciary, the judiciaries, and the public prosecutors, of the European Union, is the number of judges and prosecutors.

Figures relating to the number of judges in the European Union have been extracted from a number of sources^{iii iv}. The figures for the number of professional judges on a full time basis are as follows^v:

Austria	1,674
Belgium	1,567
Bulgaria	1,751
Croatia	1,907
Cyprus	98
Czech Republic	2,878
Denmark	380
Estonia	245
Finland	875
France	6,278
Germany	20,395
Greece	2,200
Hungary	2,757
Ireland	130
Italy	6,105
Latvia	384
Lithuania	693
Luxembourg	162
Malta	35
Netherlands	2,004
Poland	9,766
Portugal	1,754
Romania	4,315
Slovakia	1,208
Slovenia	780
Spain	4,201
Sweden	1,618

Turkey	5,304
UK: England and Wales	2,271
UK: Northern Ireland	63
UK: Scotland	250
	84,048

This does not include non-professional judges, lay judges or persons who are judges on an occasional basis. For example in England and Wales there are Magistrates, approximately 30,000, and part-time recorders number 1350^{vi}. Approximate numbers for the ENCJ member states are^{vii viii ix}:

Austria	n/a ^x
Belgium	2,435
Bulgaria	0
Croatia	6,200 ^{*xi}
Cyprus	0
Czech Republic	7,900*
Denmark	8,400*
Estonia	2,000*
Finland	3,700*
France	3,500*
Germany	100,000 (lay judges)
Greece	0
Hungary	400*
Ireland	0
Italy	9,000
Latvia	4,058
Lithuania	0
Luxembourg	130
Malta	0
Netherlands	0
Poland	44,000*
Portugal	670*
Romania	170*
Slovakia	2,747
Slovenia	4,065
Spain	8,800*
Sweden	7,500*
Turkey	0
UK: England and Wales	32,000*
UK: Northern Ireland	252
UK: Scotland	750*
	248,677

Extensive numbers

The numbers are quite extensive and indicate one difficulty in addressing the strengthening and developing of mutual confidence amongst this large number of judges of the European Union.

The number of judicial prosecutors is also high. Of course some countries do not have public prosecutors in the form taken in the civil law countries. In common law countries no such system exists. Figures on the numbers of such public prosecutors in many of the Member States are not available. We tried to contact Member States over the course of a month in late 2006, but only one country would furnish us with figures, Belgium, which has 830 such prosecutor-judges^{xii}. Several member states do not have such prosecutor-judges, including Austria, Croatia, Cyprus, Denmark, Hungary, Ireland, Latvia, Lithuania, Netherlands, Slovakia, Slovenia, UK-England & Wales, UK-Northern Ireland and UK-Scotland^{xiii}.

Practical approach

Perhaps a good way to proceed is to take a practical approach. Robert Schuman^{xiv}, in his Schuman Declaration of May 9th, 1950, said:

"Europe will not be built in a day, nor to an overall design;
it will be built through practical achievements that first establish a
sense of common achievement."

So let us seek practical achievements which may first establish a sense of strengthening mutual confidence.

Identify certain areas

Perhaps we should consider identifying certain areas where specific subjects could be addressed, and where we could make recommendations in the future in relation to such an issue? We could choose a topic of practical importance to Councils for the Judiciary, such as, for example, a harmonised application of EU law, including those laws of the Member States which have been most affected or influenced by the supranational level. Topics might be chosen, for example, from the areas of environmental law, competition law, agricultural law or criminal law.

Conference

The Working Group met on the 23rd day of November 2006 in Dublin. It had the benefit of the attendance of Ms. Caroline Morgan of the Criminal Justice Unit of the European Commission. Ms Morgan gave a presentation, covering the history of

Mutual Recognition (Tampere, Hague, MR Programme), a summary of several measures (European Arrest Warrant, European Evidence Warrant, criminal records work, procedural rights, European Supervision Order and Transfer of Prisoners) and an account of the difficulties that are encountered (unanimity, discussions over proposals in which a small group of Member States has a position contrary to the majority e.g. European Evidence Warrant and procedural rights). The Working Group was informed that Commission will now focus less on proposals for legalisation, but rather on flanking measures that are designed to improve mutual trust and confidence. Therefore the Commission's aims and those of the ENCJ's aims are connected. The ENCJ could participate in the planned Evaluation of Justice Forum and in the annual review of mutual recognition planned by ERA (the European Law Academy in Trier), for instance, which would give the ENCJ a channel of communication not only with the Commission but also with other actors in the criminal justice process throughout the EU.

Institutions

Institutions have been at the heart of the development of the EU. Institutions were developed which were capable of growing and expanding with the great European project envisaged by the founding fathers. It was recognised that to achieve lasting success institutions are essential.

In relation to the National Councils of the European Judiciary it is also important that there be relevant institutions. One such is the ENCJ. A vital concept to be developed through such an institution is the strengthening of mutual confidence.

Recommendations

The Working Group was requested to make recommendations to the General Assembly in June, 2007. As an initial step on this most important topic of mutual confidence the Working Group makes some practical recommendations.

Key areas for the development of mutual confidence are identified as:

- Information.
- Communication.
- Training.
- Representation of the ENCJ at meetings of the European Commission.

1. **On-going work.**

The concept of strengthening mutual confidence amongst the members of the European network of Councils for the Judiciary is at the core of judicial co-operation in the European Union and should be continued to be addressed by the ENCJ, its national members, and observers. It is recommended that this be a topic for further, specific, consideration by the ENCJ in another Working Group.

2. **Step-by-step**

A step-by-step approach to the concept of strengthening mutual confidence is advised.

3. **Institutions**

Institutions have been at the core of the development of the E.U. The ENCJ was formally established in 2004. A charter was adopted. The ENCJ proposes to act as an intermediary between institutions of the European Union and the national judiciaries and has formulated a number of objectives within the framework of the creation of the European Area of Freedom, Security and Justice. The ENCJ itself is developing as an institution. In this growth, work should continue to advance and strengthen mutual confidence.

4. **Information**

The Working Group recommends that there be a development of sources of information which are easily accessible, on each Member State. There are many sources of such information existing already, but there is merit in an agreed format, which then enables ease of reference. The Working Group have drawn up a template which could be used; see **Appendix C.**

Such a template would provide in similar format basic information on the Member State and its legal system. To illustrate the use of the template, in **Appendix D** the template is completed with information on Ireland.

Such information could be put on the ENCJ website. It is acknowledged that there already is information of the Member States on the ENCJ website, but the Working Group suggests that there is merit in a system providing the information in a uniform format. This enables easy reference.

Website

The Working Group recommends the development of systems of easy reference to the many relevant justice websites in the EU.

At **Appendix E** are set out helpful justice links in Europe.

Appendix F sets out national websites of the Member States.

5. Communication

It is manifestly obvious that more communication between jurists (judges, prosecutors etc.) of the European Union, will assist the development of mutual confidence. There is an overlap between the topic of information and that of communication. The recommendations in relation to information are relevant and applicable.

However, in addition, perhaps a system could be set up in conjunction with the ENCJ in each State where queries from the members of Councils for the Judiciary could be addressed? This could be a judicial person/body to whom queries could be directed, and then redirected as relevant? This is a matter which may be taken up and developed in further work after the General Assembly. The ENCJ could also recommend and/or assist a greater number of conferences or meetings of judges on specific subjects, of particular interest to judges in particular areas, for example a conference of judges to discuss the European Arrest Warrant, for example. Associations of judges working in specific areas and fields already exist, but some areas remain untouched and the ENCJ could focus on identifying those areas and determining how best to adopt approaches to assist closer co-operation.

6. Training

Without straying into the field of the EJTN, we note the importance of judicial training and the work of EJTN. The European Judicial Training Network was founded with the signing of the Charter of Bordeaux in October 2000. The objective's of the body fall within the scope of the Amsterdam Treaty, the Tampere European Council Meeting and the Hague Programme which set the EU's ambitious goal: to build a genuine European area of justice, to promote awareness of legal systems thus enhancing understanding, confidence and co-operation between the judges and prosecutors of the Member States. The EJTN strives for the promotion of training programmes with a genuine European dimension for members of the European judiciary. This addresses analysing and identifying training needs, designing

programmes and methods for collaborative training, exchanging and disseminating experiences in the field of judicial training, co-ordinating programmes and providing training expertise and know-how.

Contact with EJTN is made as follows:

Square Marie Louise, 43
B-1000 Brussels
BELGIUM
E-mail: ejtn@ejtn.eu

Secretary General of the European Judicial Training Network

Gilles Charbonnier,	<u>Secretariat</u>
Quentin Balthazart	<i>(Policy Advisor and Assistant to the Secretary General)</i>
Monica Marti	<i>(Project and Communication Officer)</i>

Exchange Programme

Aude Magen	<i>(Coordinator of exchanges for judges and prosecutors)</i>
Benedetta Vermiglio	<i>(Coordinator of exchanges for trainers and between training institutions)</i>
Orla Sheehy	<i>(Programme Officer: research and documentation, feasibility study and newsletter coordination)</i>

Secretariat and Exchange Programme

Sophie Haversin	<i>(Budgetary and financial assistant)</i>
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7. Representation of the ENCJ at meetings with the European Commission

It was suggested that the Working Group consider the issue of the representation of the ENCJ at meetings with the European Commission.

It must be first recognised that this is a complex issue. There is no manifestly clear answer. It is a matter requiring careful consideration. Owing to the diversity of the National Councils for the Judiciary it may not be possible to find a solution on some topics. In many cases the ENCJ will have to refrain from expressing opinions and will have to leave that to the Member States.

An approach which may be followed on other occasions may be seen in the Report by Adrian Fulford, entitled **Report by the Representatives of the European Network of Councils for the Judiciary (ENCJ) who attended the meeting in Brussels on 17th - 18th July, 2006 "Fairness in Gathering and Handling Evidence."** At paragraph 42 it was reported:

"The contribution by the ENCJ

42. The following statement was made:

"The European Network of Councils for the Judiciary (ENCJ) is a relatively young body (established in 2004) representing national Councils for judges in which are independent of the executive and the legislature. Thus far, Councils from 14 countries are members of the ENCJ. It will be unsurprising for us to indicate at present there is no EU wide consensus across the councils of judges on the difficult issues that fall for discussion over the next two days, particularly given this meeting was called at relatively short notice. We are therefore not delegated to express views on the questions asked (in the Commission documents circulated prior to the meeting.) However, 7 representatives from National Judges' Councils are present today and although we are presently unable to make any positive contribution on behalf of all the members of the ENCJ, we will carefully consider whether, in due course, we are able to make written submissions and it is our hope that we will be able to contribute to this debate. It is in those circumstances and for those reasons that we will, remain highly interested, if rather silent observers."

This may be a useful precedent for a similar approach in the future. Another precedent exists in the way the ENCJ addressed the issue of the electronic form European Payment order. Under that approach Member States would be requested to nominate experts. From such a list the Steering Committee could establish a panel of experts on separate topics which are important to the ENCJ and upon which the ENCJ may wish to propose a view.

It may be appropriate to establish a specific sub-committee of the Steering Committee to address this issue and possibly to create any such panels. Work would have to be done establishing the panels, writing biographies of the panellists, and clearly stating the views of the experts so that the Steering Committee would be in a position to delegate an expert to attend a particular meeting, conference, working group etc. Such experts may be members of a Council for the Judiciary, a judge, a prosecutor, an academic, or such other person as the Steering Committee deems appropriate. The ultimate decision as to the provision of experts should be made by the Steering Committee. The Steering Committee would have discretion in the exercise of this decision.

The Working Group recommends that there be further discussion on this matter and, if appropriate, a sub-committee could be established to develop the concept further, or it could be part of the terms of reference of a new Working Group.

8. Diversity

In our analysis of the concept of mutual confidence we should not negate the strength to be found in the diversity within the European Union. The values of the European Union include respect for human dignity, freedom, democracy, equality, the rule of law, and respect for human rights, including the rights of persons belonging to minorities. The proposed motto of the Union is 'United in diversity'.

We should find a way of respecting the diversities. Every Member State has a legal system which reflects its history and culture. In strengthening mutual confidence between the Councils for the Judiciary of our legal systems there is a need for a mutual respect of the diversity of our systems.

9. Conclusion

- This is a most important and complex topic.
- A practical approach is advised to develop and strengthen mutual confidence.
- A step by step approach is recommended.
- The ENCJ should consider establishing a further Working Group to advance a specific topic relevant to advancing and strengthening mutual confidence.
- Key areas for assisting the strengthening of mutual confidence are in the development of communication between the Councils for the Judiciary, in the exchange of information between the Councils for the Judiciary, and by training, conferences and seminars. In particular, web technology is an area which may be addressed further.
- The suggestion from Caroline Morgan, of the European Commission, that the ENCJ could participate in the planned Evaluation of Justice Forum and the annual review of mutual recognition planned by ERA (the European Law Academy in Trier) is welcomed and should be considered favourably by the ENCJ.

APPENDIX A

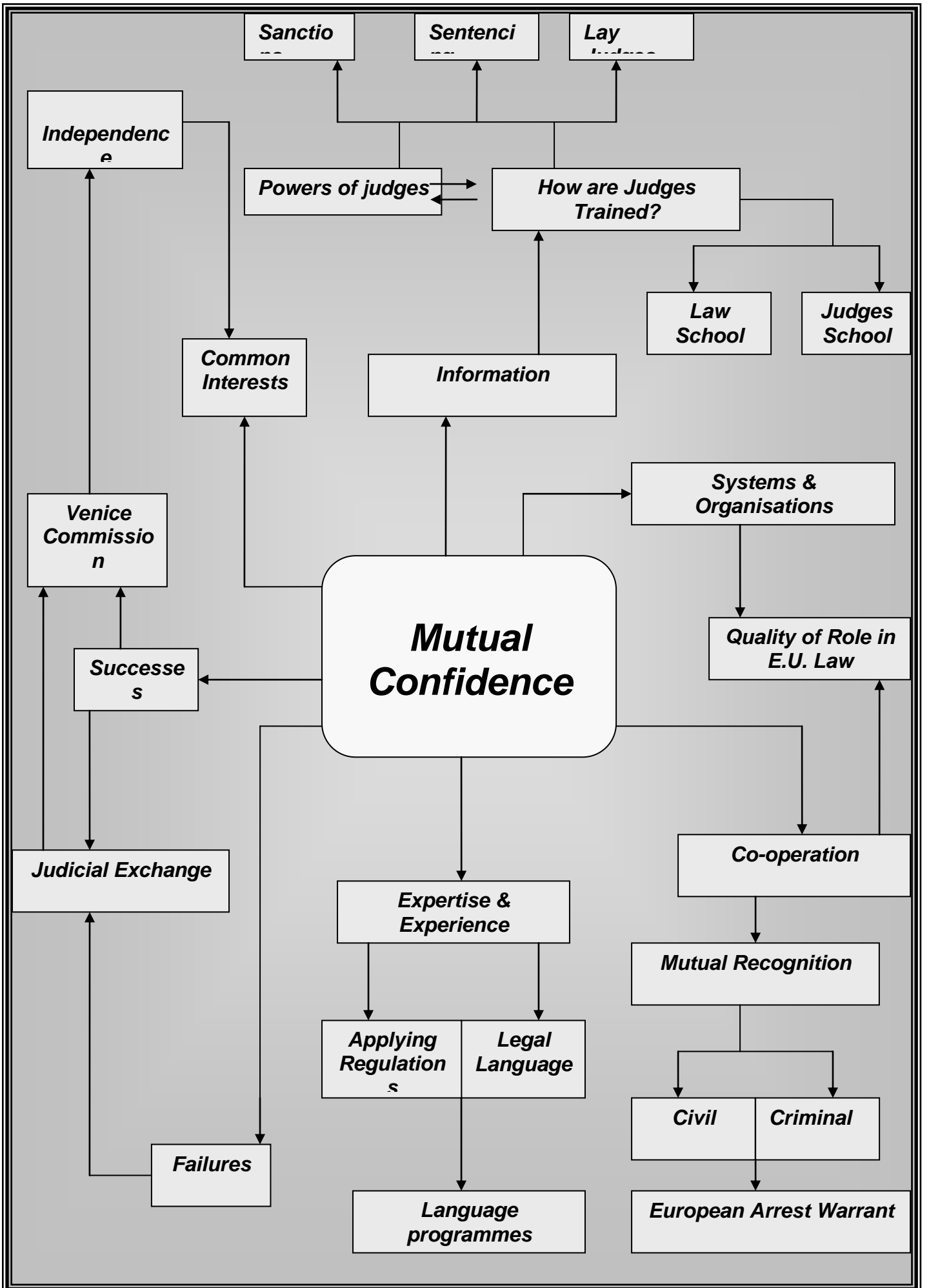
E N C J

Working Group

Strengthening Mutual Confidence in The European Union

Members

1	Ireland. Co-ordinator	Susan Denham
2	Ireland	Brendan Ryan
3	Italy	Andrea Montagni
4	Belgium	Edith van den Broeck
5	Netherlands	Ruud Winter
6	Netherlands	Marlies Bouman
7	Germany	Martin Petrasch
8	Romania	Ana Cristina Labus
9	Romania	Alina Prelipcean
10	Scotland	Lord Kinclaven
11	England & Wales	Barbara Flaxman



Template for Country Profile

COUNTRY PROFILE – template

Flag	Country Official Name
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INTRODUCTION/INITIATION

Population	
Capital	
National Holiday	
Religion	
Languages	
Independence	
Accession to the EU	

GOVERNMENT AND POLITICS

Government Type	
Head of State	
Head of Government	
Minister of Justice	
Elections	
Political Parties	
Bi-/uni- cameral Parliament	

ECONOMY

Currency	
GDP per capita	
Unemployment	

LEGAL SYSTEM

Constitution	
Chief Justice	
Courts Structure	
<u>Court Level M:</u> (municipal/local)	
<u>Court Level R:</u> (regional)	
<u>Court Level F:</u> (first instance)	
<u>Court Level A:</u> (administrative)	
<u>Court Level C:</u> (constitutional)	

APPENDIX C CONTINUED

<u>Court Levels S:</u> (supreme/final instance)	
Number of professional judges	
Number of prosecutorial judges	
Number of lay judges or magistrates	
Juries	
Judicial Mandate	
Judges' Salary	
Number of lawyers	

LEGAL EDUCATION

Judicial School	
Compulsory Initial Training	
In-service Training	
Law School	
Average Age of New Lawyer	

COUNTRY PROFILE - Template for Ireland

	IRELAND/IRLANDE Ireland Éire
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INTRODUCTION

Population	4.3 million
Capital	Dublin/Baile Átha Cliath
National Holiday	March 17
Religions	Catholic 85%, Protestant 6%
Languages	Irish and English (both official)
Independence	1921
EU Membership	1973

GOVERNMENT AND POLITICS

Government Type	Parliamentary republic
Head of State	President Mrs Mary McAleese (non-executive)
Head of Government	Taoiseach Mr Bertie Ahern
Minister of Justice	Tánaiste Mr Michael McDowell
Elections	May run to every 5 years, next due by May 2007
Political Parties	Fianna Fáil (UEN), Fine Gael (EPP-ED), Labour Party (PES), Progressive Democrats (ALDE), Comhaontas Glas (Greens-EFA), Sinn Féin (GUE-NGL), Socialist Party
Bicameral Parliament	Seanad/Senate – 60 members elected by electoral college, university list or appointed by the Taoiseach Dáil/House – 166 members elected by proportional representation (Single Transferable Vote)

ECONOMY

Currency	Euro (€1 = 100 cent)
GDP per capita	€36,700
Unemployment	4.3%

LEGAL SYSTEM

Constitution	Bunreacht na hÉireann; adopted by plebiscite 1937 – rigid, amendable only by referendum
Chief Justice	The Honourable Mr Justice John L. Murray
Courts Structure	4 tiers – Supreme, High, Circuit and District courts. All but District are appellate and all but Supreme are first instance. A Special Criminal Court deals with offences against the State and a Court of Criminal Appeal hears criminal appeal cases.

APPENDIX D CONTINUED

<u>Court Level M:</u> District Court	Organised on a local basis where the civil action does not exceed €6350. It handles licensing, family law, minor criminal law matters and initial hearings of serious offences. 1 judge presides over the court.
<u>Court Level R:</u> Circuit Court	Organised on a regional basis where the civil action does not exceed €38000. It handles family law and appeals from the District Court. 1 judge presides over the court, but in the case of criminal matters a jury determines questions of fact, guilt and innocence. It can try criminal matters except rape and murder.
<u>Court Levels F:</u> High Court/ Central Criminal Court	Court of first instance and hears all criminal matters that cannot be dealt with by the lower courts (known as the Central Criminal Court). It hears appeals from the Circuit Court and points of law from the District Court. It hears all civil actions over €38000.
<u>Court Level F1:</u> Special Criminal Court	Three judges sitting without a jury who try serious criminal and subversive offences (“scheduled offences”), mainly offences against the State and drugs.
<u>Court Level F2:</u> Court of Criminal Appeal	A court of appeal, it hears appeals relating to a criminal conviction or sentence from the Circuit, High or Special Criminal Courts.
<u>Court Levels A/S:</u> Supreme Court	A court of appeal and of final instance. It has the power of judicial review, may declare a statute unconstitutional and scrutinizes the constitutionality of legislation referred to it by the President.
Number of professional judges	130 (approx. 33000:1)
Number of prosecutorial judges	0
Number of lay judges or magistrates	0
Juries	Yes – criminal cases where the penalty is an imprisonment of more than 2 years and civil cases in defamation, assault and false imprisonment
Judicial Mandate	Judges serve until age 70 (age 65 in lower courts) – otherwise no fixed term
Judges’ Salary	€127,600 - €225,300
Number of lawyers	1500 barristers (advocates) 9500 solicitors

LEGAL EDUCATION

Judicial School	No
Compulsory Initial Training	No
In-service Training	Judicial Studies Institute arranges conference and seminars.

APPENDIX D CONTINUED

Law School	3-4 years undergraduate study 1-2 years graduate study and training
Average Age of New Lawyer	23-24

APPENDIX E

JUSTICE LINKS IN EUROPE

Austria/Autriche	www.bmj.gv.at
Belgium/Belgique	www.scj.be / www.hrj.be
Bulgaria/La Bulgarie	www.justice.bg
Croatia/Croatie	
Cyprus/Chypre	
Czech Republic/Rép. Tcheque	www.justice.cz
Denmark/Danemark	www.domstol.dk
Estonia/Estonie	www.just.ee
Finland/Finlande	www.om.fi
France	www.conseil-superieur-magistrature.fr
Germany/Allemagne	www.bmj.bund.de
Hungary/Hongrie	www.justice.hu
Ireland/Irlande	www.courts.ie
Italy/Italie	www.csm.it
Latvia/Lettonie	www.tm.gov.lv
Lithuania/lithuanie	www.teismai.lt
Luxemburg/Luxembourg	www.mj.public.lu
Malta/Malte	www.justice.gov.mt
Netherlands/Pays-Bas	www.rechtspraak.nl
Poland/Pologne	www.krs.pl
Portugal	www.conselhosuperiordamagistratura.pt/ www.stj.pt
Romania/Roumanie	www.csm1909.ro

APPENDIX E CONTINUED

Slovakia/Slovaquie

Slovenia/Slovénie

www.sodisce.si

Spain/Espagne

www.poderjudicial.es

Sweden/Suede

www.dom.se

Turkey/Turquie

United Kingdom/Royaume Uni:-

England and Wales

www.hmcourts-service.gov.uk

Northern Ireland

www.courtsni.gov.uk

Scotland

www.scotcourts.gov.uk

European Network of Councils for the Judiciary (ENCJ)/

www.encj.eu/

Réseau européen des Conseils de la Justice (RECJ)

www.encj.net

APPENDIX F

National Websites of Member States

COUNTRY Pays Land	INSTITUTION Institution Amt	WEBSITE Site-Web Webseite
AUSTRIA Autriche Österreich	Chancellor Parliament Ministry of Justice Constitutional Court Judges Council Judicial Academy Bar Council	www.austria.gv.at www.parlament.gv.at www.bmj.gv.at www.vfgh.gv.at www.rechtsanwaelte.at
BELGIUM Belgique Belgien	Prime Minister Parliament Ministry of Justice Court of Cassation Council of State Judges Council Judicial Academy Bar Council	www.premier.fgov.be www.fed-parl.be www.just-fgov.be www.cass.be www.raadvst-consetat.be
BULGARIA Bulgarie Bulgarien	Prime Minister Parliament Ministry of Justice Court of Cassation Supreme Court Judges Council Judicial Academy Bar Council	www.government.bg www.parliament.bg www.mjeli.government.bg www.bild.net/ccourt www.sac.government.bg
CROATIA Croatie Kroatien	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Judges Council Judicial Academy Bar Council	www.vlada.hr www.sabor.hr www.pravosudje.hr www.vsrh.hr www.usud.hr www.odvj-komora.hr
CYPRUS Chypre Zypern	President Parliament Ministry of Justice Supreme Court Judges Council Bar Council	www.cyprus.gov.cy www.parliament.cy www.moi.gov.cy
CZECH REP. Rép. Tchèque Tschechien	Prime Minister Parliament Ministry of Justice Constitutional Court	www.vlada.cz www.psp.cz www.justice.cz www.concourt.cz

	Bar Council Judges Council Judicial Academy	www.akademie.justice.cz
DENMARK Danemark Dänemark	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Courts Admin.	www.stm.dk www.folketinget.dk www.jm.dk www.domstol.dk
ESTONIA Estonie Estland	Prime Minister Parliament Ministry of Justice Supreme Court Judges Council Bar Council	www.riik.ee/government www.riigokogu.ee www.just.ee www.nc.ee www.advokatuur.ee
FINLAND Finlande Finnland	President Prime Minister Parliament Ministry of Justice Supreme Court Judges Council Bar Council	www.tpk.fi www.vn.fi/vnk www.eduskunta.fi www.om.fi www.kko.fi www.asianajat.fi
FRANCE France Frankreich	President Prime Minister Parliament Ministry of Justice Court of Cassation Constitutional Court Admin. Court Bar Council Judiciary School	www.elysee.fr www.premier-ministre.gouv.fr www.assemblee-nationale.fr www.justice.gouv.fr www.courdecassation.fr www.conseil-constitutionnel.fr www.conseil-etat.fr www.enm.justice.fr
GERMANY Allemagne Deutschland	Federal Chancellor Parliament Federal Ministry of Justice Federal Court of Justice Federal Constitutional Court Federal Labour Court Federal Administrative Court Federal Financial Court Federal Social Court Bar Council Judges Association Judicial Academy	www.bundeskanzlerin.de www.bundestag.de www.bmj.de www.bundesgerichtshof.de www.bundesverfassungsgericht.de www.bundesarbeitsgericht.de www.bverwg.de www.bundesfinanzhof.de www.bsg.bund.de www.brak.de www.drb.de www.deutsche-richterakademie.com
GREECE Grece Griechenland	Prime Minister Parliament Ministry of Justice	www.primeminister.gr www.parliament.gr www.ministryofjustice.gr

	Supreme Court Court of Cassation Bar Council Judges School	www.esdi.gr
HUNGARY Hongrie Ungarn	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Judges Council	www.meh.hu www.mkogy.hu www.im.hu www.lb.hu www.mkab.hu
IRELAND Irlande Irland	President Prime Minister Parliament Ministry of Justice Courts Service Bar Council	www.irlgov.ie/aras www.irlgov.ie/taoiseach www.irlgov.ie/oireachtas www.irlgov.ie/justice www.courts.ie www.barcouncil.ie
ITALY Italie Italien	Prime Minister Parliament Ministry of Justice Court of Cassation Constitutional Court Bar Council Magistrate's Council	www.palazzochigi.it www.parlamento.it www.giustizia.it www.cortedicassazione.it www.cortecostituzionale.it www.csm.it
LATVIA Lettonie Letland	Prime Minister Parliament Ministry of Justice Constitutional Court Bar Council Judicial Training Ce	www.mk.gov.lv www.saeima.lv www.tm.gov.lv www.satv.tiesa.gov.lv www.advokati.lv www.ltmc.lv
LITHUANIA Lithuanie Litauen	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Judges Council Courts Service	www.lrvk.lt/anglu www.lrs.lt www.tm.lt www.lat.litlex.lt www.lrkt.lt www.advoco.lt www.lrta.lt www.teismai.lt
LUXEMBOURG Luxembourg Luxemburg	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council	www.gouvernement.lu www.chd.lu www.etat.lu/mi
MALTA Malte Malta	Prime Minister Parliament Ministry of Justice Supreme Court	www.gov.mt www.parliament.gov.mt www.justice.gov.mt

	Bar Council	
NETHERLANDS Pays-Bas Niederlande	Prime Minister Parliament Ministry of Justice Supreme Court Courts Service Bar Council Judicial Training Ce	www.overheid.nl www.tweede-kamer.nl www.justitie.nl www.rechtspraak.nl www.openbaarministerie.nl www.advocatenorde.nl www.ssr.nl
POLAND Pologne Polen	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Legal Server	www.kprm.gov.pl www.sejm.gov.pl www.ms.gov.pl www.sn.pl www.trybunal.pl www.adwokatura.org.pl www.prawo.lex.pl
PORTUGAL Portugal Portugal	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Judicial Studies Cen	www.primeiro-ministero.pt www.parlamento.pt www.min-jus.pt www.stj.pt www.tribunalconstitucional.pt www.cej.pt
ROMANIA Roumanie Rumänien	President Parliament Prime Minister Ministry of Justice Supreme Court Constitutional Court Bar Council	www.presidency.ro www.cdep.ro www.guv.ro www.just.ro www.ccr.ro
SLOVAKIA Slovaquie Slowakei	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Judicial Academy	www.government.gov.sk www.nrsr.sk www.justice.gov.uk www.concourt.sk
SLOVENIA Slovenie Slowenien	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council	www.sigov.si www.dz-rs.si www.sigov.si/mp
SPAIN Espagne Spanien	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council Judges Council	www.la-moncloa.es www.congreso.es www.mju.es www.tribunalconstitucional.es www.cgae.es www.cgpj.es

	Judicial School	www.poderjudicial.es
SWEDEN Suede Schweden	Prime Minister Parliament Ministry of Justice Supreme Court Courts Service Bar Council	www.regeringen.se www.riksdagen.se www.justitie.regeringen.se www.hogstodomstolen.se www.dom.se www.advokatsamfundet.se
TURKEY Turquie Türkei	Prime Minister Parliament Ministry of Justice Supreme Court Constitutional Court Bar Council	www.basbakanlik.gov.tr www.tbmm.gov.tr www.adalet.gov.tr www.anayasa.gov.tr
UK: ENGLAND Angleterre England	Prime Minister Parliament Home Department Supreme Court Constitutional Court Courts Service Bar Council Judicial Studies Board (also Wales)	www.pm.gov.uk www.parliament.uk www.homeoffice.gov.uk www.courtsservice.gov.uk www.jsboard.co.uk
UK: NORTHERN IRELAND Irlande du Nord Nordirland	First Minister Parliament NI Office Supreme Court Bar Council Courts Service Judicial Studies Board	www.ofmdfni.gov.uk www.ni-assembly.gov.uk www.nio.gov.uk www.courtsni.gov.uk www.jsbni.com
UK: SCOTLAND Ecosse Schottland	First Minister Parliament Ministry of Justice Supreme Court Judicial Studies Committee Bar Council	www.scotland.gov.uk www.scottish.parliament.gov.uk www.judicialstudies-scotland.org.uk
UK: WALES Pays des Galles Wales	First Minister Parliament Ministry of Justice	www.senedd.org

Footnotes

ⁱ Jean Monnet (1888-1979) was regarded as one of the main founding fathers of European unity. A French businessman, he had previously served as deputy Secretary-General of the League of Nations, adviser to American President Roosevelt and British Prime Minister Churchill during the Second World War and member of the French government-in-exile in Algiers. He drafted the Monnet plan, which helped to pool French and German coal resources and set Europe on the road to integration, as well as the Schuman declaration which led to the establishment of the European Coal and Steel Community, the forerunner of the European Union.

ⁱⁱ Charles-Louis de Secondat, Baron de la Brede et de Montesquieu (1689-1755), more commonly known as Montesquieu was a French social commentator and political thinker who lived during the Enlightenment period. He is famous for his articulation of the theory of the separation of powers, which can be found in the publication “The Spirit of the Laws” (*De l’esprit des lois*).

ⁱⁱⁱ For Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Luxembourg, Malta, Poland, Portugal, Romania, Spain and Sweden – see generally the Answer to the Revised Scheme for Evaluating Judicial Systems (2004 data) by the European Commission for the Efficiency of Justice (CEPEJ) for the Council of Europe, 10/09/2005.

^{iv} Figures for Austria, Belgium, Cyprus, Denmark, England & Wales, Hungary, Italy, Ireland, Latvia, Lithuania, Netherlands, Northern Ireland, Scotland, Slovakia and Slovenia were obtained from their national Ministries of Justice or Courts Service organisations via email or telephone in late 2006.

^v Please note that Croatia and Turkey, candidate nations for EU status, are observer members of the ENCJ.

^{vi} Source: Judiciary of England and Wales website, February 2007

^{vii} Bulgaria, Cyprus, Greece, Ireland, Italy, Lithuania, Malta, Netherlands and Turkey do not have a system of part-time or lay judges.

^{viii} For Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Luxembourg, Poland, Portugal, Romania, Scotland, Spain and Sweden – see generally the Answer to the Revised Scheme for Evaluating Judicial Systems (2004 data) by the European Commission for the Efficiency of Justice (CEPEJ) for the Council of Europe, 10/09/2005.

^{ix} Figures for Belgium, Denmark, England & Wales, Hungary, Latvia, Northern Ireland, Slovakia and Slovenia were obtained from their national Ministries of Justice or Courts Service organisations via email or telephone in late 2006

^x Figures for Austria unavailable

^{xi} Figures marked with an asterisk are an approximated figure, based upon the most recent figures which can be found in the Answer to the Revised Scheme for Evaluating Judicial Systems (2004 data) by the European Commission for the Efficiency of Justice (CEPEJ) for the Council of Europe, 10/09/2005.

^{xii} Belgian High Council for the Judiciary, email late 2006

^{xiii} Confirmed via email/telephone in late 2006