



European Network of Councils
for the Judiciary (ENCJ)

Reseau européen des Conseils
de la Justice (RECJ)

Address to the JURI Committee of the European Parliament

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Lord Justice Geoffrey Vos

President of the European Network of Councils for the Judiciary

Mr Chairman, I am very grateful for the opportunity to address your Committee this afternoon. I want to spend the few minutes available to me to explain very briefly what the ENCJ does now, and what it offers for the future.

First and foremost, the ENCJ is an institutional network. It is made up of 20 member Councils for the Judiciary from 17 member states of the EU, and 15 observers from member states that do not have formal Councils for the Judiciary (8), and Councils for the Judiciary from candidate member states (7).

A Council for the Judiciary provides the protection that every democratic state needs for the independence of its judiciary and the promotion of the rule of law. That is not to say that an independent judiciary cannot exist without a Council. But a Council for the Judiciary provides a most effective European model to separate the judiciary, the third arm of state, from the executive and the legislature, the other two arms of state. It provides, in effect, the necessary buffer that allows the justice system to be managed independently from other state institutions, whose cases its judges may need to decide.

The ENCJ allows the EU's Councils for the Judiciary to engage in a dialogue aimed at improving cooperation between them so as to promote best practices to enable judiciaries across the EU to deliver timely, effective and high quality justice. It is not a secret that these

are challenging times for some judiciaries even in EU member states. The members of the ENCJ work together to improve their justice systems.

The ENCJ facilitates the interaction between the judiciaries of Europe. It encourages collaboration and stimulates the exchange and implementation of best practices so that, step by step, a common European Judicial Culture can be realised. For that purpose, we need to identify and promote shared values, goals and practices. The ENCJ's activities increase mutual understanding amongst the Councils for the Judiciary and the members of the judiciary.

In recent years, the ENCJ's project teams have laid down minimum standards in areas such as judicial ethics, appointment and promotion of judges, judicial reform, evaluation and irremovability of judges, public confidence in judges, and mutual confidence between judiciaries. This year, there is a project on standards for judicial discipline. We also believe that European Judicial Training should focus on these issues. For that reason, the ENCJ co-operates actively with the European Judicial Training Network.

The ENCJ is now taking the next step in its development. It has laid down standards in many areas. It is placing greater emphasis on improvement to justice systems and compliance with these standards. In the last few years, it has operated a system whereby member Councils and observers can seek assistance from the ENCJ when they face particular challenges. This has been used by several Councils including those in Slovakia, Bosnia Herzegovina, and most recently Albania.

The ENCJ is currently in the second year of an ambitious project that strives to develop and implement indicators for the assessment of the independence and accountability of the judiciary in member states. We are establishing small dialogue groups with 4 members or observers in each aimed at developing solutions to improve each justice system in its specific under-performing areas.

The ENCJ promotes timely and efficient justice. Delay is the enemy of justice. Backlogs are a serious concern. The ENCJ runs a series of regional seminars aimed at finding solutions to these pressing problems.

In recent years, the ENCJ has also been actively co-operating with DG Justice in relation to the Justice Scoreboard. It has focused on mapping structural guarantees for judicial independence. I believe that DG Justice has derived great assistance from the ENCJ in making a success of the Scoreboard. The ENCJ supports the efforts of the European Commission in this regard. It is the function of national judicial systems to enable citizens to exercise their EU law rights. Judicial independence and accountability are crucial if this is to happen. Without them, the proper application of EU law will be impaired, and citizens will be less likely to obtain the effective remedies enshrined in the Charter of Fundamental Rights.

As for the future, ENCJ's vision is to promote a far wider understanding of the importance of the proper functioning of the EU's justice systems. If politicians, citizens and judges alike recognise the need for real independence and real accountability of their judicial systems, a lack of transparency and funding will not be tolerated. In many ways, education of both the public and the judiciary alike, is key to ensuring that judicial systems provide a better service to the citizens they serve.

I have recently taken over as President of the ENCJ. I am keen, during my tenure, to improve the ENCJ's co-operation with EU institutions. I want to try to ensure that politicians, judges and Councils for the Judiciary are all moving in the same direction. As the only truly institutional EU judicial network, the ENCJ should lead the way to improving standards, identifying problems faced by Councils for the Judiciary and their justice systems, and promoting real and effective solutions. I believe we are already having a meaningful impact. With your support and assistance, we will be able to be work even harder to raise the quality of the delivery of justice across the EU.

Finally, the ENCJ and its members can also offer EU institutions a judicial perspective on legal and other issues affecting the administration of justice. In this regard, we are following with interest the work of the European Law Institute, and more particularly the project that aims to develop a European Civil Procedure Code.

I would happily answer any questions that your, Mr Chairman, or the members of your Committee may have.

