



European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



with the support of the European Union

1. Background

In 2014 ENCJ celebrates its 10th anniversary. In these ten years the ENCJ has produced a number of important documents containing guidelines, standards and statements of best practices. In 2010 a Strategic Plan was adopted by the ENCJ which aimed to focus the association's activities on topics that were exclusively within the competences of the ENCJ and its Members and was not a duplication of work already completed by others. Now four years after the adoption of the Strategic Plan it is time to set new priorities and goals for the future. Two important developments that need to be taken into account are the fact that ENCJ has become increasingly involved with the European Commission and the other European Union Institutions, and with member Councils for the Judiciary. Furthermore there is a tendency within the network to focus more on improvement to justice systems and the operation of Councils for the Judiciary.

ENCJ now has 20 members and 16 observer members covering 28 European member and candidate member states. We have to date issued many important Declarations of Good Practice and have achieved a distinguished standing in today's European Justice System. We now have to look to the future to strengthen our position in order to assist in achieving our aims. This four year plan allows ENCJ to set out clear priorities and follow a more comprehensive approach in achieving its goals.

ENCJ Mission Statement :

The ENCJ is the body which unites all Councils for the Judiciary of the EU member states and represents them in the EU. It reinforces an independent yet accountable judiciary and promotes best practices to enable the judiciary to deliver timely and effective justice for the benefit of all.

2. Statutory objectives and Strategic plan 2010

The ENCJ has as its aim the improvement of cooperation between, and good mutual understanding amongst, the Councils for the Judiciary and the members of the judiciary of both the European Union Member States and of any European Union candidate Member States.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, and exchanges between the members;
- exchange of experience in relation to how the judiciary is organised and how it functions;
- provision of expertise, experience and proposals to European Union institutions and other national and international organisations.

In 2010 ENCJ adopted a strategic plan. This four year plan is the follow up of the strategic Plan and re-prioritises the aims and objectives. The ENCJ Vision is as follows:

¹ Article 3 ENCJ Statutes

The ENCJ will be

- *A unique body representing the judicial perspective to European Institutions*
- *The centre of a vibrant forum for the judiciary across Europe*
- *The main support for independent Councils for the Judiciary*

All to enable the judiciary to optimize the timely and effective delivery of justice for the benefit of all

3. Core Values and basis for the cooperation in the framework of ENCJ

Diversity

Recognising that all legal systems are different and are vested in their own legal tradition, the ENCJ respects the diversity of the judicial system of its members.

Equality and Mutual Respect

Recognising that mutual respect and equality are fundamental to full cooperation within the ENCJ.

Collaboration

Recognising that effective and responsive involvement requires input of all members, the ENCJ is committed to inspiring dialogue, promoting consultations, building consensus and engaging diverse stakeholders in a participatory way.

4. Strategic objectives 2014-2018

Apart from furthering mutual confidence which is at the heart of the work of ENCJ, the ENCJ is taking the next step in its development with a greater emphasis on improvement to justice systems and the operation of Councils for the Judiciary. The ENCJ will seek to enhance the impact of its activities in its member Councils for the Judiciary, and on Councils and equivalent bodies in member states and in candidate and potential candidate states. That influence will continue to be aimed at improving justice systems across Europe for the benefit of citizens generally.

For the four year plan recent developments in the EU have also been taken into account. These developments include the economic crisis and the subsequent austerity measures and the widely accepted notion of the economic value of a well-functioning justice system. It also takes into account the increased awareness for the Rule of Law as the backbone of modern constitutional democracies and the key condition of independent and impartial courts.²

ENCJ will continue to cooperate with the European Commission on the further development of the Justice Scoreboard particularly in the field of independence and possibly quality. As such the ENCJ feeds the policy development of the European Commission in this area.

The ENCJ will also contribute, where and when appropriate, to the priorities as laid down by the European Commission in the communication regarding the EU Justice Agenda 2020, especially in the field of mutual trust. The ENCJ agrees with the Commission that a key requirement for mutual trust is the independence, quality and efficiency of the judicial systems and the respect of the rule of law.

² Com(2014) 158/3 - A new EU framework to strengthen the Rule of Law

ENCJ strategic objectives 2014-2018

To promote independent and accountable justice systems in the EU and wider Europe

To promote timely and effective justice (measured in terms of independence, efficiency and quality) for the benefit of all citizens in the EU

To strengthen mutual trust between judges and other judicial authorities

To achieve these objectives a number of actions and (project) activities have been identified. Each year a number of these activities will be implemented upon the proposal of the Executive Board and after agreement by the General Assembly.

1. To promote independent and accountable justice systems in the EU and wider Europe

1. In 2013/2014, the ENCJ undertook a major project on independence and accountability, in support of the European Commission's justice scoreboard. The report of the ENCJ was adopted and subsequently published at the Rome General Assembly in June 2014. In 2014/2015, it is proposed to build on the 2014 report by:
 - Conducting a survey of objective indicators of independence and accountability across the ENCJ's members and observers.
 - Forming an expert group to evaluate the outcome of the application of the indicators.
 - Undertaking a survey of judges' subjective views of the independence and accountability of their judiciaries across the ENCJ's members and observers³.
 - Considering the most effective ways to establish dialogue groups comprising approximately 4 members from different geographical areas of the European Union to monitor and explore the risks and challenges facing Councils for the Judiciary and judges in each country within the group, and then to report back to the General Assembly

³ The European Commission suggests that the survey should cover judges's perceptions of the reality of the main threats to their independence.

- Establishing a sub-group to consider the application of indicators to the evaluation of the independence and accountability of prosecutors in member states where the Councils for the Judiciary are responsible for prosecutors as well as judges.

In the years 2015-2018, the following activities are proposed:-

- To revise the indicators in the light of the results of the complete independence and accountability survey in 2014/2015 and the outcome of the sub-group on the independence and accountability of prosecutors.
 - To repeat the survey in 2016/2017 and to review progress in terms of independence and accountability.
 - To establish dialogue groups in the manner proposed by the 2014/2015 project group, and to allow the dialogue groups to continue to monitor the risks and challenges facing Councils and judges for an initial 3-year period.
 - To invite Members to prepare and present their action plan that will seek to face the challenges and diminish the risks identified by the peer review visits and report back to the General Assembly.
2. Cooperate with DG Justice in the further development of the Justice Scoreboard.
 - Study the ways in which the EU Justice Scoreboard can feed the work of the ENCJ.
 - Raise awareness for data collection (figures) to feed into the EU Justice Scoreboard
 - Develop indicators (and data collection methodology) especially as regards the budget for the judiciary system, the level of digitization and standards for workload (within the framework of the project on independence and possibly include it in the questionnaire on independence for judges).
 3. Upon request assist the European Commission within the framework of the Rule of Law mechanism⁴. Raise awareness with the European Institutions for the role of Councils for the Judiciary and ENCJ in promoting independent and accountable justice systems (including the Court of Justice of the European Union).
 4. Cooperate with Council of Europe: CCJE and Venice Commission (annual meeting)
 5. Cooperate with the European Judges Association
 6. Raise awareness for the Request for Co-operation mechanism and react to incoming requests.

As regards the EU (potential) candidate Member States:

7. Cooperate with the European Commission in respect of (potential) candidate Member States.
8. Cooperate and develop joint activities with the Euromed-Balkan network of Councils for the Judiciary.

⁴ Extract from European Commission Communication on the new EU Framework to Strengthen the Rule of Law (March 2014) "Depending on the situation, the Commission may decide to seek advice and assistance from members of the judicial networks in the EU, such asENCJ.....
The Commission will examine, together with these networks, how such assistance could be provided swiftly where appropriate, and whether particular arrangements are necessary to that end."

2. To promote timely and effective justice (measured in terms of independence, efficiency and quality) for the benefit of all citizens in the EU

1. To promote ENCJ guidelines and standards in this field (reporting back on implementation of ENCJ reports). In the future consideration will be given to making this part of the peer review/ dialogue group visits organised under objective 1.
2. To organise regional timeliness/judicial reform seminars and to publish the outcomes
3. To exchange experience and best-practices in the innovative use of IT systems and promote digitisation of the judiciary system and involvement of the judiciary in E-Justice.
4. To set up an innovation platform and newsletters on the ENCJ website.
5. To Co-operate with CEPEJ in the field of efficiency.
6. To develop – preferably with the European Commission - a tool that could be used to measure and compare public opinion on the functioning of the judiciary and court systems in the EU. The result of this work could assist and feed into the Justice Scoreboard.

3. To strengthen mutual trust between judges and other judicial authorities

1. The work of ENCJ on standards has been ongoing since 2010. The ENCJ believes that the identification of minimum judicial standards and the relevant indicators in these particular fields provides a tool for self-evaluation for judicial systems and will further the approximation and ultimately the improvement of the judicial systems in Europe. This will support the development of independent Councils for the Judiciary and contribute to the attainment of a European judicial culture. A comprehensive framework of minimum standards for the justice sector will be developed.

In 2013/2014, the working group explored the allocation of cases. In the coming years projects will include the establishment of standards in relation to:-

- (1) Disciplinary procedures and processes and guarantees in place for judges and prosecutors;
- (2) Complaints procedures by citizens against and processes to be employed when complaints are made against judges and prosecutors; and
- (3) The functioning of Councils for the Judiciary in particular the appointment, role and position of civil society representatives ;
- (4) Consider and report on the financial aspect in respect of our members and observers relating to; support for the Judiciary; Councils for the Judiciary and the individual justice systems.

- (5) To update annually the distillation of the standards and guidelines first produced by the ENCJ in 2013.
 - (6) To assess how the standards and guidelines could feed into the indicators of the independence and accountability project.
2. Intensify co-operation with EJTN as regards:
 - The promotion of training on non-substantive issues such as judicial ethics and knowledge of justice systems of other Member States;
 - The promotion of national networks of Court Co-ordinators in relation to European Law as part of the joint activities;
 - Awareness raising for the role and responsibilities of Councils and Training Institutes in the improvement of the effectiveness of Judicial Training in EU Law of judges, (and where relevant) prosecutors and court staff.
 3. Improve access to information on national judicial systems by:
 - Publishing a newsletter or annual report on the functioning of the Judiciary in the EU Member States.
 - Further exchange of information and best practices between the ENCJ Members by way of requests for information initiated by the various members.
 - Further development of the ENCJ website - publication and gathering of the outcomes of the questionnaires.
 4. Provide expert opinions on draft EU legislation that is likely to have an effect on the administration of justice. This could be done in cooperation with the European Law Institute and other relevant stakeholders in this field.
 5. Ensure that the ENCJ Guide published in June 2014 and the Distillation of ENCJ Principles report (initially published in June 2013) is kept up to date.
 6. Continue cooperation with the Max Planck institute and the work they undertake in the area of Law and Anthropology
 7. Organise staff seminars to promote mutual confidence between staff members of the ENCJ Members and strengthen the impact of ENCJ on national level.