

10 YEARS / 10 ANS
2004 – 2014



Guide to the European Network of Councils for the Judiciary



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Foreword



It is the view of the ENCJ that the European judicial area must be built on a shared judicial culture created among members of the judiciary using the European Charter of Fundamental Rights and other relevant European texts to promote the core values of the judicial profession by discussing and promulgating common professional ethics, the rule of law and key principles for an independent, impartial and professional judiciary thereby promoting the mutual trust necessary to make the common judicial area a reality. Furthermore ENCJ aims to promote Councils for the Judiciary, as a guarantee for the independence of the judiciary and support to the development of quality management mode in the courts, for the benefit of citizens.

In this guide you will find information on the European Network of Councils for the Judiciary and its role in the European area of Justice, the main declarations that the ENCJ has adopted on topics such as the independence and accountability of the judiciary, judicial ethics and standards for the selection and appointment of judges. Furthermore, the guide provides detailed information on the individual Councils for the Judiciary members of the ENCJ.

We hope that the content of this guide will afford you the opportunity to gain a better understanding of the work of the ENCJ and its continuing role in furthering the common area of justice.



European Network of Councils for the Judiciary (ENCJ)
Réseau européen des Conseils de la Justice (RECJ)



I. ENCJ Presidents and administrators

| | | | | |
|---|---------------------------------|--|--|-----------------------|
|  | 2004-2007 | Luigi Berlinguer <i>President</i> | Consiglio Superiore della Magistratura | Italy |
|  | 2004-2008 | Bert van Delden <i>Secretary-General</i> | Raad voor de Rechtspraak | Netherlands |
|  | 2007-2008 | Edith van den Broeck <i>President</i> | Hoge Raad voor de Justitie/ Conseil Supérieur de la Justice | Belgium |
|  | 2008-2010 | John Thomas <i>President</i> | Judges' Council of England and Wales | United Kingdom |
|  | 2011-2012 | Miguel Carmona Ruano <i>President</i> | Consejo General del Poder Judicial | Spain |
|  | 2013-2014 | Paul Gilligan <i>President</i> | Courts Service | Ireland |
|  | 2015- June 2016 | Geoffrey Vos <i>President</i> | Judges' Council of England and Wales | United Kingdom |
|  | June 2016- June 2018 | Nuria Díaz Abad <i>President</i> | Consejo General del Poder Judicial | Spain |
|  | Current | Monique van der Goes <i>Director</i> | ENCJ Office | Netherlands |

II. The European Network of Councils for the Judiciary (ENCJ)

Key facts

2004 - Established in June 2004 in Rome by Councils for the Judiciary from 13 EU Member States¹

Aims to reinforce an independent yet accountable judiciary and to promote best practices to enable the judiciary to deliver timely, effective and quality justice for the benefit of all citizens.

2007 - Obtained legal personality (International not-for-profit Association in accordance with Belgian Law) by Royal Decree of 10 December 2007

2008 – Co-funded by the European Union since 2008

2009 - Opened a permanent secretariat in Brussels in January 2009

2016 - Currently 24 Members and 15 Observers covering 28 EU Members States and most candidate Member States

Published 9 declarations on inter alia independence transparency and accountability of the judiciary, standards for selection and appointment of judges judicial ethics and the impact of the economic crisis on the justice sector

Developed common standards for the Justice Sector in the EU, and guidelines and recommendations on a wide variety of topics concerning the judiciary

Observer to CCJE and CEPEJ and cooperates with the other judicial networks in the EU (ACA/NPSCEU)

Developed a constructive cooperation with the European Commission on the EU Justice Scoreboard

Operates a “request for assistance” system whereby Councils for the Judiciary or similar independent bodies and member states and in candidate member states can seek advice and/or assistance

Observer member of the European Law Institute (ELI) and of the Council of ELI.

Close cooperation with the European Judicial Training Network

¹ Councils for the Judiciary from: Belgium, Denmark, France, Hungary, Ireland, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovenia, Spain and the United Kingdom.

National judges are increasingly becoming **European judges**. Their contribution to the integration process, to consolidating justice throughout Europe and the importance of democracy within the Union is vital. It is also thanks to the Judiciary that the "**Community of law**" and of rights is developing and strengthening, along with the Community's economic, monetary and cultural aspects. All this is possible thanks to the vital pillar upholding the state of law **being the independence and autonomy of the judiciary**.

ENCJ at all times strives to achieve an independent judiciary to form the basis of democracy in Europe and a prerequisite for maintaining and enhancing mutual confidence between the judicial authorities of the various member states to assist with the smooth cross border cooperation in the common areas of justice based on the principle of mutual recognition as enshrined in Article 81 and 82 TFEU.

The **ENCJ was formally established in Rome in 2004** and consists, to date, of the twenty Councils for the Judiciary and similar institutions presently in existence in the European Union. Membership of the ENCJ is open to all autonomous national institutions of the member states of the European Union which ensure the final responsibility for the support of the judiciary in the independent delivery of justice.

The creation of the European Network of Councils for the Judiciary was intended to fill a gap in the EU integration process. Judiciaries operate without any major

differences with regard to their internal operating environment, i.e. they are autonomous and independent of any other power. This is the same whether within individual states or in Europe as a whole. It is therefore quite natural to ensure as part of this process not only coordination among ministers and judicial cooperation among individual judges, but also collective cooperation among the judiciaries' self-governing bodies. Moreover there is a common understanding that as the European Union is developing so is the role of judges, both as national judges and as judges in and of the European Union. More obligations and duties are being placed on the judiciary. Consequently, there is a **need for more judicial co-operation**.

The **principal objectives** of the ENCJ are:

- i. 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 candidate member states and this includes, *inter alia*, **exchange of experience** in relation to how the judiciary is organised and how the judicial function is carried out across the European Union and the **provision of expertise, experience and proposals to European Union institutions** and other national and international organisations.
- ii. The **reinforcement of an independent yet accountable judiciary** and the promotion of best practices to enable the judiciary to deliver timely, effective and quality justice **for the benefit of all citizens**.

Membership of the ENCJ brings together national Councils for the judiciary and has the benefit through dialogue of revealing strengths and weaknesses within their operation thus, assisting Councils in reflecting on their own judicial systems and in identifying areas for improvement, and thus contributing to the development of a **European Judicial Culture**.

Each year as part of its *modus operandi* important relevant topics are discussed in Project groups leading to appropriate declarations of best practice in areas such as Judicial Ethics, Appointment and Promotion of Judges, Judicial Reform, Evaluation and Irremovability of Judges, Public and Mutual Confidence and Independence and Accountability.

ENCJ considers that the identification of minimum judicial standards (and relevant indicators) for the justice sector will further the approximation of the judicial systems in the Europe and thus contribute to the attainment of a European Judicial Culture.

The ENCJ emphasizes the following minimum standards for the justice sector:

Citizens are entitled to **access to an open and transparent system** of justice, and to clearly reasoned judgements handed down in public.

Judges shall be **selected and promoted on the basis of merit** subject to an established criterion in a transparent manner.

Judges' recruitment, appointment or promotion ought to be placed in the hands of a body independent of government in which a relevant number of members of the judiciary are directly involved and that the membership of this body should comprise a majority of individuals independent of government influence.

Judges shall be bound to perform the judicial function with **integrity** according to the applicable professional standards in the interests of justice and society.

Judges' training shall be carried out by an adequately funded autonomous body working to guidelines as promoted by the Council for the Judiciary

Judges' remuneration must remain at all times commensurate with their professional responsibilities and should be constitutionally guaranteed in law

The judiciary should be involved in **judicial reform**.

Councils/ judiciaries should be proactive in the promotion of a better understanding of the role and the work of the judiciary to ensure **public confidence** in the justice system.

Councils/ judiciaries and judges must be provided with all necessary support and to up-to-date **resources** including appropriately qualified staff and modern technology.

Executive and/or Legislative Powers have a duty to provide **sufficient funds** for the operation of a council for the judiciary and the judicial system. The budget must be prepared in a transparent manner and duly implemented.

The ENCJ has long come to recognize the absolute necessity for the benefit of every citizen of Europe that there is in place an effective quality system of justice which contributes to social peace, economic development and security for all interested parties.

ENCJ VISION

The ENCJ is and will continue to 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 optimise the timely and effective delivery of Justice for the benefit of all.**

The ENCJ can look back with pride on its achievements since its formal establishment and looks forward with new ideas in continuing its role in furthering the common area of justice for the benefit of all citizens.



The European Parliament taking the floor at the ENCJ General Assembly in Bucharest

III. Councils for the Judiciary in Europe

A fundamental cornerstone of any democratic society is the principle of the separation of powers which ensures that the judiciary can perform their responsibility to deliver independent quality justice.

It has to be a pre-condition that in exercising the judicial function the judiciary are autonomous from the executive and legislative power. This is necessary to guarantee full protection for the basic rights of the citizen.

Each Council for the Judiciary has its origin in the development of its own legal system which is deeply rooted in a historical, cultural and social context but nevertheless all Councils for the Judiciary share common experiences and challenges and are governed by the same general principles.

In order to achieve and protect this independence and autonomy, self-governance and the independent organisation and management of justice systems and the judiciary is a significant factor. The appointment of judges, career paths, disciplinary systems and procedures, structure and organisation of individual offices all combine to define the individual status of the judge and outline the guarantees for their actions providing the conditions for exercising jurisdiction independently. Justice systems must be effective in providing open access to justice for all citizens and the governing bodies (Councils

for the Judiciary) that protect that access to justice have to be independent.

There are a variety of ways in which the independence is ensured. In most countries law, statutes or ordinances guarantee the independence of the judiciary. However it is imperative that there are controls which regulate and monitor that effectiveness of the implementation of the law, statutes or ordinances. For this reason many European States have established independent autonomous bodies which monitor compliance with the principle of separation of powers and defend the values of the independence of judges and the sovereignty of judicial functions. In some countries this is undertaken through a single body being a Council for the Judiciary. In other countries these functions are undertaken by a number of different separate organisations that have powers to administer and financially manage the judicial operation.

Councils for the Judiciary play a key role in the administration of justice, interacting with society at all levels. A considerable number of Councils for the Judiciary are protected by statute within their respective jurisdictions, but in this regard the ENCJ is of the view that where possible Councils should be protected by being given constitutional status and this has occurred in a number of jurisdictions. As guarantors of judicial independence, member states are to be encouraged to afford Councils the benefit of constitutional protection as the optimum means of ensuring the independent exercise of justice as well as the independent expression of the opinions of each individual Council.

The Council for the Judiciary organisations are in various ways responsible for the support of the judiciary in the independent delivery of justice. Characteristic for all organisations is their autonomy and their independence of the executive and legislative power. Although there are different structures for ensuring judicial independence all Councils nevertheless are governed by the same general principles. Some Councils are competent with regard to career decisions for judges, selection, recruitment and evaluation and disciplinary actions whereas other, in general more recently established Councils have competencies that include policy and managerial tasks in the fields of efficiency and quality, budget and budgeting procedures.



It is the view of the ENCJ that self-governance of the judiciary guarantees and contributes to strengthening the independence of the judiciary and the efficient administration of justice.²

However to safeguard effective self-governance there are a number of requirements:

- 1) judicial administration must be professionalised;
- 2) such governance must be realistic, modern and participatory;
- 3) the Judicial Council should promote the efficiency and quality of justice;
- 4) the accountability of the judiciary can in no way call into question the independence of the judge when making individual judicial decisions.

In order to ensure the autonomy and independence of the Council and therefore its function of guaranteeing the independence of judges, adequate representation of the judiciary within the Council for the Judiciary is necessary. Only in this way is the real independence of the judicial function promoted and assured, and the Council is rendered free from political interference and its autonomy is reinforced.

It is the view of the ENCJ that the composition of the Council is:

- (1) Exclusively of members of the judiciary or alternatively a combination of members of the judiciary and other persons.
- (2) But that where the composition is mixed, the Council should be composed of a majority of members of the judiciary or alternatively, not less than 50%.
- (3) In any case whether there is a mixed composition or not) the judicial members of the Council (however appointed) must act as the representatives of the entire judiciary.

² 2008 ENCJ Budapest Declaration: self-governance of the Judiciary: Balancing Independence and Accountability

- (4) Where the Council for the Judiciary has representation from judges and a combination of the ranks of legal, academic and civil society clearly the inclusion of lay members is of merit in avoiding perceptions of self-interest and self-protection as well as giving the judiciary greater legitimacy and reinforcing their role as guardians and defenders of the basic rights of each citizen.

To maintain this important structure ENCJ recognises that mechanisms for selecting judge members must guarantee that there is no interference by other powers - the appointment must be left, directly or indirectly, to the judges, using democratic methods that ensure a “pluralist” nature of the council representation and ample legitimisation in relation to the body of judges.

To guarantee that the Council can act independently a Council for the Judiciary must manage its budget impartially from the executive power. As a necessary consequence of independence Judicial Councils should be accountable for their activities by submitting periodic and public reports which transparently show the principles on which they perform their functions and the outcomes from activities.

Furthermore ENCJ believes that Councils for the Judiciary or other independent or autonomous bodies should have the responsibility and power to undertake a range of differing tasks under the authority of a Council for the Judiciary or of one or more independent and autonomous bodies.

These tasks are:

- appointment and promotion of judges;
- training;
- discipline and judicial ethic;
- administration of the courts;
- finances of the judiciary;
- performance management of the judiciary;
- processing of complaints from litigants;
- protection the image of justice;
- formulation of opinions on judicial policies of the State;
- setting up a system for evaluating the judicial system;
- drafting or proposing legislation concerning the judiciary and/or courts;
- ensuring that the independence of the judiciary should be guaranteed in the Constitution in states with a written Constitution.

Councils for the Judiciary in Europe should actively assist each other when requested in improving the way justice is delivered.

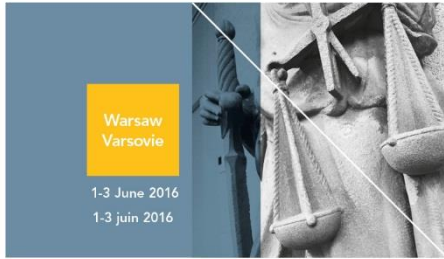
IV. Main ENCJ declarations and principles

- ❖ **THE WARSAW DECLARATION ON THE FUTURE OF JUSTICE IN EUROPE (2016)**
- ❖ **THE HAGUE DECLARATION ON PROMOTING EFFECTIVE JUSTICE SYSTEMS (2015)**
- ❖ **ROME DECLARATION ON THE ROLE OF THE ENCJ (2014)**
- ❖ **SOFIA DECLARATION ON JUDICIAL INDEPENDENCE AND ACCOUNTABILITY (2013)**
- ❖ **DUBLIN DECLARATION ON STANDARDS FOR THE RECRUITMENT AND APPOINTMENT OF MEMBERS OF THE JUDICIARY (2012)**
- ❖ **VILNIUS DECLARATION ON CHALLENGES AND OPPORTUNITIES FOR THE JUDICIARY IN THE CURRENT ECONOMIC CLIMATE (2011)**
- ❖ **LONDON DECLARATION ON JUDICIAL ETHICS (2010)**
- ❖ **BUCHAREST RESOLUTION ON TRANSPARENCY AND ACCESS TO JUSTICE (2009)**
- ❖ **BUDAPEST RESOLUTION ON SELF-GOVERNANCE FOR THE JUDICIARY: BALANCING INDEPENDENCE AND ACCOUNTABILITY (2008)**



ENCI (former) Presidents: Gilligan, Berlinguer and Thomas





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.1 THE WARSAW DECLARATION ON THE FUTURE OF JUSTICE IN EUROPE (2016)

Warsaw 1-3 June 2016

The ENCJ met in Warsaw for its General Assembly between 1 and 3 June 2016. The two Greek Supreme Judicial Councils were elected as new full members of the ENCJ.

Considering that the ENCJ

(i) has facilitated dialogue groups to enable its members and observers to develop practical solutions to their most pressing problems relating to the independence and accountability of their judiciaries;

(ii) has identified elements that are required for quality decision making, and will endeavour to identify indicators of the quality of justice and of the justice system that will assist in the evaluation of the (measurement of the) quality of justice with a view to its enhancement across the EU and in candidate member states.

(iii) has established best practices for the participation of non-judicial and civil society representatives in the work of Councils for the Judiciary and equivalent bodies, and for the involvement of Councils for the Judiciary in the financing of judicial systems in Europe;

The members and observers of the European Network of Councils for the Judiciary gathered in WARSAW between 1st and 3rd June 2016 HEREBY DECLARE that:

1. A Council for the Judiciary or equivalent governance body should participate in the process of evaluating the quality of justice by:

- defining a quality framework which sets out indicators including criteria for the assessment and evaluation of the quality of justice;
- defining methods by which the quality of the judicial decision-making process can be evaluated, maintained and improved;
- identifying and implementing good practices which increase the confidence of citizens in the judicial system; and
- ensuring that these systems do not interfere with the independence of the judiciary, individually or collectively, or the judicial system.

2. Concerning the composition of the Councils with respect to non-judicial members:
 - the composition of Councils for the Judiciary and equivalent bodies should include non-judicial members, reflecting the diversity of society;
 - non-judicial members should meet the same standards of integrity, independence and impartiality as judges, but non-judicial members should not be politicians or include the Minister of Justice;
 - non-judicial members should have the same status and voting rights as judicial members.

3. With regard to the budget for the justice system:
 - the creation of the budget should be systemically and practically free from inappropriate political interference, so that courts are financed on the basis of objective and transparent criteria;
 - the Council for the Judiciary or equivalent body should be closely involved at all stages in the budgetary process, and courts must be resourced to a level which provides an effective and efficient justice system;
 - budgetary priorities must be defined in collaboration with the relevant judiciary according to transparent criteria, and must not themselves dictate the court procedures to be followed.

4. The ENCJ recognises that the administration of Europe's justice systems in the 21st century will change radically as a result of the use of information and communication technology. It looks forward to the use of online dispute resolution and other technologies to deliver justice more effectively and quickly and at lower cost to all European citizens. It will still be essential for the ENCJ and its members and observers to maintain and strengthen the independence and accountability of judiciary for the benefit of European citizens in order to ensure that they have effective access to justice.

5. The ENCJ is increasingly concerned that the approach of the Government of Turkey to the transfer, suspension, removal and prosecution of judges is not consistent with the principles of judicial independence. It urges the executive and the Turkish Council for the Judiciary to pay full regard to the principles that judges are irremovable, and that judges should not be transferred or demoted, except in circumstances prescribed by law after transparent proceedings conducted by an independent body whose decisions are subject to challenge or review.

6. In relation to the developing situation in Poland, the ENCJ emphasises the importance of the executive respecting the independence of the judiciary, and only undertaking reforms to the justice system after meaningful consultation with the Council for the Judiciary and the judges themselves.

7. The ENCJ will continue to monitor developments in Turkey and Poland to ensure that the core principles underlying the independence of the judiciary are respected.

Adopted in Warsaw, 3rd June 2016



European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.2 THE HAGUE DECLARATION ON PROMOTING EFFECTIVE JUSTICE SYSTEMS (2015)

The General Assembly of the European Network of Councils for the Judiciary (the “ENCJ”)

The Hague
3-5 June 2015

Considering that

the European Network of Councils for the Judiciary (the ENCJ)

(i) has conducted a unique survey of the views of judges across Europe on their own independence with nearly 6,000 judges in 20 countries indicating a high level of confidence in their own independence;

(ii) has established indicators to measure the independence and accountability of the judiciaries in Europe, which indicators have been applied to most of the ENCJ’s member Councils for the Judiciary and observers;

(iii) has established a range of standards, guidelines and statements of best practice in relation to the creation and improvement of effective justice systems in Europe most recently on disciplinary proceedings in relation to judges;

(iv) in accordance with its four year plan is now focusing on encouraging its member Councils for the Judiciary and its observers to adhere more closely to these standards, guidelines and statements of best practice in order to make their justice systems even more effective;

and

(v) will now establish a series of dialogue groups, each comprising a number of members and

observers, aimed at promoting open and candid debate about the challenges facing individual Councils for the Judiciary and similar institutions and their justice systems, with the objective of identifying practicable and achievable solutions

The members and observers of the European Network of Councils for the Judiciary gathered in **THE HAGUE** between 3rd and 5th June 2015 **HEREBY DECLARE** that:

1. Independent and accountable judiciaries are an essential component of high quality, effective and efficient justice systems, and a prerequisite for a well-functioning EU area of justice;

2. The ENCJ will facilitate the use of dialogue groups and other means to enable its members and observers to enhance the quality, efficiency and effectiveness of justice in their countries for the benefit of all persons;

3. The ENCJ will continue to develop and improve its standards, guidelines and statements of best practice and find ways to ensure that its members and observers more closely comply with them in order to improve their justice systems; and

4. The ENCJ will endeavour to identify elements that constitute a quality justice system and subsequently develop indicators that will assist in the evaluation of the measurement of the quality of justice with a view to its enhancement across the EU and in candidate member states.



Mrs. Sharpston (A.G. CoJ EU), Mr. Vos (ENCJ President), Mrs. Jourova (EU justice commissioner), Mr. Bakker (President Rvdr)





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.3 ROME DECLARATION ON THE ROLE OF THE ENCJ (2014)

The members of the European Network of Councils for the Judiciary (the “ENCJ”) gathered in **ROME** between 11th and 13th June 2014 on the occasion of its 10th anniversary **HEREBY DECLARE** that:

1. In its first 10 years, the ENCJ has achieved its principal objective of improving cooperation and mutual confidence between the Councils for the Judiciary and the judiciaries of EU member states and candidate member states. The ENCJ is continuing this work.
2. The ENCJ plays a crucial role in the maintenance of judicial independence, which is as much a central protection for the rights of citizens of Europe in 2014 as it was in 2004.
3. The ENCJ will continue to be the unique representative for the institutions that organize the justice systems of the EU, and to promote their relationships with the European Commission and other European institutions.
4. Looking to the future, the ENCJ will:
 - (i) continue to uphold the importance of Councils for the Judiciary which are independent of the executive and legislature of national governments;
 - (ii) cooperate with the European Commission both generally and specifically in relation to the Justice Scoreboard and other pan-European initiatives;
 - (iii) forge closer ties with other European judicial organisations;
 - (iv) improve the independence and accountability of justice systems and judges across Europe;
 - (v) promote public confidence in the justice systems in Europe;
 - (vi) 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,

all of which is designed to improve on the timely and effective delivery of independent and high quality justice for the benefit of all the citizens of Europe.

Done in Rome, 13 June 2014



Opening reception of the 2014 General Assembly in Rome hosted by President Napolitano





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.4 SOFIA DECLARATION ON JUDICIAL INDEPENDENCE AND ACCOUNTABILITY (2013)

- (i) An independent and accountable judiciary is essential for the delivery of an efficient and effective system of justice for the benefit of the citizen and is an important feature of the rule of law in democratic societies.
- (ii) The judiciary must be accountable, comply with ethical guidelines and be subject to an impartial disciplinary system.
- (iii) Reductions in government expenditure cannot be allowed to undermine judicial independence.
- (iv) Financial stability, security of tenure and administrative independence are necessary safeguards for an independent and impartial judiciary.³
- (v) The protection of judicial independence can appropriately be achieved by a properly functioning council for the judiciary or a similar independent body to consider and determine or to make recommendations to government on all matters relevant to judicial remuneration and conditions.
- (vi) It is the essential task of the ENCJ and all Councils for the Judiciary to maintain and strengthen the independence of the Judiciary, especially when it is threatened.
- (vii) The prudent convention that judges should remain silent on matters of political controversy should not apply when the integrity and independence of the judiciary is threatened. There is now a collective duty on the European judiciary to state

³The Council of Europe's Recommendation CM/rec (2010) 12 of the Committee of Ministers to Member States on independence, efficiency and responsibilities of judges states that:-

- "[e]ach state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently
- and "[j]udges' remuneration should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions",

and "[s]pecific legal provisions should be introduced as a safeguard against a reduction in remuneration aimed specifically at judges".

clearly and cogently its opposition to proposals from government which tend to undermine the independence of individual judges or Councils for the Judiciary.

(viii) In the circumstances and taking into account submissions made by members and observers to the General Assembly of the ENCJ held in Sofia on the 6th and 7th June, 2013, the ENCJ calls for an independent European rule of law mechanism, respecting the diversity of justice systems, which *inter alia* will assist in the protection of the independence of the judiciary and in ensuring the promotion of an effective justice system and growth for the benefit of all citizens.

Done in Sofia, 7 June 2013





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.5 DUBLIN DECLARATION ON STANDARDS FOR THE RECRUITMENT AND APPOINTMENT OF MEMBERS OF THE JUDICIARY (2012)

The General Assembly of the ENCJ, meeting in Dublin on 9-11 May 2012, approves the standards and indicators as laid down in the ENCJ reports of 2010/2011 and 2011/2012 on minimum judicial standards:

- a) regarding the recruitment, selection, appointment and (where relevant) the promotion of members of the judiciary;
- b) regarding the competent body to decide on the recruitment, selection, appointment and (where relevant) the promotion of members of the judiciary.

I. INDICATORS OF MINIMUM STANDARDS REGARDING THE RECRUITMENT, SELECTION, APPOINTMENT AND (WHERE RELEVANT) THE PROMOTION OF MEMBERS OF THE JUDICIARY

1. Judicial appointments should only be based on merit and capability. There requires to be a clearly-defined and published set of selection competencies against which candidates for judicial appointment should be assessed at all stages of the appointment process.
2. Selection competencies should include intellectual and personal skills of a high quality, as well as a proper work ethic and the ability of the candidates to express themselves.
3. The intellectual requirement should comprise the adequate cultural and legal knowledge, analytical capacities and the ability independently to make judgments.
4. There should be personal skills of a high quality, such as the ability to assume responsibility in the performance of his/her duties as well as qualities of equanimity, independence, persuasiveness, sensibility, sociability, integrity, unflappability and the ability to co-operate.
5. Whether the appointment process involves formal examination or examinations or the assessment and interview of candidates, the selection process should be conducted by an independent judicial appointment body.
6. Where the appointment process includes assessment based on reports and comments from legal professionals (such as practising judges, Bar Associations,

Law Societies etc) any such consultation must remain wholly open, fair and transparent, adding that the views of any serving judge or Bar Association should be based on the relevant competencies, should be recorded in writing, available for scrutiny and not based on personal prejudice.

7. Whilst the selection of judges must always be based on merit, anyone appointed to judicial office must be of good character and a candidate for judicial office should not have a criminal record, unless it concerns minor misdemeanors committed more than a certain number of years ago.
8. Diversity in the range of persons available for selection for appointment should be encouraged, avoiding all kinds of discrimination, although that does not necessarily imply the setting of quotas *per se*, adding that any attempt to achieve diversity in the selection and appointment of judges should not be made at the expense of the basic criterion of merit.
9. The entire appointment and selection process must be open to public scrutiny, since the public has a right to know how its judges are selected.
10. An unsuccessful candidate is entitled to know why he or she failed to secure an appointment; and there is a need for an independent complaints or challenge process to which any unsuccessful applicant may turn if he or she believes that he/she was unfairly treated in the appointment process.
11. If the Government or the Head of State plays a role in the ultimate appointment of members of the judiciary, the involvement of a Minister or the Head of State does not in itself contend against the principles of independence, fairness, openness and transparency if their role in the appointment is clearly defined and their decision-making processes clearly documented, and the involvement of the Government or the Head of State does not impact upon those principles if they give recognition to decisions taken in the context of an independent selection process. Besides, it was also defined as a Standard in this field that where whoever is responsible for making the ultimate appointment (the Government or Head of State) has the right to refuse to implement the appointment or recommendation made in the context of an independent selection process and is not prepared to implement the appointment or recommendation it should make known such a decision and state clearly the reason for the decision.
12. Where promotion of members of the judiciary is based on the periodical assessments of professional performance the assessment process must be conducted according to the same criteria and with the same guarantees as those provided for the initial selection and appointment process (i.e. it should be independent, fair, open and transparent, and on the basis of merit and capability) and should be based on the judge's past performance.

II. INDICATORS OF MINIMUM STANDARDS IN RELATION TO THE COMPETENT BODY TO DECIDE ON THE RECRUITMENT, SELECTION, APPOINTMENT AND (WHERE RELEVANT) THE PROMOTION OF MEMBERS OF THE JUDICIARY

1. The procedures for the recruitment, selection or (where relevant) promotion of members of the judiciary ought to be placed in the hands of a body or bodies independent of government in which a relevant number of members of the judiciary are directly involved and that the membership of this body should comprise a majority of individuals independent of government influence.
2. The judiciary must not necessarily have an absolute majority membership on such a selection and appointment body, since in some of the countries of the Project Team there is a perception that a selection body on which the existing judiciary have a majority membership leaves itself open to the criticism that it is a self-serving body merely recruiting those prospective judges whom it favors and promoting favored judges from within its own ranks.
3. The body in charge of selecting and appointing judges must provide the utmost guarantee of autonomy and independence when making proposals for appointment.
4. It must be guaranteed that decisions made by the body are free from any influences other than the serious and in-depth examination of the candidate's competencies against which the candidate is to be assessed.
5. The body in charge of judicial appointments should comprise a substantial participation of legal professionals or experts (including experienced judges, academics, lawyers, prosecutors and other professionals) and could also include independent lay members representing civil society, appointed from among well-known persons of high moral standing on account of their skill and experience in matters such as human resources.
6. The body in charge of judicial selection and appointment could be the appropriate national Council for the Judiciary (or a specific committee or department within the Council for the Judiciary) or an independent national judicial appointments board or committee and that in those systems where the compulsory period of induction training is part of the recruitment and selection process, the relevant Academy, College or School of the Judiciary could play a major role by making recommendations in relation to the candidates which it considers should be appointed on the basis of their performance during the induction training.
7. The body in charge of the selection and appointment of judges must be provided with the adequate resources to a level commensurate with the programme of work it is expected to undertake each year and must have independent control over its own budget, subject to the usual requirements as to audit.

8. The body in charge of judicial selection and appointment must also have adequate procedures in place to guarantee the confidentiality of its deliberations.
 9. The body in charge of judicial selection and appointment must create a sufficient record in relation to each applicant to ensure that there is a verifiable independent, open, fair and transparent process and to guarantee the effectiveness of the independent complaints or challenge process to which any unsuccessful applicant is entitled if he or she believes that s/he was unfairly treated in the appointments' process.
 10. The body in charge of judicial selection and appointment should guarantee the effectiveness of the independent complaints or challenge process to which any unsuccessful applicant is entitled if he or she believes that s/he was unfairly treated in the appointments' process.
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European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.6 VILNIUS DECLARATION ON CHALLENGES AND OPPORTUNITIES FOR THE JUDICIARY IN THE CURRENT ECONOMIC CLIMATE (2011)

The European Network of Councils for the Judiciary, met in General Assembly in Vilnius (LT) on 8-10 June 2011

CONSIDERING THAT:

- I. The global economic crisis is having a significant impact in most European countries resulting in reduced economic activity, scarcity of financial means and rising unemployment.
- II. Most governments, confronted with limited financial resources, are responding by taking measures to reduce the deficit by means of spending cuts and reviewing the way the state budget is distributed in the long term.
- III. This situation is also affecting many European judiciaries which are facing a rising workload of cases, especially in civil matters such as insolvency/labour/bankruptcy and, for some, in criminal cases and at the same time are having to deal with budgetary restrictions resulting in staff cuts and, in some instances, a reduction in judicial wages.
- IV. The Council of Europe's Recommendation CM/rec (2010) 12 of the Committee of Ministers to Member States on independence, efficiency and responsibilities of judges proclaims that:
 - "[e]ach state should allocate adequate resources, facilities and equipment to the courts to enable them to function in accordance with the standards laid down in Article 6 of the Convention and to enable judges to work efficiently
 - and "[j]udges' remuneration should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions",
 - and "[s]pecific legal provisions should be introduced as a safeguard against a reduction in remuneration aimed specifically at judges."
- V. Any economic measure, however transitory, likely to affect the judiciary must preserve the essential role of justice in a democratic society. The judiciary must continue to guarantee even in stringent economic situations the fundamental right

of the access of every citizen to justice, effective protection of fundamental rights and the delivery of quality justice in a reasonable time.

- VI. An independent and efficient judiciary is of great economic value as it provides for a sound investment climate, necessary for the recovery of an economy.
- VII. The reduction of resources available to the judiciary may have undesirable side effects which would outweigh the intended effect of possible governmental savings. Delayed justice in important cases, such as public procurement, insolvency and labour disputes, may cause great damage to investment projects; it may delay the productive use of scarce assets; and it could undermine economic recovery.
- VIII. European judiciaries, inspired by the Councils for the Judiciary or similar autonomous bodies, should respond to the current economic climate by identifying the existing challenges and the opportunities to meet them appropriately.

RECOMMENDS

1. Special measures should be considered prevent and reduce the impact of the economic crisis on courts workload by the redistribution of human resources, the transitory reinforcement of the most affected courts and organisational remedies.
2. The available data suggests that European societies are not just facing a transitory crisis but are entering into a new economic landscape. It is necessary therefore to design and implement long term policies for the Judiciary adequate to this emerging situation.
3. The new landscape necessitates taking the opportunity to undertake measures aimed at improving the efficiency of the Courts, a situation not necessarily perceived and dealt with in better times to rethink the judicial map, to introduce and reform the procedures and the internal organisation of the courts and the integration of the innovative information and communication technologies which are essential features to increase this efficiency of the court system.
4. Investment in administration of justice and modern technologies and the strengthening of human resources in courts should be encouraged in order to make judiciary more resilient to future challenges.
5. Judiciaries and judges should be involved in the necessary reforms.
6. Councils for the Judiciary or autonomous Courts' Administrations should assume a significant role always taking into account and respecting the competences of the other powers of State.
7. Judiciaries should take all necessary steps to promote the public confidence in the courts. Openness, transparency, accountability, respect for the citizen, empathy with their situation, the development of courts' activity, the delivery of judgements and

other judicial decisions in a clear and comprehensible language are essential features to achieve that purpose. Access to justice must be ensured including appropriate measures to assist and facilitate access to courts for persons of special vulnerability.

8. Systems of alternative dispute resolution can offer citizens a viable alternative method of achieving a peaceful and more comprehensive solution to their conflicts. Legislative measures to strengthen to role of mediation and conciliation and the establishment of adequate public services and an active role of courts in supporting and promoting these kind of alternatives is to be encouraged.
9. Those who are responsible for preparing draft legislation should be encouraged to promote clear and unambiguous laws to achieve greater legal certainty and to prevent avoidable legal disputes which increase the work load of the courts.
10. The independence of the Judiciary and of every single judge is to be preserved as a prerequisite for the delivery of a fair and impartial justice in protecting human rights and fundamental freedoms. No necessity for cost cutting can be allowed to undermine judicial independence. It is the essential task of Councils for the Judiciary to maintain and strengthen the independence of the judiciary.





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.7 LONDON DECLARATION ON JUDICIAL ETHICS (2010)

The General Assembly of ENCJ, meeting in London on 2-4 June 2010:

Considering that:

- 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 the EU (candidate) Member States;
 - the affirmation of shared principles and values on a European level strengthens mutual understanding and thus mutual confidence between judges in the European Judicial Area;
1. Approves the report entitled **“Judicial Ethics – Principles, Values and Qualities”**, as guidelines for the conduct of European judges
 2. Requires the Steering Committee and the Executive Board to ensure that the distribution of the content of the report to the ENCJ Members and Observers and to the members of the European Judiciaries is as wide as possible
 3. Proposes that ENCJ Members and Observers should promote actively the content of the report on national and the European levels and report back to the General Assembly on their activities in this field with any comments that may have been received.

SUMMARY OF THE REPORT ON JUDICIAL ETHICS⁴ PRINCIPLES, VALUES AND QUALITIES

INTRODUCTION

The affirmation of principles of professional conduct for judges strengthens public confidence and allows a better understanding of the role of the judge in society. The judge’s role in European societies has come to encompass not only being the ‘mouthpiece’ of the law, but also a creator of

⁴*These ethical principles have been written according to the decision taken by the ENCJ General Assembly which took place in Brussels in June 2007. They are the result of a two years work. This document is an executive summary of the report which was adopted at the General Assembly by the ENCJ members.*

law. This dual function requires responsibilities and ethical rules. Moreover, our societies are demanding more transparency in the functioning of the public bodies.

Society's expectations of judges have caused the European Network of Councils for the Judiciary to reflect on the question of judicial ethics. It is concerned with striking a balance between the independence of justice [which is not a privilege], the transparency of institutions, the freedom of the press and the public's right to information. Judicial ethics have been addressed in a positive manner, so that the duties of the judge encompass the common, founding values of the judge's work and preventive principles (Part I) and personal qualities (Part II), in response to the public's expectations.

PART 1 – THE VALUES / MERITS

INDEPENDENCE

Independence is the right of every citizen in a democratic society to benefit from a judiciary which is, (and is seen to be), independent of legislative and executive branches of government, and which is established to safeguard the freedom and the rights of the citizen under the rule of law. It is up to each judge to respect and to work to maintain the independence of the judiciary, both in its individual aspects and in its institutional aspects.

INTEGRITY

The judge fulfils his role with integrity, in the interests of justice and society. He has the same duty of integrity in his public life and in his personal life. Two duties can result from this principle of integrity: the duty of probity and the duty of dignity or honour.

Probity leads the judge to refrain from any tactless or indelicate behaviour, and not just behaviour which is contrary to law. Courtesy and intellectual probity govern his relations with all the professionals within the justice system. Dignity or honour dictates that the judge exercises his functions by applying loyally the rules of procedure, by showing concern for the dignity of individuals and by acting within the framework of the law. Honour requires a judge to ensure, through his professional practice and person, that he does not jeopardise the public image of the judge, the court and of justice system.

IMPARTIALITY

The impartiality of the judge represents the absence of any prejudice or preconceived idea when exercising judgment, as well as in the procedures adopted prior to the delivery of the judgment. A judge ensures that his private life does not affect his public image of impartiality of his jurisdiction. He is entitled to complete freedom of opinion but must be measured in expressing his opinions, even in countries in which a judge is allowed to be a member of a political organisation. In any event, this freedom of opinion cannot be manifested in the exercise of his judicial duties. A just balance is struck between his rights and his obligations so that he may be impartial.

RESERVE AND DISCRETION

A judge avoids any conduct likely to promote the belief that his decisions are driven by motives other than the fair and reasoned application of the law. At the same time, a judge is himself a citizen and entitled, as such, outside the exercise of his judicial functions to freedom of expression recognised by all international conventions protecting human rights.

In politics, a judge, like any citizen, has the right to have a political opinion. His task, through his reserve, is to ensure that individuals can have every confidence in justice, without worrying about the opinions of the judge. A judge exercises the same reserve in his dealings with the media. At

the same time, the obligation of reserve cannot provide a judge with an excuse for inactivity. He has an obligation to explain the law and its application in other than his own cases and to assume an educational role, when needed. When democracy and fundamental freedoms are in peril, a judge's reserve may yield to the duty of indignation.

In his private life

Like any person, a judge does have the right to his private life and to maintain a social life. It is enough if he takes some common sense precautions in order to avoid undermining the dignity of his office or his ability to exercise it.

DILIGENCE

Diligence is necessary to obtain and increase public confidence in justice. The judge is diligent, prompt in handling cases and never ceases to learn and update his knowledge. The judge makes every effort to conduct proceedings efficiently and to make his decisions without delay.

RESPECT AND THE ABILITY TO LISTEN

Society and its members expect a judge in the exercise of his functions to respect them and hear them. The judge interacts with the public, lawyers, his colleagues and administrative staff in a manner which is dignified, correct and receptive.

EQUALITY OF TREATMENT

Equality of treatment requires the judge to give everyone that to which he is entitled, both in the process and in the result of any case, through recognising the uniqueness of each individual. When the Constitution, national laws or international rules provide for it, a judge may apply positive discrimination; in other cases he ensures that equal treatment prevails.

COMPETENCE

Society is entitled to a competent judge with a broad professional ability.

TRANSPARENCY

Information on the functioning of justice and the presence of the public at judicial proceedings contribute to their social acceptance. Equal access of individuals involved in claims or defence to civil and criminal proceedings promotes transparency and enhances public confidence. The judge ensures this transparency thereby refusing to let the public hearing become a spectacle. In his private life and in society, the judge is always vigilant to avoid any conflict of interest.

PART II: THE QUALITIES OR VIRTUES OF A JUDGE

Confidence in justice is not only guaranteed by an independent, impartial, honest, competent and diligent judge. That confidence is also won by a judge who performs his role with wisdom, loyalty, humanity, courage, seriousness and prudence, and who has the capacity to listen, communicate and work. These requirements are not specific to the judge but they are essential to guarantee the right for everyone to have a judge.

WISDOM

Through his knowledge of the realities, of the law, and by his reasonable, fair and prudent behaviour, a judge shows his wisdom. This virtue enables him to be calm and prudent when dealing with disputes, and allowing him to discern and distance himself from parties and facts that he judges.

LOYALTY

A judge is loyal, both to the rule of law in general and to the rules of the organisation of the judicial system in his State. A judge loyally meets two requirements: not to exceed the powers entrusted in him and to exercise them. This loyalty cannot be demanded of a judge when democracy and fundamental freedoms are in peril.

HUMANITY

The sense of humanity of a judge is manifested by his respect for persons and their dignity in all circumstances of his professional and private life.

COURAGE

A judge shows courage in order to execute his duties as a judge and to respond to those seeking justice.

SERIOUSNESS AND PRUDENCE

The essence of the seriousness and prudence of a judge consists in his behaving appropriately. Seriousness means behaving respectfully during legal proceedings, being courteous, without excessive solemnity, and without inappropriate humour, thereby not compromising humanity. Prudence guides the judge both in his professional and private lives in order to maintain public confidence in the judiciary and courts.

WORK

Judicial office involves sustained hard work and persistent intellectual effort.

LISTENING AND COMMUNICATION

Judges are expected to listen carefully to the parties at all stages of the proceedings. Listening implies absence of bias and of prejudice. This quality implies not only real open-mindedness and receptiveness but also the ability to call into question oneself. This listening remains neutral, distant but without being condescending or scornful, humane but dispassionate.

A judge ensures that he is able to communicate with others. Good communication is also present in his judgments (written or oral). A judge ensures that his judgments are intelligible and well-motivated.





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.8 BUCHAREST RESOLUTION ON TRANSPARENCY AND ACCESS TO JUSTICE (2009)

1. Councils for the Judiciary or similar independent bodies, in order to maintain the rule of law, must do all they can to ensure the maintenance of an open and transparent system of justice.

2. An open and transparent system of justice is a system where:

a. Each person, whatever his background or abilities, has access to justice or to a system of alternative dispute resolution, financially affordable and at accessible locations, so that all proceedings can be easily brought against any person whether public or private, natural or legal.

b. Legislation, including EU legislation, is accessible and can easily be understood

c. All proceedings are dealt with by the competent jurisdictions within a reasonable time, at the lowest reasonable cost, consistent with the principles of justice

Standard time periods can be established for different categories of cases taking into account quality standards.

d. Judicial decisions are clearly reasoned and made public. Publication takes into account data protection, privacy, personal security and confidentiality.

e. The well-founded interests of all those involved in judicial proceedings (such as parties, victims and witnesses) are taken into account and all are treated with consideration and fairness.

f. The Executive and/or Legislative Powers have a duty to provide sufficient funds for the judicial system.
The budget must be prepared in a transparent manner and duly implemented.

3. Councils for the Judiciary or similar independent bodies should in discharging their responsibilities:

(i) Ensure transparency in the way in which the Council discharges all its functions.

- (ii) Provide sufficient information to the public and the media, to ensure the accurate perception of the administration of justice by the public.
- (iii) Report regularly on how it has discharged its functions.

Adopted in Bucharest (RO), 29 May 2009.





European Network of Councils for the Judiciary (ENCJ)

Réseau européen des Conseils de la Justice (RECJ)

4.9 BUDAPEST RESOLUTION ON SELF-GOVERNANCE FOR THE JUDICIARY: BALANCING INDEPENDENCE AND ACCOUNTABILITY (2008)

The General Assembly of the European Network of Councils for the Judiciary, met in Budapest (H), on 21-23 May 2008,

CONSIDERING THAT:

- 1) In most European States there is a Council for the Judiciary or a similar institution which is independent or autonomous institution distinct from the legislative and executive powers of the State and responsible for the independent delivery of justice;
- 2) several Councils for the Judiciary are constitutionally established to guarantee and defend the independence of the judiciary;
- 3) other Councils or autonomous Courts Administrations have particular responsibility for the administrative management of the Courts, including financial management, human resources, organisation and information technology;
- 4) each Council for the Judiciary has its origin in the development of its legal system, which is deeply rooted in a historical, cultural and social context ;
- 5) all Councils nevertheless share common experiences and challenges and are governed by the same general principles.

APPROVES THE FOLLOWING RESOLUTION:

- 1) Self-governance of the judiciary guarantees and contributes to strengthening the independence of the judiciary and the efficient administration of justice;
- 2) all or part of the following tasks should fall under the authority of a Council for the Judiciary or of one or more independent and autonomous bodies:
 - the appointment and the promotion of judges
 - the training
 - the discipline and judicial ethics
 - the administration of the courts
 - the finances of the judiciary
 - the performance management of the judiciary
 - the processing on of complaints from litigants
 - the protection of the image of justice
 - the formulation of opinions on judicial policies of the State

- setting up a system for evaluating the judicial system
 - drafting or proposing legislation concerning the judiciary and/or courts
- 3) in states with a written Constitution, the independence of the judiciary should be guaranteed in the Constitution;
 - 4) As to the composition of the Councils for the Judiciary:
 - a. the Council can be composed either exclusively of members of the judiciary or members and non-members of the judiciary
 - b. when the composition is mixed, the Council should be composed of a majority of members of the judiciaries, but not less than 50 %
 - c. in any case (whether there is a mixed composition or not) the judicial members of the Council (however appointed) must act as the representatives of the entire judiciary
 - 5) the Council for the Judiciary must manage its budget independently of the executive power;
 - 6) judicial self-governance calls for the professionalization of judicial administration
 - 7) self-governance of the judiciary should be realistic, modern and participatory
 - 8) A necessary consequence of its independence is that the Council for the Judiciary or other autonomous body should be accountable for its activities by submitting periodic and public reports.
 - 9) the Council for the Judiciary should promote the efficiency and quality of justice
 - 10) the accountability of the judiciary can in no way call into question the independence of the judge when making judicial decisions.

AND DECIDES:

To study within the framework of the ENCJ, the question of the relationship between the classic principles of independence and impartiality, and the contemporary need for transparency, efficiency and effectiveness and the evaluation the justice system.

Declaration

Portuguese Conselho Superior da Magistratura:

“Considering that the composition of the Portuguese Conselho Superior da Magistratura is set out in the Portuguese Constitution, and that it does not demand a majority of Judges, although that possibility remains; considering also that the issue has not been discussed within the Council, it is not possible for the Portuguese members of the Conselho Superior da Magistratura to subscribe the item 2.2 of the Resolution”.

V. Information on ENCJ Members

Državno sudbeno vijeće

Consejo General del Poder Judicial

Judicial Council of Scotland

Висш Съдебен Съвет

Consiglio Superiore della Magistratura

Domstolsstyrelsen

An tSeirbhis Chúirteanna

ΑΝΩΤΑΤΟ ΔΙΚΑΣΤΙΚΟ ΣΥΜΒΟΥΛΙΟ

Conseil supérieur de la Magistrature

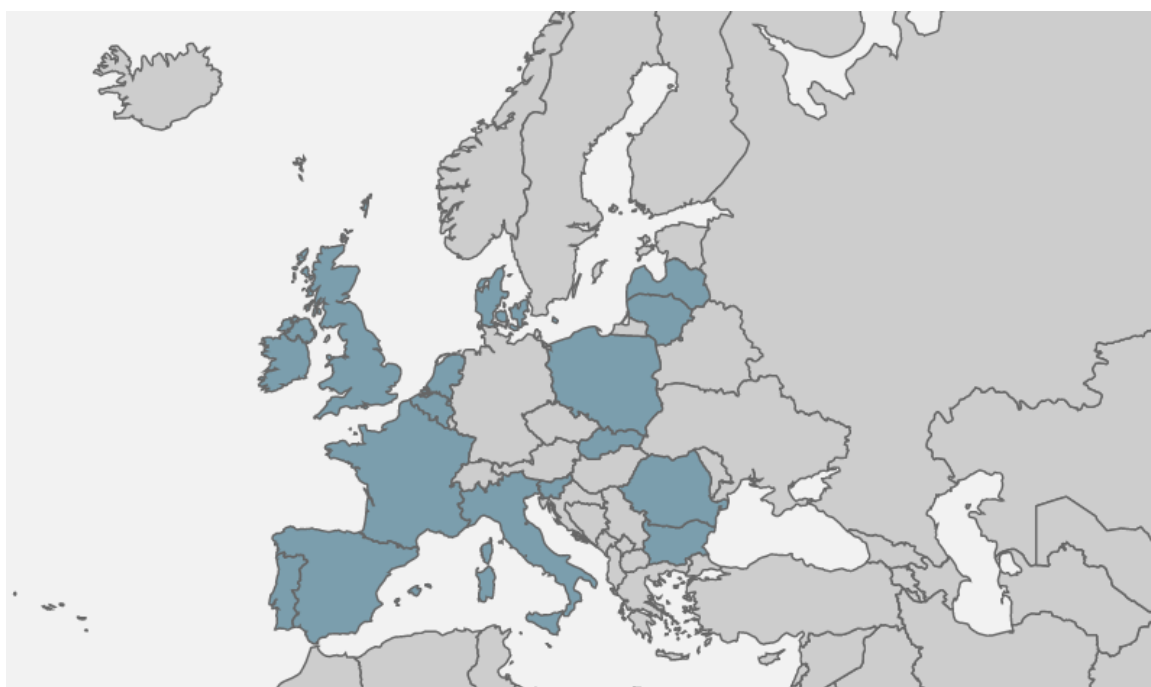
Judges' Council of England and Wales

Teisėjų Taryba

Conselho Superior da Magistratura

Tieslietu padome

Conseil Supérieur de la Justice / Hoge Raad voor de Justitie



Súdna rada Slovenskej republiky

Judges' Council of Northern Ireland

Raad voor de rechtspraak

Krajowa Rada Sądownictwa

Consiglio di Presidenza della giustizia amministrativa

Ανώτατο Δικαστικό Συμβούλιο

Republika Slovenija Sodni Svet

Országos Bírói Tanács

Consiliul Superior al Magistraturii

Kummissjoni għall-Amministrazzjoni tal-Gustizzja

| | |
|---|---|
| Official name in original language | Conseil Supérieur de la Justice (CSJ) – Hoge Raad voor de Justitie (HRJ) |
| Official name in English | High Council of Justice |
| Address | Rue de la Croix de Fer - Ijzerenkruisstraat 67, 1000 Brussels |
| Telephone number | +32 2 535 16 16 |
| Website | http://www.csj.be |
| e-mail | info@hrj.be |
| Brief history | <p>In order to enhance the confidence of the people in the Belgian justice system, the High Council was set up pursuant to Article 151 of the Constitution, brought into effect by the law of November 20th, 1998. The Council is fulfilling its mission effectively since August 2nd 2000.</p> <p>In order to execute its tasks in all independence, the Council is embedded in the Belgian Constitution and is not part of the executive, legislative or judicial powers.</p> |
| Constitutional or legal status/basis | An independent constitutional body. Article 151 §2 of the Constitution |
| Legal acts regulating the Status | Article 259bis of the Judicial Code |
| Composition: | |
| Total number of members | 44 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes, for 1 successive term |
| Do the members have a full-time position or not? | Full-time position for the 4 members of the bureau only |
| Make up | <p>22 judicial members elected by their peers - each linguistic college comprise at least 1 judge and 1 prosecutor.</p> <p>22 non-judicial members appointed by the Senate – each linguistic college comprises at least:</p> <ul style="list-style-type: none"> - 4 lawyers member of the bar for at least 10 years, - 3 university or college of higher education professors having at least 10 years of professional experience and - 4 members who hold an university or equivalent degree as well as 10 years of relevant professional experience. |
| Is there a majority of Judges? | According to the law half of the Council is composed of judicial members |
| Presidency | Presidency is exercised in turn by each member of the bureau for 1 year |

| Main Competences: | |
|---------------------------------------|---|
| Career of judges and prosecutors | <ul style="list-style-type: none"> - Admission to the profession of judge and prosecutor - Presentation of candidates to be nominated as a judge or prosecutor and presentation of candidates to be designated as head of court or chief prosecutor - Drawing up of the general profiles of heads of court and chief prosecutors. |
| Judicial training | Determines the general guidelines for the training of members of the judiciary |
| Discipline | The Council has no disciplinary authority. Nevertheless if the Council rules that a member of the judiciary has perpetrated a disciplinary violation, the competent disciplinary authority will be notified and asked to take action. |
| Ethics | <p>A code of conduct, called <i>“Guide for the magistrates, principles, values and qualities”</i> has been issued by the Council in June 2012. This guide was inspired by the guidelines issued by the ENCJ.</p> <p>The Council promotes judicial ethics through its legal competences in training, advices and proposals and the external control on the judiciary.</p> |
| Opinions legislation / other opinions | Delivering recommendations, opinions and advices on proposed legislation regarding the general functioning and organization of the judiciary |
| Other competencies | <p>External control on the general functioning of the judiciary:</p> <ul style="list-style-type: none"> - general surveillance and promotion of the use of internal control tools ; - receive and assure the follow up of complaints regarding the functioning of the judiciary and investigation into this functioning |
| Status of decisions | The decisions regarding the access to the judicial profession are binding. |
| Review | <p>The decisions of the High Council are not subject to review.</p> <p>The proposal of a candidate judge or prosecutor by the High Council can be refuted by the King within 60 days by a reasoned decision, in which case a new candidate will be proposed by the Council. In case of a renewed reasoned refusal by the King the entire procedure of nomination is reopened.</p> |
| Budget | The High Council is not accountable to any other body or power. However, the Council presents its annual report to both Chambers of Parliament and its annual budget has to be approved by the Chamber of Representatives. The budget allocated to the Council is to cover the expenses related to its functioning in the exercise of its competences. |

| | |
|--|--|
| Official name in original language | Висш съдебен съвет (ВСС) (VSS) |
| Official name in English | Supreme Judicial Council (SJC) |
| Address | Bulgaria, 1000 Sofia, 12, Ekzarh Yosif Str. |
| Telephone number | (+359 2) 930 49 42 |
| Website | www.vss.justice.bg |
| e-mail | representative@vss.justice.bg |
| Brief history | In order to achieve a democratic and welfare constitutional state, the Bulgarian SJC was established on 27 September, 1991. |
| Constitutional or legal status/basis | Legal entity seated in Sofia. It shall be represented by one of its elected members, designated by resolution of the Supreme Judicial Council. |
| Legal acts regulating the Status | <ul style="list-style-type: none"> - The Bulgarian Constitution - Judicial System Act - Regulation on the Organization of the Work of the Supreme Judicial Council and its Administration |
| Composition: | |
| Total number of members | 25 members |
| Term of office | 5 years (for elected members) 7 years (for the ex officio members of the SJC: the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General) |
| Is there a possibility to be renewed as a member? | Yes, but not immediately upon expiration of the term of office. |
| Do the members have a full-time position or not? | Full-time position |
| Make up | <p>The Council consists of judges, public prosecutors and other legal professionals:</p> <ul style="list-style-type: none"> - 11 members elected by the Judicial system bodies out of their own composition, the judges electing 6, the prosecutors – 4 and the investigating magistrates – 1 of these. - 11 members elected by the National Assembly among judges, prosecutors, investigating magistrates, full professors in legal science, attorneys at law or other lawyers. - 3 ex officio members: the President of the Supreme Court of Cassation, the President of the Supreme Administrative Court, and the Prosecutor General. |

| | |
|--|---|
| Is there a majority of Judges? | Yes (14 judges out of 25 members) |
| Presidency | The meetings of the Supreme Judicial Council shall be presided over by the Minister of Justice, without a right to vote. No Vice-President. The Bulgarian SJC has the figure of representative, which is one of the members and has only representative functions. |
| Main Competences: | |
| Career of judges and / or prosecutors | Appointment, assignment, transfer and promotion of judges is a competence of the SJC |
| Judicial training | The responsibility for the organization of judicial training goes to the National Institute of Justice. The National Institute of Justice shall be headed by a management board, including 5 representatives of the Supreme Judicial Council and 2 representatives of the Ministry of Justice. The chairperson of the Supreme Court of Cassation, the Chairperson of the Supreme Administrative Court and the Prosecutor General shall be <i>ex lege</i> members of the management board from the quota of the Supreme Judicial Council. The chairperson of the Supreme Court of Cassation shall chair that board. The Supreme Judicial Council shall coordinate the curriculums of the National Institute of Justice. The Supreme Judicial Council shall provide resources required for the delivery of all trainings envisaged in the law to the National Institute of Justice budget. |
| Discipline | Disciplinary procedure is under the competence of the Council. The Supreme Judicial Council shall impose the disciplinary sanctions of demotion and removal from office on judges, prosecutors, and investigating magistrates. |
| Ethics | There is a Code of Ethics for the behavior of the Bulgarian magistrates. To promote judicial ethics is a permanent concern of the SJC. |
| Opinions on legislation / other opinions | The SJC has the competence to issue opinions on legal acts related to the judiciary and the Statute of Judges and, in general, study and propose to the Ministry of Justice legislative measures to improve the efficiency of the judiciary |
| Status of decisions | Administrative decisions |
| Budget | The Supreme Judicial Council is an independent budget spending unit and the bodies of the judiciary, which are legal entities – secondary budget spending units. The Supreme Judicial Council organizes the execution of the budget of the judiciary through the Inspectorate to SJC, the Supreme Court of Cassation, the Supreme Administrative court, the courts, the Prosecutor General and the National Institute of Justice. The Supreme Judicial Council distributes the budget of the judiciary according to a full budget classification and by quarters and approves the budget accounts of the bodies of the judiciary. |

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| Official name in original language | Državno sudbeno vijeće |
| Official name in English | State Judicial Council |
| Address | Croatia, Zagreb, Vukovarska 49 |
| Telephone number | +38516040 940 |
| Website | www.dsv.pravosudje.hr |
| e-mail | dsv@pravosudje.hr |
| Brief history | The State Judicial Council of Republic of Croatia was founded in 1993. The Council is an independent body and has its own budget from the 1 April 2012. Until the 2000 the scope of work of the Council included also the appointing and reassigning of the prosecutors and their deputies and conducting the disciplinary proceedings against them. |
| Constitutional or legal status/basis | The Council is a sovereign and independent body which ensures the sovereignty and independence of judicial power in the Republic of Croatia (article 124. of the Constitution of the Republic of Croatia and article 2. of the State Judicial Council Act). |
| Legal acts regulating the Status | Constitution of Republic of Croatia and State Judicial Council Act |
| Composition: | The Council shall have eleven members, consisting of seven judges elected by their peers, two university professors of law elected by all the professors of law faculties in the Republic of Croatia, on the proposal of the faculty councils and two members of Parliament, one of whom shall be from the opposition, elected by the Croatian Parliament. |
| Total number of members | eleven members |
| Term of office | Members of the Council shall be elected to a term of four years, noting that no one may be a member of the Council more than twice. |
| Is there a possibility to be renewed as a member? | Yes , but no one can be a member of Council more than twice |
| Do the members have a full-time position or not? | The members do not have a full - time position. Judges elected to the State Judicial Council are reduced of performing judicial duties, the President of the Council for 75% and members for 50%. They gather in meetings every week or two. |
| Make up | Council members from the ranks of judges shall consist of two judges of the Supreme Court of the Republic of Croatia, two county court judges, two municipal court judges, one judge of the |

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| | specialised court, two university professors of law and two members of Parliament, one of whom shall be from the opposition. |
| Is there a majority of Judges? | Yes (seven judges out of eleven members) |
| Presidency | The president and deputy president of the Council shall be elected by the members of the Council from among themselves in secret ballot for a term of four years, and the president of the Council must come from the rank of judges. |
| Main Competences: | |
| Career of judges and / or prosecutors | The scope of work of the Council shall include: appointing judges, appointing and dismissing court presidents; deciding on the immunity of judges, reassigning judges, conducting disciplinary proceedings and deciding on the disciplinary liability of judges, deciding on the dismissal of judges, deciding on the transfer of judges, participating in the training and professional development of judges and court staff, conducting the procedure of enrolment of candidates in the State School for Judicial Officials and the procedure of the final examination, adopting the Methodology for Assessing Judges, managing judges' personal files, managing judges' declarations of assets (no competence concerning prosecutors). |
| Judicial training | In the Republic of Croatia it is the Judicial Academy as an independent public institution founded by the Government that conducts the judicial trainings. The Council participates in the training and in professional development of judges. |
| Discipline | The Council conducts the disciplinary proceedings and decides on the disciplinary liability of the judges. |
| Ethics | Infringement of the judicial ethics was earlier one of the disciplinary offences proscribed by the State Judicial Council Act, but with the latest amendments to the Act infringement of judicial ethics is no longer a disciplinary offence. In the Republic of Croatia compliance with the Code of Ethics is obligatory for all judges. Anyone has the right to indicate a judge's conduct which is contrary to the provisions of the Code. The president of the council of judges where the judge to whom the complaint relates performs his or her office shall present the complaint to the council of judges who shall allow the judge to respond to the complaint. If the council of judges establishes that the complaint is founded, it shall render a decision establishing an infringement of the Code. A judge shall have a right |

to object to the decision of the council on the infringement of the Code.

The complaint is decided by the Council consisting of the presidents of all councils of judges in the Republic of Croatia and the enforceable decision is delivered to the president of the court where the judge in question performs his or her office.

Opinions on legislation / other opinions At the request of the Ministry of Justice the Council gives opinions on legislation or proposals of legislation concerning the Judiciary.

Status of decisions Acts

Against decisions of transferring and temporary suspension of a judge a judge may initiate an administrative dispute. Against the decision on the dismissal court president may also initiate an administrative dispute.

Review

Against the decision on dismissal from the office or disciplinary liability which shall have a suspensive effect the judge may lodge an appeal with the Constitutional Court of Republic of Croatia. Against the decision of appointing the judges and against the decision on appointing the court presidents candidates may lodge a Constitutional claim with the Constitutional Court of Republic of Croatia.

Budget

The Council has its own budget. The budget for the 2015. is 1.874,00 HRK or 246.981,00 EUR

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| Official name in original language | Domstolsstyrelsen |
| Official name in English | The Danish Court Administration |
| Address | Store Kongensgade 1-3, 1264 København K, DK-Denmark |
| Telephone number | +45 70 10 33 22 |
| Website | www.domstol.dk |
| e-mail | post@domstolsstyrelsen.dk |
| Brief history | <p>The Danish Court Administration was established as a new independent institution on 1 July 1999. It ensures proper and adequate administration of the courts' and the Appeals Permission Board's funds, staff, buildings and IT.</p> <p>Prior to the establishment of the Danish Court Administration, these functions and responsibilities were placed within the Ministry of Justice. And although the Danish Court Administration is still formally connected to the Ministry of Justice, this is mainly for administrative and practical purposes – the Minister of Justice has no instructive power and cannot change decisions made by the Danish Court Administration. Thus, the creation of the Danish Court Administration stands as a clear manifestation of the (organisational) independence of the Courts of Denmark in relation to the political sphere.</p> |
| Constitutional or legal status/basis | Legal basis. The status of the Danish Court Administration as an independent institution is provided for in law, i.e. the Danish Court Administration Act. |
| Legal acts regulating the Status | The Danish Court Administration Act of 26 June 1998 (Law no. 401) |
| Composition: | |
| Total number of members | 11 members (Board of Governors) ⁵ |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes |
| Do the members have a full-time position or not? | Not full time position for Board of Governors. Full-time position for the Director General, who is appointed by the board of governors and is responsible for the day-to-day management of the Danish Court Administration. |

⁵The Danish Court Administration is headed by a board of governors which counts 11 members.

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| Make up | 8 members are court representatives 1 member is a lawyer 2 members are representatives with special management and social insights |
| Is there a majority of Judges? | No, there is no majority of judges. It is provided for by law that 5 members shall be judges. |
| Presidency | Once new members of the board are elected, the board itself nominates its chairman and vice chairman. So far the board has always been chaired by the member from the Supreme Court. |
| Main Competences: | |
| Career of judges and / or prosecutors | The Danish Court Administration does not handle judicial appointments. Formally, judges are appointed by the Queen on the recommendation of the Minister of Justice as advised by the Judicial Appointments Council. It is envisaged that the recommendations of the Judicial Appointments Council will be followed by the Minister of Justice. The Danish Court Administration serves as secretariat to the Judicial Appointments Council. Deputy judges, however, are employed by the Danish Court Administration. They are recruited either directly from law school or after they have had a few years of experience with various legal employments, for example in a law firm or a ministry. |
| Judicial training | The Danish Court Administration is responsible for the training of all court staff, including the judges and deputy judges. Each year, an extensive training catalogue is published, and a large number of training activities are organised. |
| Discipline | No competence in the area of disciplinary proceedings against judges. |
| Ethics | As part of the organised judicial training activities, there are compulsory courses which include, among other subjects, ethics, and rules on incompetency/disqualification and on impartiality/independence of judges as well as best practices in how to conduct oneself in the courtroom. |
| Opinions on legislation / other opinions | The Danish Court Administration regularly takes part in legislative preparatory work, hearings, and provides advice on legal matters, policy proposals etc. that affect (directly or indirectly) the judiciary. |
| Status of decisions | The decisions are final and cannot be altered by the Minister of Justice. |
| Review | Not subject to review. |

Budget

The Danish Court Administration plays an active role in the negotiations of the budget to be allocated to the judiciary. This happens through the channels of the Ministry of Justice. The total budget for the judiciary is part of the annual Finance Act.

The Danish budget procedure is based upon delegation of decision power and budget responsibility. The Ministry of Justice delegates the budget (appropriations) to the Danish Court Administration, which in turn allocates the budget to the courts. Ultimately, the economic responsibility for the judiciary lies with the board of governors of the Danish Court Administration. The board has the possibility to address Parliament directly with a budget proposal should they find that the appropriations are insufficient (This is provided for in the explanatory notes to the Danish Court Administration Act).

Allocation of resources to the 24 district courts is done using a budget model that is based on the number of received cases at the various district courts (the workload). As far as the rest of the courts are concerned, the allocation of resources is based on the budgets allocated the previous years.

The budget allocated to the individual court is used to cover salaries and other expenditures – rent, cleaning, refreshments at meetings, postage etc.

The budgets concerning IT and IT development projects are, however, centralized for all courts and are administered by the Danish Court Administration.

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| Official name in original language | Conseil Supérieur de la Magistrature |
| Official name in English | High Council for the Judiciary |
| Address | 21, boulevard Haussmann, 75009 Paris |
| Telephone number | +33 1 53 58 48 40 |
| Website | http://www.conseil-superieur-magistrature.fr |
| e-mail | csm@justice.fr |
| Brief history | The Council was established as an autonomous constitutional body by the French Constitution of October 27 th , 1946, marking the intention to found an independent justice system. Different laws reformed the institution, its composition and powers. Budgetary autonomy was granted by the law of July 22 nd , 2010. |
| Constitutional or legal status/basis | Autonomous constitutional body, assisting the president of the republic in its mission to guaranty the independence of the judicial power (article 64 of the Constitution). |
| Legal acts regulating the Status | Article 64 of the Constitution of the French Republic of October 4 th , 1958 modified by the constitutional law of July 27 th , 1993. The Councils composition is defined by article 65. The constitutional law nr2008-274 of July 23 th , 2008 on the modernization of the institutions of the 5 th Republic and the constitutional bylaw nr2010-830 of July 22 nd , 2010 reformed profoundly the Council regarding its composition and operating procedures, the appointments of members of the judiciary and complaints of citizens. |
| Composition: | |
| Total number of members | 22 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes, but not consecutively |
| Do the members have a full-time position or not? | Not full-time |
| Make up | Consists of judges, prosecutors and lay members: <ul style="list-style-type: none"> - 6 elected judges (5 are member of the formation with jurisdiction over sitting judges and 1 is a member of the formation with jurisdiction over public prosecutors); - 6 elected prosecutors (5 are member of the formation with jurisdiction over public prosecutors and 1 is a member of the formation with jurisdiction over sitting judges); - President of the Cour de Cassation; - General Prosecutor of the Cour de Cassation; |

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| | <p>- 8 prominent figures from outside the judiciary: 1 member of the Conseil d'Etat elected by the general assembly of the Conseil d'Etat, 1 lawyer nominated by the president of the national Council of bars and 6 prominent figures nominated respectively by the President of the Republic, the president of the National Assembly and the president of the Senate.</p> |
| Is there a majority of Judges? | No, the members of the judiciary form a minority in the formations with jurisdiction regarding nominations of members of the judiciary and are in a position of parity in matters of discipline |
| Presidency | <p>President of the plenary formation and President of the formation with jurisdiction over sitting judges: President of the Cour de Cassation.</p> <p>Substitute President of the plenary formation and President of the formation with jurisdiction over public prosecutors: General Prosecutor of the Cour de Cassation.</p> |
| Main Competences: | |
| Career of judges and / or prosecutors | <p>The formation of the Council with jurisdiction over sitting judges is empowered to propose appointments for judicial positions at the Cour de Cassation (first president, division president, trial judges, special judges, auxiliary judges and junior officers), first presidents of Court of Appeal and presidents of Tribunaux de Grande Instance.</p> <p>The formation of the Council with jurisdiction over sitting judges issues an opinion on the proposed appointment of other sitting judges by the Minister of Justice, who is bound by this opinion.</p> <p>The formation of the Council with jurisdiction over public prosecutors has the task to issue a simple "favourable" or unfavourable" opinion on proposed appointments by the Minister of Justice who is not bound by this opinion.</p> |
| Judicial training | No competence |
| Discipline | <p>The Council receives cases referred to by the Minister of Justice, the first presidents of courts of appeal or presidents of higher appeal courts, or by principal prosecutors at courts of appeal or prosecutors at higher appeal courts and finally by litigants. The formation having jurisdiction over sitting judges delivers the sanction. The formation of the Council with jurisdiction over prosecutors issues a simple opinion as only the Minister of Justice is granted power to impose a sanction. Each formation of the Conseil supérieur de la magistrature may charge one or more of its members to conduct fact-finding missions at the Cour de Cassation, the courts of appeal, the tribunals and the National Judiciary School</p> |
| Ethics | <p>Formulates and publishes a repository of ethical obligations for magistrates.</p> <p>The plenary formation rules upon matters related to the professional ethics of magistrates as well as matters relating to the functioning of the justice system referred to it by the Minister of Justice.</p> |
| Opinions on legislation / other opinions | Requests for opinions are formulated by the President of the Republic to the Council meeting in plenary formation presided over by the first president of the Cour de Cassation. |

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| Status of decisions | The disciplinary sanctions delivered by the formation having jurisdiction over sitting judges are jurisdictional decisions |
| Review | The disciplinary sanction delivered by the formation having jurisdiction over sitting judges can be appealed before the Conseil d'Etat on a point of law. |
| Budget | <p>The Councils budget is autonomous in relation to the budget of the judiciary services. The President of the Cour de Cassation manages the budget and negotiates the budget with the Minister of economy and finances.</p> <p>The budget allocated to the Council is to cover the expenses related to its functioning in the exercise of its competences.</p> |

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| Official name in original language | ΑΝΩΤΑΤΟ ΔΙΚΑΣΤΙΚΟ ΣΥΜΒΟΥΛΙΟ |
| Official name in English | SUPREME JUDICIAL COUNCIL of CIVIL and CRIMINAL JUSTICE |
| Address | 121 Alexandras Ave., 115 10 ATHENS |
| Telephone number | +30 2106419363, +30 2106419105 |
| Website | www.areiospagos.gr |
| e-mail | president@areiospagos.gr |
| Brief history | The Supreme Judicial Council was first instituted under Law 3437/1909, having the same competences as the current Supreme Judicial Council as described in The Code on the Organization of Courts and Status of Judicial Officers (Law 1756/1988). |
| Constitutional or legal status/basis | The Constitution of Greece, article 90, par. 1: “Promotions, assignments to posts, transfers, detachments, and transfers to another branch of magistrates shall be effected by presidential decree, issued after prior decision by the supreme judicial council”. |
| Legal acts regulating the Status | The Code on the Organization of Courts and Status of Judicial Officers (Law 1756/1988) |
| Composition: | The council consists of judges and prosecutors of the Supreme Court who are chosen by lot by the Plenum of the Supreme Court. |
| Total number of members | There are two boards of Supreme Judicial Council, with eleven and fifteen members respectively. Members of the Supreme Court and Deputy Prosecutors are promoted by the 15-membered Supreme Judicial Council. Other judicial officers are promoted by the 11-membered Supreme Judicial Council (Law 1756/1988, article 78). |
| Term of office | One year |
| Is there a possibility to be renewed as a member? | Yes |
| Do the members have a full-time position or not? | The members of the Supreme Judicial Council do not have a full-time position. |

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| <p>Make up</p> | <p>Pursuant to the Constitution of Greece (article 90, par. 1), “This council shall be composed of the president of the respective supreme court and of members of the same court chosen by lot from among those having served in it for at least two years, as specified by law. The Prosecutor of the Supreme Civil and Criminal Court shall participate in the supreme judicial council on civil and criminal justice, as well as two Deputy Prosecutors of the Supreme Civil and Criminal Court who are chosen by lot from among those having served for at least two years in the Public Prosecutor's Office of the Supreme Civil and Criminal Court, as specified by law.</p> <p>In the supreme judicial council shall also participate, without right to vote, two magistrates of the branch concerned by the changes in the service status, who must be at least of the rank of Judge of Appeals or of an equivalent one, and are chosen by lot, as specified by law”.</p> <p>Also in par. 2 of the same article “In the case of judgments concerning promotions to the posts of Councillors of State, Supreme Civil and Criminal Court Judges, Deputy Prosecutors of the Supreme Civil and Criminal Court, Councillors of the Court of Audit, President Judges of Appeals and Prosecutors of Appeals, as well as concerning the selection of the members of the General Commissions of administrative courts and of the Court of Audit, the council prescribed in paragraph 1 shall be supplemented by additional members, as specified by law. As for the rest, the provisions of paragraph 1 shall also apply in this case”.</p> |
| <p>Is there a majority of Judges?</p> | <p>Yes</p> |
| <p>Presidency</p> | <p>The President of the Supreme Court presides on both boards of the Supreme Judicial Council.</p> |
| <p>Main Competences:</p> | <p>Pursuant to the Constitution of Greece (article 90, par. 1) the Supreme Judicial Council issues decisions on “promotions, assignments to posts, transfers, detachments, and transfers to another branch of magistrates which will be effected by presidential decree”.</p> |
| <p>Career of judges and / or prosecutors</p> | <p>Judges and prosecutors are assigned to posts after successfully completing their training in the National School for Judicial Officers and having completed their trial period (article 31, Law 3689/2008, “The National School of Judicial Officers” and article 49, Law 1756/1988, “Code on the Organization of Courts and the Status of Judicial Officers”. Furthermore, pursuant to the Constitution,</p> |

article 87 par. 1 “Magistrates shall be appointed by presidential decree in compliance with a law specifying the qualifications and the procedure for their selection and are appointed for life”, and par. 5 “Retirement from the service of the magistrates shall be compulsory upon attainment of the age of sixty five years for all magistrates up to and including the rank of Court of Appeal Judge or Deputy Prosecutor of the Court of Appeals, or a rank corresponding thereto. In the case of magistrates of a rank higher than the one stated, or of a corresponding rank, retirement shall be compulsory upon attainment of the age of sixty seven years. In the application of this provision, the 30th of June of the year of retirement shall in all cases be taken as the date of attainment of the above age limit”.

Regarding the “Promotion to the post of President or Vice-President of the Supreme Administrative Court, of the Supreme Civil and Criminal Court and of the Court of Audit shall be effected by presidential decree issued on the proposal of the Cabinet, by selection from among the members of the respective supreme court, as specified by law. Promotion to the post of Supreme Civil and Criminal Court Prosecutor shall be effected by similar decree, by selection from among the members of the Supreme Civil and Criminal Court and Deputy Public Prosecutors of this Court, as specified by law. [...] The tenure of the President of the Supreme Administrative Court, of the Supreme Civil and Criminal Court and of the Court of Audit, as well as of the Public Prosecutor of the Supreme Civil and Criminal Court and of the General Commissioners of administrative courts and of the Court of Audit may not exceed four years, even if the magistrate holding this office has not reached the retirement age. Any period of time which remains until completion of the retirement age, shall be calculated as actual pensionable service, as specified by law” (The Constitution of Greece, article 90, par. 5).

Judicial training

The Supreme Judicial Council does not organize educational seminars. However, the president and members of the council participate and lecture in conferences.

Discipline

Pursuant to Law 1756/1988, there is a separate Disciplinary Board, whose members are chosen by lot for a year.

Ethics

Pursuant to Law 1756/1988, supreme court judges and deputy prosecutors are chosen by lot to serve as Judicial Inspectors for a year.

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| | There is also a separate Inspection Board, whose members are chosen by lot and serve for a year. |
| Opinions on legislation / other opinions | Opinions are issued only by the Plenum of the Supreme Court. |
| Status of decisions | The Constitution of Greece, article 90, par. 1: "Promotions, assignments to posts, transfers, detachments, and transfers to another branch of magistrates shall be effected by presidential decree, issued after prior decision by the supreme judicial council". |
| Review | <p>Pursuant to the Constitution of Greece (article 90, par. 3), " should the Minister of Justice disagree with the judgement of a supreme judicial council, he may refer the matter to the plenum of the respective supreme court, as specified by law. The magistrate concerned by the judgement has as well the right of recourse, under the conditions specified by the law. As regards the session of the plenum of the respective highest court, as a second instance supreme judicial council, the provisions of sections three to six of paragraph 1 shall apply. In the plenum of the Supreme Civil and Criminal Court, in the cases of the preceding section, shall also participate with right to vote the members of the Public Prosecutor's office of the Supreme Civil and Criminal Court.</p> <p>In par. 4 of the same article "The decisions of the plenum, as a second instance supreme judicial council, on a matter referred to it as well as the decisions of the supreme judicial council with which the Minister has not disagreed, shall be binding upon him".</p> <p>Furthermore in the abovementioned article in par. 6 "Decisions or acts in compliance with the provisions of the present article shall not be subject to remedies before the Supreme Administrative Court".</p> |
| Budget | There is no provision for a separate budget. |

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| Official name in original language | Ανώτατο Δικαστικό Συμβούλιο Διοικητικής Δικαιοσύνης (Anotato Dikastiko Symvoulío Dioikitikis Dikaiosinis) |
| Official name in English | Supreme Judicial Council of the Administrative Justice |
| Address | 47, Panepistimiou Str. 10564 - Athens - Greece |
| Telephone number | 0030 2132102091 |
| Website | www.adjustice.gr |
| e-mail | ste@.gr |
| Brief history | |
| Constitutional or legal status/basis | Constitution articles 88, 90 |
| Legal acts regulating the Status | Law 1756/1988 (articles 67, 68) |
| Composition: | |
| Total number of members | Normally 11 (Constitution article 90 paragraph 1). In the case of promotions to the ranks of members of the Supreme Administrative Court (Councillors of State) and President Judges of Appeals of Administrative Courts, as well as the selection of the members of the General Commission of Administrative Courts, the Council consists of 15 members (Constitution article 90 paragraph 2). |
| Term of office | One year |
| Is there a possibility to be renewed as a member? | yes |
| Do the members have a full-time position or not? | No, during their tenure, the members fulfill also their main judicial duties. |
| Make up | |
| Is there a majority of Judges? | All members are Judges. They belong to the Supreme Administrative Court (Vice Presidents or Councilors of State) and they are chosen by lot from among those having served in it for at least two years. In the Council participate additionally, without right to vote, two magistrates of the branch concerned by the changes in the service status, who must be at least of the rank of Judge of Appeals or of an equivalent one, and are chosen by lot. In the Council participates also the General Commissioner of |

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| | administrative courts on issues relating to magistrates of ordinary administrative courts and of the General Commission (Constitution article 90 paragraph 1). |
| Presidency | The Supreme Judicial Council of Administrative Justice is presided over by the President of the Supreme Administrative Court. |
| Main Competences: | Decisions concerning the promotions, assignments to posts, appointments as regular judges, transfers, detachments of all magistrates of the Supreme Administrative Court, of the General Commission and of the ordinary administrative courts. It is mandatory that the decision of the Supreme Judicial Council of Administrative Justice is followed by a presidential decree (Constitution article 90 paragraph 1) implementing the decision. Exception: The promotion to the rank of President or Vice-Presidents of the Supreme Administrative Court is effected by presidential decree issued upon proposal of the Cabinet, by selection from among the members of the Supreme Administrative Court. Promotion to the rank of General Commissioner of administrative courts is effected by similar decree, by selection from among the members of the General Commission and the President Judges of Appeals of the administrative courts (Constitution article 90 paragraph 5). Decisions or acts implementing the provisions of Article 90 are not challenged before the Supreme Administrative Court (Constitution article 90 paragraph 6). |
| Career of judges and / or prosecutors | Magistrates are appointed by presidential decree after their successful training in the National School of Magistrates and after having completed their trial period (Constitution article 88 paragraphs 1, 3). Matters concerning their rank, remuneration and their general status are regulated by special statutes (paragraph 2). Magistrates may be dismissed only pursuant a court judgment resulting from a criminal conviction or a grave disciplinary breach or illness or disability or professional incompetence (paragraph 4). Retirement from the service of the magistrates is compulsory upon attainment of the age of sixty five years for all magistrates including the rank of Court of Appeal Judge. In the case of magistrates of a rank higher than the one stated, or of a corresponding rank, retirement is compulsory upon attainment of the age of sixty seven years. In the application of this provision, the 30th of June of the year of retirement is taken as the date of attainment of the age limit (paragraph 5). |
| Judicial training | A) The National School of Magistrates (founded in 1994) is competent for the organization of examinations and the initial training of the successful candidates. The General Director of the school is alternatively a member of the Supreme Administrative Court or the Supreme Civil and Criminal Court and is appointed by decision of the respective Supreme Judicial Council for a three years term. A member of the Supreme Administrative Court appointed by decision of the Supreme Judicial Council of Administrative Justice participates in the School's Studies Board of Administrative Justice. |

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| | B) The Council decides on matters of educational leave (in Greece or abroad) of Judges of the Supreme Administrative Court or the ordinary administrative courts. |
| Discipline | The Council has no competence in this field. The disciplinary authority is exercised by the Supreme Disciplinary Council or the disciplinary councils, depending upon the rank of the accused. These Councils are composed exclusively of Judges (Constitution article 91). |
| Ethics | The Council has no competence in this field. Judges from the Supreme Administrative Court are chosen to serve as Judicial Inspectors. |
| Opinions on legislation / other opinions | The Plenum may be asked by the Minister of Justice to give its opinion on Bills, especially on Bills concerning the Administrative Justice. |
| Status of decisions | Should the Minister of Justice disagree with the judgment of the Supreme Judicial Council of Administrative Justice, he may refer the matter to the Plenum of the Supreme Administrative Court. The magistrate concerned by the judgment has as well the right of appeal to the Plenum. The decisions of the Plenum, as a second instance Supreme Judicial Council, on a matter referred to it, as well as the decisions of the Supreme Judicial Council, with which there was no disagreement, are binding upon the Minister of Justice (Constitution article 90 paragraphs 3, 4). |
| Review | Should the Minister of Justice disagree with the judgment of the Supreme Judicial Council of the Administrative Justice, he may refer the matter to the Plenum of the Supreme Administrative Court. The magistrate concerned by the judgment has as well the right of recourse to the Plenum. The decisions of the Plenum, as a second instance Supreme Judicial Council, on a matter referred to it, as well as the decisions of the Supreme Judicial Council, with which there was no disagreement, are binding the Minister of Justice (Constitution article 90 paragraphs 3,4) |
| Budget | No special budget is provided for the Supreme Judicial Council of the Administrative Justice |

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| Official name in original language | Országos Bírói Tanács |
| Official name in English | National Judicial Council |
| Address | H-1055 Budapest, Szalay street 16. |
| Telephone number | +36-1/3544100 |
| Website | http://birosag.hu/en/njc/front-page |
| e-mail | obt@obt.birosag.hu |
| Brief history | <p>The OBT has started its activity on the 15th of March, 2012.</p> <p>The National Judicial Council (OBT) is the supervisory organ – as a body - of the central administration of courts.</p> <p>The seat of the OBT is in Budapest, and it has 15 members.</p> <p>Regarding its members, only the president of the Curia is delegated, according to the Act CLXI of 2011 on the Organisation and Administration of Courts. The other 14 judge members of the OBT shall be elected in a secret ballot by majority vote at the meeting of the delegated judges.</p> <p>At the time of the first election, the meeting of the delegated judges shall elect one judge of a regional court of appeal, 5 judges of courts of appeal, 7 judges of local courts and one judge of an administrative and labour court.</p> |
| Constitutional or legal status/basis | The Fundamental Law of Hungary Article 25 |
| Legal acts regulating the Status | Decisions |
| Composition: | <p>The OBT consists of 15 judges. The members are:</p> <ul style="list-style-type: none"> • the president of the Curia, • a judge from a Regional Court of Appeal, • 5 judges from Regional Courts, • 7 judges from District Courts, • a judge from an Administrative and Labour Court. <p>The membership of the president of the Curia is based on Act CLXI of 2011 on the organization and administration of the courts. The other members are elected by the conference of judges by a secret ballot with a simple majority.</p> |
| Total number of members | 15 |
| Term of office | 6 years |

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| Is there a possibility to be renewed as a member? | no |
| Do the members have a full-time position or not? | no |
| Make up | - |
| Is there a majority of Judges? | yes |
| Presidency | <p>The president and the deputy president of the OBT The OBT shall be represented and led by the President. The presidential position of the OBT shall be filled by members on a rotational basis; members shall rotate every 6 months in the following manner: the first to fill the position shall be the judge with the longest judicial service, followed by the other members in descending order of the length of their judicial service. The President of the OBT - if unable to attend - shall be substituted by the Deputy President. The position of the Deputy President shall be filled on a rotational basis in the following manner: the first to fill the position of the Deputy President shall be the judge with the second longest judicial service and will be followed by the other members – as in the case of the president - in a descending order of the length of their judicial service.</p> |
| Main Competences: | <p>Tasks of the National Judicial Council (OBT)</p> <p>Tasks of the OBT in the field of general central administration Supervises the central administrative activity of the president of the National Judicial Office (OBH) and in case of necessity, sends notification to the president of the National Judicial Office. Makes a motion to the president of the National Judicial Office to act with her sphere of right described in 76. § (1) paragraph d) point. Supervises the regulations and recommendations published by the president of the National Judicial Office, and Approves the rules of procedure of the official court and publishes it on the central website.</p> <p>Tasks of the OBT in field of the budget Gives judgement on the proposal of the budget of the courts and on the briefing of its execution. Supervises the management of the courts, and Comments the detailed conditions and extent of the contributory allowances. Tasks of the OBT in the field of statistical collection of facts, the allocation of work, and the measuring of the completed work In exceptionally justified cases, the Council may order the management of a case before its turn, if it affects wide sphere of the society or it has emerging importance from the point of view of the public interest.</p> |

Determines the theories to be considered during the settlement of the proceeding court, regarding the sphere of right of the president of the National Judicial Office, that she may settle another court for the procedure in favour that cases should be decided in a reasonable time.

Tasks of the OBT in the human policies' field

According to a personal hearing, the Council gives a preliminary opinion

on the candidates of the president of the National Judicial Office and that of the Curia.

Determines the theories to be considered during the settlement of the proceeding court, regarding the sphere of right of the president of the National Judicial Office, that she may settle another court for the procedure in favour that cases should be decided in a reasonable time.

Practices the right of accordance during the judgement of those competitions when the president of the National Judicial Office or that of the Curia would like to fulfill the position with the candidate who is second or third in the rank.

Practices the right of accordance in the case of the nomination of court leaders in which the candidate have not received the consensus of the organ expressing opinion.

Decides in the question of a renewed nomination of a president or a deputy president of the regional court of appeal, the tribunal, the administrative and labour court, and the local court, or, in case the president or the deputy president has already hold the given position two times before.

Publishes yearly its opinion on the practice of the presidents of the National Judicial Office and of the Curia on judging the applications of judges and court leaders.

Nominates the president and the members of the official court.

The Council may give an exemption in case of an incompatibility between the court leader and his or her relative working in the organisational unit under his or her leadership.

Carries out the supervising procedure regarding the property declaration of judges.

In case of a resignation of a judge, the Council may contribute to the fact that the resignation time could be shorter than 3 months, or, it may exempt the judge from his or her obligation of work, and, in further

In case of the retirement of a judge, or if she or he reaches the highest age limit, the Council decides - regarding the resignation time - on the exemption time from the work, according to the Act on the Status and Allowance of Judges.

According to an initiative of the president of the National Judicial Office, the Council may donate the title of titular judge of tribunal, titular judge of regional court of appeal, titular judge of the Curia, and in case of forensic assistants, it may donate the title of counsellor general or counsellor, and in further,

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| | <p>according to the initiative of the president of the National Judicial Office, it may suggest to donate a distinction, or a premium, a certificate, a plaque, or it may consent to another organ to donate a distinction, a plaque, or a certificate.</p> <p>Tasks of the OBT in the field of education Presents a recommendation on the central educational project, and Gives judgement on the system of formation of judges and on the rules of accomplishment of the educational obligations. The OBT, further to the upper mentioned tasks shall proceed in other cases referred to its jurisdiction.</p> |
| Career of judges and / or prosecutors | - |
| Judicial training | <p>Tasks of the OBT in the field of education Presents a recommendation on the central educational project, and Gives judgement on the system of formation of judges and on the rules of accomplishment of the educational obligations.</p> |
| Discipline | - |
| Ethics | The national judicial council enforced the Code of Judicial Conduct on the 10th of November, 2014. |
| Opinions on legislation / other opinions | May propose the modification of legislative amendments to authorities. |
| Status of decisions | - |
| Review | - |
| Budget | The OBT has an independent budget from 1st January 2013. The budget of the OBT may be expended on the operation of the permanent office, the expenses of the meetings, organisation of its own events, its international relations, participating of the members of the OBT on other events, the operation of the website, and on other expenses relating informatics. |

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| Official name in original language | An tSeirbhís Chúirteanna |
| Official name in English | The Courts Service |
| Address | 6 th Floor, Phoenix House, 15-24 Phoenix Street North, Smithfield, D 07F95Y, Dublin 7, IRELAND |
| Telephone number | 00 353 1 888 6228 |
| Website | www.courts.ie |
| e-mail | judicialsupport@courts.ie |
| Brief history | The Courts Service was established in November, 1999 pursuant to the statutory provisions of the Courts Service Act 1998. The Courts Service is an independent State Agency for the management and administration of the Courts of Ireland. It is not protected by any constitutional provision, but is subject to the provisions of its governing legislation. The service is a body corporate and, subject to the legislation, is independent in carrying out its mandate |
| Constitutional or legal status/basis | No constitutional basis |
| Legal acts regulating the Status | The Courts Service Act 1998 |
| Composition: | |
| Total number of members | 18 members (the Board of the Courts Service) |
| Term of office | 3 years |
| Is there a possibility to be renewed as a member? | Yes |
| Do the members have a full-time position or not? | Not full-time |
| Make up | <ul style="list-style-type: none"> - 10 judges - 8 civil society representatives nominated by a variety of bodies, including 1 by the Minister for Justice and Equality and the others, <i>inter alia</i>, being a practising solicitor or practising barrister and the Chief Executive Officer of the Courts Service |
| Is there a majority of Judges? | Yes (10 judges out of 17 members) |

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| Presidency | The Chief Justice of Ireland is the ex-officio President of the Courts Service There is no Vice-President |
| Main Competences: | |
| Career of judges and / or prosecutors | No competence in the selection, appointment or promotion of judges. |
| Judicial training | Training of judges is a matter for the Committee for Judicial Studies and the Court Service provides administrative support and funding to the Committee. |
| Discipline | No competence in the area of discipline related to the judiciary. |
| Ethics | No competence in promoting judicial ethics |
| Opinion son legislation / other opinions | In an advisory capacity the Courts Service provides observations on proposed legislation directly affecting its competencies. |
| Other competencies | In accordance with the Courts Service Act the mandates of the Service is to a) manage the courts; b) provide support services for the judges, c) provide information on the courts system to the public; d) provide, manage and maintain court buildings; and e) provide facilities for court users. |
| Status of decisions | Administrative decisions |
| Review | All decisions of the Courts Service can be challenged by way of judicial review |
| Budget | The budget of the Courts Service is voted upon by the legislature and utilised to manage its various competencies as set out above. |

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| Official name in original language | Consiglio Superiore della Magistratura |
| Official name in English | - |
| Address | Piazza dell'Indipendenza, 6 – 00185, Rome |
| Telephone number | +39 0644491(1)-238-239-228-201-322 |
| Website | encj@cosmag.it |
| e-mail | http://www.csm.it |
| Brief history | <p>A reference to the CSM has been made for the first time in Article 4 of Law 511 of 1907, substantially as an advisory body, and heavy administrative charges relating to the appointment of some judicial office within the judiciary. The CSM's took its first seat in the building of the Ministry of Justice. A few months later, the government Giolitti passed a bill (nr. 689/1907) in which it defined and framed the new body, although of course, the judiciary acted in the name of the King, its members could be construed as public employees. Its functions were roughly unchanged until the Republican Constitution, during which it was an administrative consultative body under the Ministry, and then became a self-government body of the Judiciary.</p> <p>After these reforms, the CSM was fully operational until 1959, overall as a result of law n. 195 of 1958. Actually the CSM doesn't perform (exercises) political functions and therefore plays no political role, properly understood. Indeed, the CSM does not pursue political goals. Under the Italian Constitution its functions hinge primarily on the administration of judiciary members. The protection of judicial independence and autonomy is also a significant task which is carried out by the CSM.</p> |
| Constitutional or legal status/basis | Autonomous constitutional body, based on Republican Constitution (art. 104, 105, 106, 107) |
| Legal acts regulating the Status | The regulation of CSM is provided by Republican Constitution (art. 104, 105, 106, 107) and by two laws : n. 195 of 1998 and 44 of 2002. |
| Composition: | |
| Total number of members | 27 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes, but not immediately upon expiration of the term of office |
| Do the members have a full-time position or not? | Full-time |
| Make up | - 16 members are magistrates , elected by their peers. The members elected by judges are chosen as follows: 2 magistrates from the Supreme Court (Corte di Cassazione), who are judges and/or public prosecutors deciding on legitimacy issues; 4 public |

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| | <p>prosecutors who carry out their role by deciding on the merits; 10 judges who carry out their role of judges in trial courts deciding on the merits.</p> <ul style="list-style-type: none"> - 8 lay members, appointed by Parliament in a joint session; - 3 ex officio members: the President of Italy (Chairperson), the First Chief Judge of the Supreme Court and the Attorney General (Chief Public Prosecutor). |
| Is there a majority of Judges? | Yes, it is provided by art. 104 of Republican Constitution. |
| Presidency | The President of the Republic of Italy |
| Main Competences: | |
| Career of judges and / or prosecutors | According to the Italian Constitution, the Council is responsible for the recruitment, assignment, transfer, promotion and disciplinary measures concerning magistrates - judges and public prosecutors – (as stated in section 105 of the Constitution). |
| Judicial training | Legislative Decree no. 26 of 30 January 2006 has established the School of the Judiciary, which is exclusively competent for training magistrates - both initial and ongoing. The School has been effectively set up in 2012, and it started to operate in 2013. Before the School was set up, training was organized by the High Council for the Judiciary. At this stage, in drawing up its annual program of training courses, the School must give due consideration to the guidelines delivered by the High Council for the Judiciary, the Ministry of Justice and any proposals forwarded by the National Bar Association and the National University Council. |
| Discipline | The High Council is exclusively competent on disciplinary procedure and sanctions against judges and public prosecutors. The legal act regulating discipline of the judiciary is Legislative Decree no. 109/2006 – “rules regulating breaches of discipline by magistrates, relevant sanctions, and application procedure”. The decision adopted by the Disciplinary Division can be challenged in front of the Joint Divisions of the Supreme Court. |
| Ethics | There is not specific role of Council in the field of judicial ethics; the matter is however relevant in the periodic professional appraisal of magistrates, since judges' and prosecutors' independence, impartiality and balance are assumed to be indispensable conditions for a proper exercise of judicial functions. The National Magistrates' Association (Associazione Nazionale Magistrati), a private law association of judges and prosecutors voluntarily joined by most of the Italian members of the judiciary, has adopted a Code of professional conduct, thus implementing specific legal provisions in the field of codes of ethics for public agencies and members of the judiciary. |

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| Opinions on legislation / other opinions | Article 10 of law n. 195 - 1958 entitles the Council to make proposals and give opinions to the Ministry of Justice in the field of regulation regarding matters related to the judiciary and justice administration. The law that regulates the functioning of the CSM, vested the Minister of Justice with the power to formulate requests and make comments on matters falling under the competence of the Council for the Judiciary. |
| Status of decisions | Administrative acts issued by a public authority. |
| Review | The decisions of the Council can be challenged in front of the administrative courts, by the individuals who are somehow interested. |
| Budget | The CSM has financial autonomy with regard to the amounts made available by the State for its functioning. The budget for the operation of the courts and, in general, for the organization of the judiciary, is administered by the Ministry of Justice. In order to safeguard its autonomy and independence the Council is not politically and institutionally accountable to anyone. The presidency of the President of Italy is deemed to be the guarantee of fairness and correctness of its action. |

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| Official name in original language | Consiglio di presidenza della giustizia amministrativa |
| Official name in English | - |
| Address | Piazza Monte di Pietà , 33 Palazzo Aldobrandini – 00186 Rome |
| Telephone number | +39 069827(1) +39 0668273063 +39 0668273094 |
| Website | http://www.giustizia-amministrativa.it |
| e-mail | encj@giustizia-amministrativa.it |
| Brief history | In the Italian system there is a distinction between civil and criminal judiciary on one hand and administrative judges, on the other hand. They have different bodies of self government: the High Council of the judiciary for criminal and civil judges (C.S.M.) and the Council of administrative justice (CPGA) for the administrative judges. The CPGA was created in 1982. A profound reform was made in 2000. |
| Constitutional or legal status/basis | Italian Constitution does not mention the Council for the judiciary of administrative judges, but only the CSM. |
| Legal acts regulating the Status | The regulation of the CPGA is provided by two laws, n. 183 of 1982 and n. 205 of 2000 |
| Composition: | |
| Total number of members | 15 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes, but only once and after 8 years. |
| Do the members have a full-time position or not? | Not full-time position for all members from the judiciary, since they still work in their Courts but with a reduction. |
| Make up | <ul style="list-style-type: none"> - 10 members are magistrates, elected by their peers: The members elected by judges are chosen as follows: 4 from the Council of State and 6 from Administrative Courts of first instance. There is no the office of prosecutor. - 4 lay members, appointed by Parliament in a joint session (professors of law or lawyer with 20 years experience). - 1 ex officio member (magistrate) - the President of the Council of State. |
| Is there a majority of Judges? | Yes (11 members (10 elected and 1 ex officio) out of 15 are magistrates) |
| Presidency | No information |

Main Competences:

Career of judges and / or prosecutors

The Council is responsible, together with the President of the Council of Ministers, for the recruitment of administrative judges that is made by a selective competition. The Council oversees the proceeding of selection. The selection is an exam, open to civil servant with degree in law, included criminal and civil judges. The examiner body is independent and made up by internal and external experts.

Judicial training

The CPGA supervises on the organization of judicial training that is a task of the Study and Training Office of the administrative justice, made up by 12 judges (6 from the Council of State and 6 from administrative courts of first instance) recruited with a selective competition and appointed by the CPGA. The program of the initial and continuous training is proposed by the Study and Training Office and the administrative justice and approved by the CPGA.

Discipline

The CPGA is exclusively competent on disciplinary procedure and sanctions against judges and public prosecutors. The decision adopted by the Disciplinary Division can be challenged in front of the administrative Court of Rome at first instance, and in front of the Council of State in appeal, as any other decision of the CPGA.

Ethics

The Association of Judges of the Council of Stats, in 1994, adopted a Code of professional conduct, modified in 2007. There is no a specific competence of the Council in the field of judicial ethics; the matter is however relevant for the periodic professional appraisal of magistrates.

Opinions on legislation / other opinions

The Council is entitled to give advices to the Government in the field of regulation regarding matters related to the administrative judges' status and administrative justice, when required.

Status of decisions

Administrative acts issued by a public authority.

Review

The decisions of the CPGA can be challenged in front of the administrative courts (Administrative Court of Rome, first instance and Council of State, second and last instance), by the individuals who are somehow interested.

Budget

The CPGA has financial autonomy with regard to the amounts made available by the State for its functioning. The budget for the operation of the courts and, in general, for the organization of the judiciary, is administered by the Council itself. In order to safeguard its autonomy and independence the Council is not politically and institutionally accountable to anyone.

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| Official name in original language | Tieslietu padome (TP) |
| Official name in English | Council for the Judiciary |
| Address | Brivibas boulevard 36, Riga, LV-1511, Latvia |
| Telephone number | +371 67020350 |
| Website | http://at.gov.lv/en/the-council-of-justice/basis-and-functions-of-authority/ |
| e-mail | t.padome@at.gov.lv |
| Brief history | Date of establishment – 1st August 2010. The Council for the Judiciary is a collegial authority which participates in the development of the policies and strategies of the judicial system, as well as the improvement of the organisation of the work of the judicial system. |
| Constitutional or legal status/basis | Law on Judicial Power |
| Legal acts regulating the Status | Law on Judicial Power |
| Composition: | |
| Total number of members | 15 members |
| Term of office | 4 years (for elected members) |
| Is there a possibility to be renewed as a member? | The members of the Council for the Judiciary may be re-elected, but not more than twice in succession |
| Do the members have a full-time position or not? | No |
| Make up | <ul style="list-style-type: none"> - 7 elected members (judges): 6 judges are elected by the Judicial Conference, 1 judge by the Plenary Session of the Supreme Court. - 8 permanent ex officio members: Chief Justice of the Supreme Court, President of the Constitutional Court, Minister of Justice, Chairperson of the Judicial Committee of the parliament (<i>Saeima</i>), Prosecutor General, Chairman of the Latvian Council of Sworn Advocates, Chairman of the Latvian Council of Sworn Notaries and Chairman of the Latvian Council of Sworn Bailiffs. |
| Is there a majority of Judges? | Yes |
| Presidency | Chief Justice No Vice-president |

Main Competences:

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| Career of judges and / or prosecutors | The Council makes the decisions only for a judge transference to the same level court and also approves the regulations on Judges assessment. |
| Judicial training | The Court Administration is responsible for the creation and the development of the programs for initial and continuous training. |
| Discipline | No competence. This is duty of the Judicial Disciplinary Committee and Disciplinary Court. |
| Ethics | Commission of Judicial Ethics Code of Ethics for Latvian judges |
| Opinions on legislation / other opinions | The legislator has the duty to ask for and to listen to the opinion of the Council for the Judiciary, respecting it in accordance with the principle of the separation of powers. The legislator has to give the possibility to the Council for the Judiciary to express its opinion on issues which affect the functioning of courts, but the taking of decisions concerning them fall within the competence of the legislator. The legislator has the right to disagree with the opinion of the judiciary, however, the legislator has to listen to it and to treat it with respect and due understanding (from the Constitutional Court judgment No. 2009-11-01, form 18 January, 2010). |
| Status of decisions | There are both binding and advisory decisions |
| Review | Not subject to review |
| Budget | The work of the Council for the Judiciary shall be ensured by the Administration of the Supreme Court. It does not have a separate budget. |

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| Official name in original language | Teisėjų Taryba (TT) |
| Official name in English | The Judicial Council |
| Address | L. Sapiegos g. 15, LT-10312 Vilnius, Lithuania |
| Telephone number | +370 52 514126 |
| Website | http://www.teismai.lt |
| e-mail | nca@teismai.lt ; info@teismai.lt |
| Brief history | <p>The Constitution of the Republic of Lithuania (adopted in 1992) laid down the foundation for a special institution of judges which shall submit recommendations to the President concerning the appointment of judges, as well as their promotion, transfer, or dismissal from judicial office. Originated under the Law on Courts of the Republic of Lithuania of 1994 as an institution consisting of only 9 members, it has gone through several changes of the name and composition over the years and finally evolved into the Judicial Council as it is now – one of the main institutions of self-governance of courts intended to ensure the independence of courts and judges. Recently the number of members of the Council was increased to 23 by the amendment to the Law on Courts adopted in 2012, taking into account an increased representation of district and regional courts in the institutions of self-governance.</p> |
| Constitutional or legal status/basis | Article 112 of the Constitution provides that a special institution of judges provided for by law shall advise the President of the Republic on the appointment, promotion, transfer of judges, or their dismissal from office. |
| Legal acts regulating the Status | The Law on Courts of the Republic of Lithuania |
| Composition: | |
| Total number of members | 23 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes |
| Do the members have a full-time position or not? | Not full-time |

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| Make up | <ul style="list-style-type: none"> - 20 judges selected at the General Meeting of Judges: 3 from the Supreme Court, the Court of Appeal, the Supreme Administrative Court each, 1 from each regional court, 1 representing all regional administrative courts and 1 representing all district courts located in the territory of each regional courts activities. - 3 ex-officio members (judges): Chairperson of the Supreme Court, Chairperson of the Court of Appeal, Chairperson of the Supreme Administrative Court. |
| Is there a majority of Judges? | Yes, as the Council consists only of judges |
| Presidency | President and Vice-President are elected by the members of the Judicial Council for the period of 2 years. |
| Main Competences: | |
| Career of judges and / or prosecutors | <p>It participates in forming the corps of judges, by giving informed advice to the President of the Republic on the appointment, promotion, transfer and removal from office of judges, Chairperson, Deputy Chairperson and Chairperson of divisions of courts; as well as informed advice on determining or changing the number of judges in courts.</p> <p>The Judicial Council also forms by election or appointment the Examination Commission of Candidates to the Judicial Office and approves the acts regulating its activities (rules of procedure).</p> |
| Judicial training | <p>Initial training and compulsory in-service training (continuous) are financed by the state. The Ministry of Justice – harmonises annual programmes of the judicial training while the Judicial Council approves the Rules of organising the training of judges, the training programs, annual plans for the qualification development and qualification requirements to the lecturers.</p> <p>The Training Committee of the Judicial Council presents conclusions, comments regarding the training programs and projects of the training plan, evaluates the demand for the additional trainings of judges, deals with the international trainings of judges, assistants of judges and other court officials, it also considers the issues of financing, strategy and need of training.</p> <p>The National Courts Administration (institution providing services to courts and self-government institutions of courts) is responsible for creation and development of initial and continuous training of judges.</p> |

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| Discipline | <p>Participates in the formation of the Judicial Ethics and Discipline Commission and the Judicial Court of Honour: the Judicial Council appoints 4 members (out of 7) to the Judicial Ethics and Discipline Commission, elects the chairperson of the commission and removes them from office in cases provided in law. It also appoints six members (out of ten) of the Judicial Court of Honour, elects the chairperson and removes them from office in cases provided in law.</p> <p>Approves the rules of procedure of the Judicial Ethics and Discipline Commission and the Judicial Court of Honour.</p> <p>Hears the annual reports of the Judicial Ethics and Discipline Commission and the Judicial Court of Honour.</p> <p>Has a right to make a motion for instituting a disciplinary case against a judge.</p> |
| Ethics | <p>The Code of Ethics of the Judges of the Republic of Lithuania was adopted by the General Meeting of Judges in 2006. The following institutions specifically deal with the issues of the breach of this Code and instituting disciplinary actions against judges: the Judicial Ethics and Discipline Commission and the Judicial Court of Honour.</p> |
| Opinions on legislation/ other opinions | <p>The Judicial Council itself has no right of legislative initiative. However, it has a right to submit the reasoned opinion regarding legislative issues to the Government (concrete ministry) or to the President of the Republic of Lithuania.</p> <p>Other opinions: Considers and approves proposals on draft investment programmes for courts and proposals for the budgets of courts and submit them to the Government</p> |
| Other competencies | <p>Approves the regulations of administration in courts (including regulation on allocation of cases and forming the panels) and participates in resolving other administrative issues in courts.</p> <p>Co-operates on behalf of all judges with other institutions and organisations of Lithuania and of other States and international bodies concerning court autonomy, administration and other issues relevant to the activities of courts.</p> <p>Forms the Permanent Commission for the Assessment of the Judges' Activities and other standing and <i>ad hoc</i> commissions and approves legal acts regulating their functioning.</p> |
| Status of decisions | <p>Legally binding</p> |
| Review | <p>The Judicial Council itself may review its resolutions. In some cases the decision of the Judicial Council might be subject to judicial review of administrative court.</p> |

Budget

Financial resources required for the proper functioning of the Judicial Council and other self-government institutions of courts are allocated by the National Courts Administration. These financial resources are used for the maintenance of premises, equipment, personnel, organizing the meetings and other events, developing international cooperation, organization of meetings, international cooperation, etc.

The National Courts Administration receives the funds from the State budget according to the appropriation of the Ministry of Finance which are consolidated by the annual State budget law adopted by the Parliament.

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| Official name in original language | Kummissjoni għall-Amministrazzjoni tal-Gustizzja |
| Official name in English | Commission for the Administration of Justice |
| Address | The Palace, Republic Street, Valletta, Malta |
| Telephone number | - |
| Website | www.judiciarymalta.gov.mt |
| e-mail | kag@gov.mt |
| Brief history | The Constitution of Malta was amended when article 101A was added on the 2 nd September of 1994. This article laid down the foundation for the special institution - Commission for the Administration of Justice. |
| Constitutional or legal status/basis | Article 101A of the Constitution |
| Legal acts regulating the Status | No information |
| Composition: | |
| Total number of members | 10 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | No information |
| Do the members have a full-time position or not? | Not full-time |
| Make up | <ul style="list-style-type: none"> - 4 judges elected by judges - 2 lay members: 1 appointed by the Prime Minister and 1 - by the Leader of Opposition - 4 ex officio members – the President, the Chief Justice, the Attorney General, the President of the Chamber of Advocates |
| Is there a majority of Judges? | No. However, since the Chairman has only a casting vote, this means that the members of the judiciary on the Commission always have a majority of votes. |
| Presidency | President - ex officio President of the Republic of Malta Vice President - ex officio Chief Justice |
| Main Competences: | |

Career of judges and / or prosecutors

Upon request of the Prime Minister, the Commission advises on any appointment to be made in terms of articles 96, 98 or 100 of Constitution.

The Commission has also a very important function according to Chapter 369 of the Laws of Malta. It is only Parliament by a two thirds majority of its members which can impeach a judge. However, prior to the impeachment proceedings in Parliament, it is the Commission which has to see whether there is a prima facie case against a judge for impeachment.

Judicial training

The Judicial Studies Committee (JSC) is the body responsible for the on-going training of the members of the judiciary. It assists judges and magistrates in training and continued professional development mainly through seminars conducted by both local and foreign experts and speakers, also organizes courses for newly appointed members of the judiciary. Other objectives of the Committee are to inform members of the judiciary of recent legal development through the use of information technology, to issue updated papers on aspects of judicial work and to promote international co-operation in matters relating to judicial training. The JSC is composed of four members, two appointed by the Chief Justice and two members appointed by the Minister responsible for justice, and acts under the general direction of the Chief Justice.

Discipline

The Commission can carry out investigations on any judge or magistrate; to draw the attention of any Judge or Magistrate on any matter, in any court in which he sits, which may not be conducive to an efficient and proper functioning of such court, and to draw the attention of any judge or magistrate to any conduct which could affect the trust conferred by their appointment or to any failure on his part to abide by any code or codes of ethics relating to him; to exercise, in accordance with any law, discipline over advocates and legal procurators practicing their profession.

Ethics

The Commission can draw up a code or codes of ethics regulating the conduct of members of the judiciary; or on the advice of the Committee for Advocates and Legal Procurators to draw up a code or codes of ethics regulating the professional conduct of members of those professions.

The Code of Ethics for Members of the Judiciary was drawn up by the Commission for the Administration of Justice. In May 2004, the Commission for the Administration of Justice approved some amendments to the Code as originally published. One of these amendments is new Rule 29, which provides that the Chief Justice shall recommend for the approval of the Commission guidelines for members of the Judiciary for the purpose of clarifying how the rules contained in the Code, or some of them, may apply to concrete cases, and to ensure, as far as possible, uniformity in the implementation of the said rules. Such guidelines were approved by the Commission on the 8 June 2008, and are now an integral part of the Code. Similar and more elaborate guidelines are contained in the Commentary on the Bangalore Principles of Judicial Conduct.

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| Opinions on legislation / other opinions | <p>Commission has a right and a duty to make recommendations to the Minister responsible for justice as to how the courts can function more efficiently.</p> <p>Other opinions: The Commission can give an opinion to the Government. According to the Constitution of Malta one of the functions of the Commission is to suggest remedies.</p> |
| Other competencies | <p>Other functions of the Commission are:</p> <ul style="list-style-type: none"> - to supervise the workings of all the superior and inferior courts and to make such recommendations to the Minister responsible for justice as to the remedies, which appear to it, conducive to a more efficient functioning of such courts; - to advise the Minister responsible for justice on any matter relating to the organisation of the administration of justice; - and any other function as may be assigned to it by law. |
| Status of decisions | Legally binding |
| Review | Not subject to review. |
| Budget | The budget falls under the vote of the President of Malta. The Commission is free to use its budget in any way it deems suitable. |

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| Official name in original language | Raad voor de rechtspraak |
| Official name in English | Dutch Council for the Judiciary |
| Address | Kneuterdijk 1, 2514 EM The Hague, the Netherlands |
| Telephone number | +31-(0)88 361 00 00 |
| Website | www.judiciary.nl |
| e-mail | encj@rechtspraak.nl |
| Brief history | The Council was established in 2002 as a result of a large-scale modernization of the Judiciary. Before that time, the Minister of Justice was fully responsible for the management and supervision of the Judiciary. The Minister had no authority where the adjudication of individual cases was concerned; this was the sole responsibility of the judges at the courts. Both Parliament and the Judiciary itself deemed it necessary to strengthen the independent position of the Judiciary. The governance structure of the Judiciary was changed, meaning that the boards of the courts were made integrally responsible for their own operations. In addition, the Council was established to bear full responsibility for the budget, coordination and supervision of the entire court system. The Council has no authority with regard to the adjudication of individual cases. Moreover, there was no longer a direct link between the Minister of Justice and the courts. |
| Constitutional or legal status/basis | Legal status. The Netherlands Council has no basis in the Constitution. |
| Legal acts regulating the Status | Act of 18 April 1827 on the composition of the Judiciary and the organization of the justice system, or Judicial Organisation Act (Chapter 2, part 6). |
| Composition: | |
| Total number of members | According to article 84, paragraph 4, of the Judicial Organisation Act, the Council should consist of between 3 and 5 members . It is up to the Council itself to choose the actual number. Currently – 4 members. |
| Term of office | 6 years |
| Is there a possibility to be renewed as a member? | Yes, for a period of maximum 3 years |
| Do the members have a full-time position or not? | Full-time |
| Make up | Article 84, paragraph 1 of the Judicial Organisation Act provides that the Council should consist of a minimum of 3 members and a maximum of 5 members. |

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| | Currently 2 members are judges. Article 84, paragraph 4 of the Judicial Organisation Act provides that when the Council consists of 4 members, at least 2 should be judges. |
| Is there a majority of Judges? | Currently 50% are judges. But when the vote in the Council is tied, the President (who is always a judge) has the casting vote. |
| Presidency | The President is always a judge The Vice-president is always a judge |
| Main Competences: | |
| Career of judges and / or prosecutors | Formally appointment of judges is by Royal Decree (i.e. the Minister for Security and Justice) after an extensive consultation round within the Judiciary. Appointment is in fact based on the recommendation of the Council, which in turn is based on the opinions of the court boards and the advice of the selection committee. |
| Judicial training | Judicial training is developed and organized by the SSR (National Judicial Training Centre). The Council is part owner of SSR (2/3 Council and 1/3 Procurator-General's office) and therefore responsible for both the organization and supervision of SSR. |
| Discipline | No competence in the area of disciplinary proceedings against judges. |
| Ethics | The Council has a role in promoting judicial ethics. Strengthening awareness of integrity is a key objective for the Council. A special working group of members of the Judiciary and policy advisors of the Council are currently working on integrity issues, such as a handbook, amendment of the Code of conduct for the Judiciary and opening debate on accessory functions. |
| Opinions on legislation / other opinions | One of the Council for the Judiciary's main duties is providing advice to the government and to Parliament on bills and policy proposals that affect the judiciary. This only involves proposals that have a direct impact on the organisation of the Judiciary, as well as on the introduction or amendment of (new) legal proceedings. The Council's advice is ratified following consultation with the courts. The Council can provide legislative advice both on request and on a non-solicited basis. |
| Other competencies: | Promotion of Quality and Uniformity of law: the Council has no task with regard to the evaluation of the work of an individual judge. The Council's task with regard to the quality of the judiciary system involves promoting the uniform application of the law, for example by stimulating the adoption of sentencing guidelines. The Council's task also concerns enhancing the quality of the management of the court. |
| Status of decisions | The decisions of the Council based on its statutory tasks are binding. |

Review

If a decision of the Council involves the execution of its statutory tasks and is manifestly contrary to the law or prejudicial to the proper operation of the courts, it may be set aside by Royal Decree upon recommendation of the Minister for Security and Justice (article 106 of the Judicial Organisation Act). In executing its tasks, the Council does not interfere in any way with the adjudication of individual cases (article 96).

Budget

The Council negotiates with the Minister of Security and Justice the annual budget for the whole of the Judiciary and is fully accountable to the Minister with regard to the way this budget is spent. Should the Council and the Minister not agree on the budget, both present their budget proposal to Parliament, which will then choose. The budget covers all costs and activities of the Council, the courts under its responsibility and also the salaries of judges. In addition, the Council is part owner of the national judicial training institute (SSR) and full owner of the IT company for the Judiciary (Spir-it). The Council allocates the budget to the courts and supervises their financial administration. The courts are accountable to the Council with regard to the way their budgets are spent. The budget is determined by an output-based funding system. The number of cases the Judiciary handles each year is multiplied by the prices per (type of) case. Prices are negotiated between the Minister and the Council and are fixed for three years.

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| Official name in original language | Krajowa Rada Sądownictwa |
| Official name in English | The National Council of the Judiciary |
| Address | ul. Rakowiecka 30, 02-528 Warszawa |
| Telephone number | +48 22 3792 773 |
| Website | http://krs.pl |
| e-mail | encj@krs.pl |
| Brief history | The Act on the National Council of the Judiciary was adopted on 20 December 1989 (Dz. U. [Journal of Laws] No 73, item 435 as amended; the actual version of the act is from 12 May 2011 Dz. U. No 126 item 714), the Council first met on 23 January 1990. |
| Constitutional or legal status/basis | Independent Constitutional Body according to Article 186 of Constitution of the Republic of Poland. |
| Legal acts regulating the Status | Article 186 and 187 of Constitution of the Republic of Poland (Dz. U. of 1997, No. 78, item 483, with amendments, consolidated version: www.sejm.gov.pl/prawo/konst/angielski/kon1.htm) |
| Composition: | |
| Total number of members | 25 members |
| Term of office | 4 years |
| Is there a possibility to be renewed as a member? | Yes, but only once |
| Do the members have a full-time position or not? | Not full-time. The Council meets usually once a month for a whole week, so the judges remain full-time judges. |
| Make up | <ul style="list-style-type: none"> - 15 judges elected by the general assemblies of the judges of the court from amongst the judges of: the Supreme Court - 2, common courts - 10, administrative courts - 2, military courts - 1; - 6 members - who are the members of Polish Parliament; - 4 ex officio members: the First President of the Supreme Court and the President of the High Administrative Court, Minister of Justice, 1 representative of the President of Poland. |
| Is there a majority of Judges? | Yes (15 members out of 25 are judges) |
| Presidency | President, elected by the Council 2 Vice-presidents, elected by the Council |
| Main Competences: | |

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| Career of judges and / or prosecutors | Presenting to the President of the Republic of Poland applications for appointment of judges of the Supreme Court, common courts, administrative courts and military courts |
| Judicial training | Expressing only opinion on training programmes as part of general traineeship and judge traineeship; expressing opinion on the annual training timetables within the scope concerning professional training and development of judges and court employees. |
| Discipline | The Council chooses a Disciplinary Commissioner of common courts after candidates are put forward by general assemblies of judges of courts of appeal and a Disciplinary Commissioner of military courts after candidates are put forward by the Assembly of Judges of Military Courts. |
| Ethics | Adopting collections of the principles of judge's professional ethics and making sure that they are being abided by. The existing code of Ethics was adopted by the Council in resolution number 16/2003 of 19.02.2003. |
| Opinions on legislation / other opinions | Expressing opinion on draft normative acts concerning the judiciary and the judges and presenting applications in this regard. |
| Status of decisions | Resolutions - binding, opinions and statements - advisory status. |
| Review | In individual personal cases the person whose rights or obligations the Council's resolution is supposed to concern can lodge the review procedure before the Supreme Court. |
| Budget | Independent, separate from the State's budget. Decided by Parliament, spend on the statute activities of the Council and the remuneration of the Council's staff. |

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| Official name in original language | Conselho Superior da Magistratura (CSM) |
| Official name in English | High Council for (the) Judiciary |
| Address | Rua Mouzinho da Silveira, nº 10, 1269-273 Lisboa - Portugal |
| Telephone number | +351 213 220 020 |
| Website | http://www.csm.org.pt |
| e-mail | csm@csm.org.pt |
| Brief history | After the implantation of a democratic system in 1974, CSM was totally established in 1976 through the Dec. Law nº 926/76, December 31st. |
| Constitutional or legal status/basis | The Portuguese Constitution: articles 217 and 218 |
| Legal acts regulating the Status | <ul style="list-style-type: none"> - Law 21/85, July 30th, updated by Law 10/94, May 5th and Law 143/99, August 31st; - Law 36/2007, August 14th; - Law 52/2008, August 28th, updated by Law 102/2009 September 11th, Law 115/2009 October 12th, Decree 295/2009 October 13th, Law 3-B/2010 April 28th, Law 40/2010 September 3rd, Law 43/2010 September 3rd, Law 46/2011 June 24th. |
| Composition: | |
| Total number of members | 17 members |
| Term of office | <p>The duration of the Mandate is the same as the organ which has appointed them:</p> <ul style="list-style-type: none"> - 5 years for those appointed by the President of the Republic - 4 years for those appointed by the Parliament - 3 years for the elected judicial members |
| Is there a possibility to be renewed as a member? | Yes, but only once for elected judge members. No limits for lay members' renewal |
| Do the members have a full-time position or not? | It is a decision of the respective member but it is possible to have full-time position. At the moment only judge members are in a full-time position |
| Make up | <ul style="list-style-type: none"> - 7 judges, elected by their respective peers; - 2 members, appointed by the President of the Republic - 7 members, appointed by the Parliament - 1 <i>ex officio</i> member: the President of CSM inherits his position by being President of the Supreme Court. |
| Is there a majority of Judges? | No (8 members out of 17 are judges) |

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| Presidency | The Chairperson is the President of the Supreme Court, by inference Vice-president - out of 7 judges members of the CSM, only 1 must be judge of the Supreme Court. This one is appointed as Vice-president. |
| Main Competences: | |
| Career of judges and / or prosecutors | Appointment, assignment, transfer and promotion of judges is competence of the CSM |
| Judicial training | The responsibility for the organization of judicial training goes to the Centre for Judicial Studies under the umbrella of the MoJ. However the CSM has a member in the Pedagogical Council and can also organize training activities |
| Discipline | Disciplinary procedure is under the competence of the Council. Law 21/85 |
| Ethics | To promote judicial ethics is a permanent concern of the CSM even though there is no any Code of Ethics but the Statute of Judicial magistrates contains rules regarding this matter |
| Opinions on legislation / other opinions | The CSM has the competence to issue opinions on legal acts related to the judiciary and the Statute of Judges and, in general, study and propose to the Ministry of Justice legislative measures to improve the efficiency of the judiciary |
| Status of decisions | Administrative decisions |
| Review | The decision taken by the Plenary of CSM in several matters can be reviewed by the Supreme Court mainly if related to evaluation, promotion or disciplinary measures regarding judges |
| Budget | CSM has its financial autonomy, equipped with its own budget, enrolled in the General Charges State of the State Budget. Budget is approved by the Assembly of the Republic under proposal of the Council, that is sent very year by the end of August. Budget of the Council covers: <ul style="list-style-type: none"> - Judicial Documentation Center - Judicial Inspectorate - Expenses of the Council itself Expenses of judicial training goes under budget of the MoJ |

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| Official name in original language | Consiliul Superior al Magistraturii |
| Official name in English | Superior Council of Magistracy |
| Address | 141B Calea Plevnei, 6 th district, 060011, Bucharest |
| Telephone number | +4 021.319.81.89 |
| Website | www.csm1909.ro |
| e-mail | international@csm1909.ro |
| Brief history | The Romanian Superior Council of Magistracy was first established on 1 st June, 1909, under the Law that amended the Law on judicial organisation of 1890. During the communist regime (1949-1989), it ceased to exist. In 1991, when the new Romanian Constitution was adopted, the Council became a constitutional body, for the first time in its long history. The Constitutional revision of 2003 brought fundamental amendments with respect to the role, structure and competences of the Superior Council of Magistracy and empowered a fully operational and efficient Council, which started operating in January 2005. |
| Constitutional or legal status/basis | The Constitution of Romania, Chapter VI – Judicial Authority, Section III, articles 133 and 134, provides the role, structure and attributions of the Superior Council of Magistracy. Art. 133 states that the Council is to act as guarantor of the justice independence. |
| Legal acts regulating the Status | The SCM statute is regulated by Law no.317/2004 on the Superior Council of Magistracy |
| Composition: | |
| Total number of members | 19 members |
| Term of office | 6 years |
| Is there a possibility to be renewed as a member? | No |
| Do the members have a full-time position or not? | Full-time |
| Make up | <ul style="list-style-type: none"> - 14 magistrates (9 judges and 5 prosecutors, representing all levels of jurisdiction) elected by the general assemblies of magistrates and validated by the Romanian Senate - 2 lay members, elected by the Romanian Senate - 3 ex officio members: the president of the High Court of Cassation and Justice, the minister of justice and the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice. |
| Is there a majority of Judges? | Yes (10 judges, including the President of the HCCJ, out of 19 members) |

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| Presidency | <p>President: is elected among the members who are also judges or prosecutors for a 1 year term of office; (if the President is a judge than the Vice-president must be a prosecutor and vice-versa)</p> <p>Vice-president: is elected among the members who are also judges or prosecutors for a 1 year term of office</p> |
| Main Competences: | |
| Career of judges and / or prosecutors | <p>Ensures the observance of competence criteria in the magistrates' career;</p> <p>decides with respect to the magistrates' career (appointment into leading positions, transfer, secondment, proposals for appointment into and the release from the leading positions within the High Court of Cassation and Justice, consultative advice on the proposal of the minister of justice for the appointment into and release from leading positions within the Prosecutor's Office by the High Court of Cassation and Justice).</p> |
| Judicial training | <p>The SCM coordinates the activity of the National Institute of Magistracy and approves annually the Programme of Professional training for judges and prosecutors</p> |
| Discipline | <p>Through its sections, the Superior Council of Magistracy fulfils the role of a court in the field of the disciplinary liability of judges, prosecutors and assistant magistrates. The SCM's Plenum settles the appeals brought by judges and prosecutors against the decisions rendered by its sections.</p> |
| Ethics | <p>Approves the Code of judicial ethics and deontology; ensures the observance of professional ethics</p> |
| Opinions on legislation / other opinions | <p>The Superior Council of Magistracy elaborates and adopts secondary legislation regarding the judiciary and issues a consultative advice on draft normative acts that refer to the activity of the judicial authority, as well as draft orders and regulations approved by the minister of justice, in the cases provided by the law.</p> |
| Other competencies | <p>Defends the independence of the Judiciary or the independence, impartiality and professional reputation of judges and prosecutors;</p> <p>Contributes to the efficient organisation and functioning of courts and prosecutor's offices;</p> <p>Approves the search, detention or preventive arrest of judges and prosecutors.</p> |
| Status of decisions | Administrative nature |
| Review | <p>According to the Constitution of Romania the decisions of the Superior Council of Magistracy are final and irrevocable except of those concerning the magistrates' disciplinary liability which may be appealed on points of law before the 5 panel judges of the High Court of Cassation and Justice. As well, the SCM's decisions regarding the career and rights of magistrates may be appealed on points of law before the administrative and contentious Section within the High Court of Cassation and Justice</p> |

Budget

The SCM has its own budget which is approved annually by the Romanian Parliament. Under the Public Finance Law 500/2002 and the provisions of the Fiscal Responsibility Law 69/2010, the Ministry of Public Finance (MOPF) establishes the expenditure ceiling for each primary spending authority in the judicial sector. The SCM files with the MOPF its own budget proposal which is included in the draft budget law. After the endorsement of the draft by the government, the Parliament approves budgets as a whole.

The budget of the courts or prosecutors' offices is not included in the budget of the SCM, but they are endorsed by the SCM and follow the same procedure. The High Court of Cassation and Justice manages its own budget; the Prosecutors' Office by the High Court of Cassation and Justice is primary spending authority and manages its own budget and the budget of the prosecutors' offices; the Ministry of Justice manages the budget of all the courts, except the High Court.

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| Official name in original language | Súdna rada Slovenskej republiky |
| Official name in English | Judicial Council of the Slovak Republic |
| Address | Župné nám. 13, 814 22 Bratislava, Slovak Republic |
| Telephone number | +421-2-59353 439, +421-2-59353 386 |
| Website | http://www.sudnarada.gov.sk |
| e-mail | podatelna@sudnarada.gov.sk |
| Brief history | Article concerning the Judicial Council of the Slovak Republic was inserted by the constitutional act No. 90/2001 Coll. coming into effect on 1 June 2001 and the Act No. 185/2002 Coll. on the Judicial Council of the Slovak Republic was approved on 11 April 2002. By the constitutional act No. 161/2014 Coll. coming into effect on 1st of September 2014 the function of the President of the Judicial Council became independent from the President of the Supreme Court of the Slovak republic (before this constitutional reform the President of the Supreme court was the President of the Judicial Council as well). |
| Constitutional or legal status/basis | Judicial Council of the Slovak Republic is a constitutional body. Article 141a of the Constitution of the Slovak Republic stipulates the Council's composition, powers, terms of membership, length of mandate of its members. According to the definition officially issued by the Constitutional Court of Slovak republic, The Judicial Council of Slovak republic is a special independent body of judicial power above all guaranteeing the independent status of the judiciary and the judicial legitimacy, responsible for the running of the judiciary, the administration and transparency of the judiciary and so it should be the full partner of the legislative and executive branch. |
| Legal acts regulating the Status | <ul style="list-style-type: none"> - Art. 141a of the Constitution concerning the Judicial Council of the Slovak Republic, inserted by the constitutional act No. 90/2001 Coll. - Act No. 185/2002 Coll. on the Judicial Council of the Slovak Republic. |
| Composition: | |
| Total number of members | 18 members |
| Term of office | 5 years |
| Is there a possibility to be renewed as a member? | Yes, but not more than for 2 subsequent terms. |

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| Do the members have a full-time position or not? | Only the President of the Judicial Council is a full-time member. Other members of the Council fully keep discharging their original functions and are not entitled to remuneration as members of the Council. |
| Make up | 9 members - judges, elected by their peers 3 members elected by the Parliament 3 members appointed by the President 3 members appointed by the Government |
| Is there a majority of Judges? | By law, at least 50% should be judges, but very often there is a significant majority of judges. |
| Presidency | President of the Judicial Council shall be elected from among its members in secret ballot by the Judicial Council. |
| Main Competences: | |
| Career of judges and / or prosecutors | <ul style="list-style-type: none"> -The Judicial Council adopts opinion whether the candidates for the judicial office meet requirements of judicial competence; -The Judicial Council presents to the President of the Slovak Republic proposals of candidates for appointment to the judicial office, and proposals to recall judges from their offices (including the President and Vice-President of the Supreme Court); -The Judicial Council decides on assignment and transfer of judges; -The Judicial Council presents to the Government of the Slovak Republic proposals of candidates for the judicial offices who should act on behalf of the Slovak Republic within international judicial bodies; |
| Judicial training | The Judicial Council in agreement with the Minister of Justice shall determine the subject matters to be included in judges education, shall elect 5 members of the Board of the Academy and shall propose members of the pedagogical staff of the Academy, as well as the members of the examination committees for the professional judicial exam and the prosecutor exam |
| Discipline | The Judicial Council shall elect and recall members of disciplinary panels and elect and recall chairmen of disciplinary senates. The President of the Judicial Council is authorized to initiate the disciplinary proceedings against any judge. |
| Ethics | The Judicial Council approves principles of the judicial ethics. On 17th of December 2015 the Judicial Council approved modern, clear and enforceable Principles of judicial ethics. These Principles of judicial ethics transpose the principles and rules of interpretation contained in several international documents. |
| Opinions on legislation / other opinions | <p>The authority of the Judicial Council implies the competence to express an opinion on proposals of generally binding legal regulations setting out the organization of the judiciary, proceedings before courts and the status of judges; to express an opinion on proposals of conceptual documents concerning the judiciary presented for discussion to the National Council and to the Government.</p> <p>President of the Judicial Council can bring motion to the Constitutional Court to start a proceeding on compliance of legal</p> |

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| | regulations regarding administration of justice with the Constitution, Constitutional acts, International Treaties (...). |
| Status of decisions | Final resolutions |
| Review | Not subject to review |
| Budget | The Judicial Council does not have an independent budget. Budgets for all state organizations are prepared by the Ministry of Finance and are approved by the parliament. |

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| Official name in original language | Sodnisvet Republike Slovenije |
| Official name in English | The Judicial Council of the Republic of Slovenia |
| Address | Trg OF 13, SI-1000 Ljubljana, Slovenia |
| Telephone number | +386 (0) 1 434 18 60 |
| Website | http://www.sodni-svet.si |
| e-mail | sodni.svet@sodisce.si |
| Brief history | The new Judicial Council was established by Constitution of 28 th December 1991, but existed within Yugoslavia |
| Constitutional or legal status/basis | The Council is a sui generis body, provided in the Constitution |
| Legal acts regulating the Status | The Courts Act and Judicial Service Act |
| Composition: | |
| Total number of members | 11 members |
| Term of office | 6 years. Every 3 years 2 or 3 members shall be elected by the National Assembly and 3 members shall be elected by and from among the judges with permanent judicial function. The term of office of a member of the Judicial Council elected at a by-election to fill a vacancy created by the premature termination of the term of office of a previous member expires upon the expiration of the term of the Judicial Council. |
| Is there a possibility to be renewed as a member? | Yes, but not immediately upon expiration of the term of office. |
| Do the members have a full-time position or not? | Not full-time. They gather in meetings every 2-3 weeks. |
| Make up | - 6 judges elected amongst judges - 5 from other legal professions (university professors of law, attorneys and other lawyers)elected by the National Assembly on the proposal of the President of the Republic of Slovenia |
| Is there a majority of Judges? | Yes (6 judges out of 11 members) |
| Presidency | President elected by a 2/3 majority of the members of the Judicial Council Vice-president elected by a 2/3 majority of the members of the Judicial Council |

Main Competences:

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| Career of judges and / or prosecutors | <ul style="list-style-type: none">• proposes to the National Assembly candidates to be elected to judicial office;• proposes to the National Assembly the dismissal of a judge;• appoints and dismiss presidents of courts, except for the President of the Supreme Court of the Republic of Slovenia;• decides on promotion to a higher judicial title and on faster promotion within wage grades; on promotion to the title of senior judge or to a higher judicial post and on extraordinary promotion to a higher judicial title;• decides on an appeal against a decision on reassignment and/or appointment to a judicial post, a judicial title and/or a higher judicial title and against a decision on a classification into a wage grade;• decides on the incompatibility of a judicial office;• gives an opinion on the budget proposal for courts and provide the National Assembly with an opinion on laws regulating the status, rights and duties of judges, as well as court staff;• adopts quality criteria for the selection of candidates for the judicial post after obtaining the opinion of the Minister of Justice• adopts quality criteria for the work of judges for assessment of judicial performance;• gives consent to the policy of detection and control of corruption risks and exposures of the courts and to monitor its exercise;• decides on the justifiability of an appeal of a judge who believes that his/her legal rights, his/her independent position or the independence of the judiciary have been violated;• confirms the assessment that the judge is unsuitable for judicial service |
| Judicial training | Judicial Training Centre (hereinafter: JTC) is established by the Ministry of Justice. The program of training is adopted by the Expert Council of the JTC and the Judicial Council of the Republic of Slovenia participate in the Expert Council. |
| Discipline | <ul style="list-style-type: none">• The Judicial Council can initiate disciplinary proceedings. |
| Ethics | <p>The Judicial Council of the Republic of Slovenia:</p> <ul style="list-style-type: none">• adopts Code of Judicial Ethics;• appoints members of the Commission for Ethics and Integrity <p>The Commission for Ethics and Integrity:</p> <ul style="list-style-type: none">• adopts opinion on practices which constitute an infringement of the Code of Judicial Ethics• issues recommendations for compliance with the rules of judicial ethics and integrity, in accordance with the Code of Judicial Ethics• adopts guidelines in the field of judicial ethics and integrity in accordance to the Code of Judicial Ethics |

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| | <ul style="list-style-type: none"> in cooperation with the Judicial Training Centre is responsible for education and training of judges in the field of judicial ethics and integrity. |
| Opinions on legislation / other opinions | The Judicial Council gives its opinions on legislation or proposals of legislation concerning the Judiciary |
| Status of decisions | Administrative nature |
| Review | 1st level of appeal is the Judicial Council, 2nd level of appeal is the administrative Court of Republic of Slovenia and 3rd level of appeal is Supreme Court of Republic of Slovenia |
| Budget | The Judicial Council has its own budget and is a member of the board of budgetary users. The main negotiator about the budget for judiciary is Supreme Court of Republic of Slovenia. |

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| Official name in original language | Consejo General del Poder Judicial (CGPJ) |
| Official name in English | General Council for the Judiciary |
| Address | Marques de la Ensenada, 8 – 28004 Madrid - Spain |
| Telephone number | +34 91 7006 100 |
| Website | www.poderjudicial.es |
| e-mail | encj@cgpj.es |
| Brief history | Spanish General Council for the Judiciary was established in the Spanish Constitution of 1978 following similar models from neighboring countries such as France, Portugal and notably Italy. It started working as governing body of the judiciary in the year 1980 |
| Constitutional or legal status/basis | The Spanish Constitution: article 122 |
| Legal acts regulating the Status | Law 6/1985, July 1st, on the Judiciary (LOPJ) and amendments introduced by Law 4/2013, June 28th |
| Composition: | |
| Total number of members | 21 members: the President of the Supreme Court, who presides over the CGPJ, plus 20 members. |
| Term of office | 5 years |
| Is there a possibility to be renewed as a member? | Yes, but only for the President |
| Do the members have a full-time position or not? | Only 6 CGPJ's members (president and other 5 members) have full-time position (according to the last amendment introduced by the Organic Law on the Judiciary of June 2013). These members are the ones who make up the Standing Committee. |
| Make up | <ul style="list-style-type: none"> - 12 judges, appointed by Parliament - 8 lay members, appointed by Parliament (prosecutors, professors of law, lawyers or members of other legal professions). - President. It could be a judge or a lawyer |
| Is there a majority of Judges? | Yes, according to law 12 of the members must be judges |
| Presidency | <p>President: President of the Supreme Court is elected at the first plenary meeting by the Members of the Council. Once is elected he also becomes President of the Council.</p> <p>Vice-president: Vice-president of the Supreme Court is proposed by the President and elected in plenary meeting by the Members of the Council. He must be a judge of the Supreme Court. He is not a member of the CGPJ and only when the President stays away, he replaces him at the CGPJ.</p> |

| Main Competences: | |
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| Career of judges and / or prosecutors | Appointment, transfer and promotion of judges is competence of the CGPJ |
| Judicial training | The Judicial School that is in charge of initial and continuous training is under the umbrella of the Council |
| Discipline | Disciplinary procedure is under the competence of the CGPJ |
| Ethics | No code of conduct, nor set of rules or principles in the field of judicial ethics, has been specifically issued for the judiciary in Spain |
| Opinions on legislation / other opinions | The CGPJ has the competence to issue opinions and recommendations on legal acts on judiciary matters, procedural rules if related to fundamental rights, criminal law and penitentiary law |
| Status of decisions | Administrative decisions |
| Review | All decisions of the CGPJ can be challenged by way of judicial review (before the Administrative Division of the Supreme Court) |
| Budget | <p>According to articles 107 and 127 of the Law on the Judiciary, the Council itself is in charge of preparing the proposal of budget that must be approved by the Parliament</p> <p>Once the proposal has been sent to the Parliament, there is not any debate between Council and Parliament. So far Parliament has never amended that proposal</p> <p>Budget covers:</p> <ul style="list-style-type: none"> - Selection of judges - Initial and continuous training - Judicial Documentation Center - Judicial Inspectorate - International activities - Human and material resources of the Council itself |

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| Official name in original language | Judges Council of England and Wales |
| Official name in English | Judges Council of England and Wales |
| Address | Judicial Office, Room C110, Royal Courts of Justice, Strand, London WC2A 2LL |
| Telephone number | +44 (0) 20 7947 7752 |
| Website | www.judiciary.gov.uk |
| e-mail | encj@judiciary.gsi.gov.uk |
| Brief history | <p>The Judges' Council of England and Wales was first set up under the Judicature Act 1873. It was chaired by the Lord Chancellor and all the judges of the Supreme Court were members. The Council continued to function until 1981. At that time a new Judges' Council was set up chaired by the Lord Chief Justice with a smaller membership of the more senior judges. In 2002 the Council adopted a written Constitution and has subsequently widened its membership to include representatives from all ranks of the judiciary, including the Supreme Court, the Court of Appeal, the High Court, the Circuit and District Benches, the Magistracy and the Tribunals. In March, 2006 the Council further revised its Constitution and membership following the coming into effect of the Constitutional Reform Act 2005. This Act and the Concordat of 26th January 2006 between the Lord Chancellor and Lord Chief Justice vest in the latter very considerable responsibilities in respect of the judiciary and of the business of the Courts of England and Wales. The Lord Chief Justice exercises these responsibilities through the Judges' Council and the Judicial Executive Board.</p> |
| Constitutional or legal status/basis | It has no constitutional status but is protected by legislation in the form of the Judicature Act 1873 and the Constitutional Reform Act 2005. |
| Legal acts regulating the Status | Not regulated by Legal acts |
| Composition: | |
| Total number of members | 29 members |
| Term of office | 3 years |
| Is there a possibility to be renewed as a member? | Yes, renewable up to 1 year at the discretion of the Lord Chief Justice. |
| Do the members have a full-time position or not? | Not full-time |
| Make up | - 28 judges - 1 exception is the Chief Executive of the Judicial Office. |
| Is there a majority of Judges? | Yes (28 judges out of 29 members) |

| | |
|--|--|
| Presidency | Lord Chief Justice of England & Wales |
| Main Competences: | |
| Career of judges and / or prosecutors | Has a specific statutory responsibility for appointment of 3 members of the Judicial Appointments Commission under the Constitutional Reform Act 2005 but apart from this role the Judges' Council is not concerned in the selection, appointment or promotion of judges or in the assessment of judicial activities. |
| Judicial training | No competence in the organisation or supervision of judicial training. |
| Discipline | No competence in disciplinary proceedings against judges. |
| Ethics | The HR Committee is responsible for keeping "The Guide to Judicial Conduct" under review and for dealing with any points of principle that may not be dealt with in the Guide or that may need revision. The Committee reports to the Judges' Council and above that to the Judicial Executive Board. |
| Opinions on legislation / other opinions | It does not comment on the merits of proposed government policy. |
| Other competencies | <p>The primary function of the Judges' Council of England and Wales is to be a body broadly representative of the judiciary as a whole which will inform and advise the Lord Chief Justice on matters as requested from time to time. In particular:</p> <ul style="list-style-type: none"> - It is consulted to obtain a wider perspective on matters which concern more than one discreet judicial grouping. - It considers and conveys views, ideas or concerns of the wider judicial family. - It provides a detailed analysis and consideration of specific matters on which judicial views are sought. - It develops policy and advises the Lord Chief Justice on policy and other matters as requested from time to time by him or a member of the Judicial Executive Board to whom he has delegated the relevant responsibility. <p>The Council is primarily an advisory body to the Lord Chief Justice. The governance arrangements for the judiciary were reviewed at the request of the Lord Chief Justice in 2010 and the main changes emanating were that membership was extended to include the Senior President of Tribunals and the Chairman of the Judicial College to ensure implications for tribunals and training were not overlooked. Some changes to the Committee structure took place to ensure that the Committees of the Judges' Council are supported by civil servants with relevant expertise.</p> |
| Status of decisions | Decisions take the form of advice to the Lord Chief Justice |
| Review | Not applicable |
| Budget | The budget for the Judges' Council is agreed on a rolling annual basis with the Ministry of Justice. |

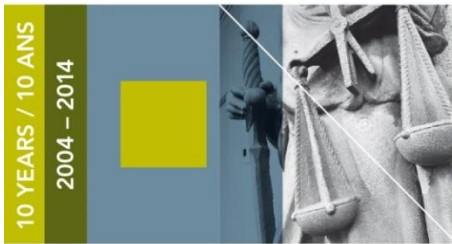
| | |
|---|--|
| Official name in original language | Judges Council for Northern Ireland |
| Official name in English | Judges Council for Northern Ireland |
| Address | The Royal Courts of Justice, Chichester Street, Belfast BT1 3JF |
| Telephone number | +0289 0725958 |
| Website | www.courtsni.gov.uk |
| e-mail | Martin.McMullan@courtsni.gov.uk |
| Brief history | <p>The Council was established in 2010. The overarching objectives of the Judges’ Council are:</p> <ul style="list-style-type: none"> - To preserve the independence of the judiciary; - To protect and promote the due administration of justice; - To co-ordinate the views and actions of the judges to those ends; - To promote the welfare of the judiciary; - To promote a wider understanding of the work of the judiciary; - To enhance issues of career development and diversity; - To take account of the resources available for the judiciary - To liaise with other judicial bodies as necessary including ENCJ; - To maintain contact with the judges councils in England and Wales, Scotland and the Republic of Ireland. <p>The Council meets 3 times a year and has a number of sub-committees. It has published advice for judges upon retirement, circulated advice to judges about judicial pensions, raised concerns about a range of issues, secured the introduction of new welfare arrangements for the judiciary as well as an indemnity for judicial activities. Since becoming a member of ENCJ the Council has been represented on the Minimum Standards Working Group and at the annual General Assembly.</p> |
| Constitutional or legal status/basis | The Council does not have any constitutional protection nor does the Council have statutory authority. It is an advisory body |
| Legal acts regulating the Status | Not applicable |
| Composition: | |
| Total number of members | 11 members |
| Term of office | 3 years |
| Is there a possibility to be renewed as a member? | Yes |
| Do the members have a full-time position or not? | Not full-time, and a member may be removed by direction of the Lord Chief Justice |
| Make up | All are judges, selected by the Lord Chief Justice No ex officio members. |

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|--|--|
| Is there a majority of Judges? | All members are judges |
| Presidency | The Chairman is the Hon Mr Justice Marc Horner |
| Main Competences: | |
| Career of judges and / or prosecutors | No competence in the selection, appointment or promotion of judges. |
| Judicial training | The Council is not directly involved in judicial training as this is a matter for the Judicial Studies Board for Northern Ireland. |
| Discipline | No competence in disciplinary proceedings against judges. The Council is not directly involved in dealing with complaints from litigants as the procedure in place relates to the Lord Chief Justice's code of practice. |
| Ethics | A judicial Code of Ethics is in place in Northern Ireland, but the Council has no role in respect thereto. |
| Opinions on legislation / other opinions | No competence. The Council is not involved in any public information policy and does not provide opinions on proposed legislation to government. The Council has no role in court/quality management or public confidence. |
| Other competencies | The competences of the Council are to represent the judiciary in Northern Ireland on a wide range of issues and to advise the Lord Chief Justice of Northern Ireland as Head of the Judiciary. In essence, the Council serves the judiciary. |
| Status of decisions | Advisory and not binding |
| Review | Not subject to review |
| Budget | The Council does not have a separate budget |

| | |
|---|---|
| Official name in original language | Judicial Council for Scotland |
| Official name in English | Judicial Council for Scotland |
| Address | Parliament House, Edinburgh, United Kingdom, EH1 1RQ |
| Telephone number | +44 131 2406812 |
| Website | http://www.scotland-judiciary.org.uk |
| e-mail | judicialofficeforscotland@scotcourts.gov.uk |
| Brief history | <p>The Judicial Council for Scotland was established in 2007 and is a body constituted for the purpose of providing information and advice to the Lord President of the Court of Session and the judiciary of Scotland on matters relevant to the administration of justice in Scotland.</p> <p>The Council is supported by the Judicial Office for Scotland. Email: judicialofficeforscotland@scotcourts.gov.uk</p> |
| Constitutional or legal status/basis | No specific constitutional or statutory provision. The Council was constituted to assist with the performance of the Lord President's statutory responsibilities (under Section 2 of the Judiciary and Courts (Scotland) Act 2008 <i>inter alia</i> for the welfare and guidance of judicial office holders. |
| Legal acts regulating the Status | None. See the constitution of the Judicial Council for Scotland here . |
| Composition: | |
| Total number of members | 16 members (The Lord President may appoint additional members as may be required). |
| Term of office | Members hold office for a period determined by the body by which they were appointed. |
| Is there a possibility to be renewed as a member? | Yes |
| Do the members have a full-time position or not? | The Council meets twice each year and on-going work is carried out via a committee structure with members performing these duties on a part-time basis. All members are serving judges. |
| Make up | The current composition is 17 members, drawn from all levels of the judiciary. |
| Is there a majority of Judges? | All members are judges. |
| Presidency | The Lord President is chair of the Judicial Council for Scotland with its sub committees being chaired by other Council members. |
| Main Competences: | |

| | |
|---|---|
| Career of judges and / or prosecutors | Not applicable |
| Judicial training | The Lord President has statutory responsibility for judicial training which is implemented by the Judicial Institute for Scotland. |
| Discipline | Not applicable |
| Ethics | The Statement of Principles of Judicial Ethics for the Scottish Judiciary is kept under review by the Council and its Judicial Conduct Committee. The last revisions was implemented in May 2015. |
| Opinions on legislation / other opinions | The Lord President has a statutory responsibility for representing the views of the Scottish Judiciary to the Scottish Parliament and the Scottish Ministers and may consult and be advised in that regard by the Council. |
| Other competencies | <p>The objectives of the Judicial Council are:</p> <ul style="list-style-type: none"> - To preserve the independence of the judiciary. - To protect and promote the due administration of justice. - To coordinate the views and actions of the judges to those ends. - To promote the professional and pastoral interests of the judiciary. - To provide guidance to the judiciary on questions of ethics and other matters of relevance to the due administration of justice. - To facilitate communication between the various branches of the judiciary and, where appropriate, collect and collate their views. - To provide information and advice to the Lord President so that he may be aware of the views of the judiciary. - To deal with all matters of concern to the judiciary. |
| Status of decisions | Advisory |
| Review | Not applicable |
| Budget | Support to the Judicial Council for Scotland and its Committees is provided for under the budget held by the Judicial Office for Scotland |

VI. The ENCJ Statutes



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

Statutes, Rules and Regulations

of the International Not-For-Profit Association
European Network of Councils for the Judiciary
(i.n.p.a)

2014

I. NAME, SEAT, AIM, OBJECTIVES AND ACTIVITIES

Article 1 – Name

1. There shall be an international not-for-profit association called the “European Network of Councils for the Judiciary” “ENCJ” or in French the “Réseau européen des Conseils de la Justice” “RECJ”.
2. This Association shall be governed by the provisions of Title III of the Belgian law of 27 June 1921 relating to non-profit making associations, foundations and non-profit making international associations.

Article 2 – Seat

The registered office of the Association shall be at 1000, Brussels, Rue de la Croix de Fer 67, 3rd floor in the judicial district of Brussels. The Executive Board may change the registered office of the Association at any time to any other address in Brussels.

Article 3 – Aim

1. The Association 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.
2. The Association shall exclusively and directly pursue international objectives of a non-profit making nature.

Article 4 – Objectives

Within the framework of the creation of the European Area of freedom, security and justice, the objectives of the Association 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 organizations.

No decision taken by the Association prejudices the autonomy and the competencies of its individual members. For this reason, every member of the Association has the right to express that it does not consider itself bound by a decision, other than a decision concerning exclusively the administration of the Association, when it considers that the

decision could undermine its autonomy or its competencies. Any decision of the General Assembly or of the Executive Board shall record the names of any such members.

Article 5 – Activities

1. The Association shall develop an annual program of activities specifically related to the objectives in Article 4.
2. Each member shall determine the participation of its representatives in the activities of the Association.

I. MEMBERS

Article 6– Membership

1. Membership is open to all national institutions of Member States of the European Union which are independent of the executive and legislature, or which are autonomous, and which ensure the final responsibility for the support of the judiciary in the independent delivery of justice.
2. Applications for membership shall be submitted to the General Assembly. If there is a reasoned objection by any member, the General Assembly shall refer the issue to the Executive Board which shall make a recommendation. Admission of a new member shall require the unanimous agreement of the General Assembly.
3. Members are free to resign from membership at any time. Membership terminates on notification in writing to the Executive Board. Any member which resigns forfeits any rights to any of the assets of the Association.
4. The Executive Board may propose the expulsion of a member of the Association if it has committed serious breaches of the aims and objectives of the Association as set out in Articles 3 and 4 above. The Executive Board must first of all give the member in question the opportunity to state its position. Any expulsion must be decided upon by the General Assembly by a three quarters majority of the members present at that meeting.
5. Each member is entitled to participate fully in the activities of the Association, and has a duty to participate in them within the limits of their resources and in accordance with these Statutes and the internal regulations.
6. The status of observer may, at its request, be granted by a unanimous decision of the General Assembly to:
 - the Ministry of Justice in European Union Member States where institutions as specified in Article 6.1 do not exist;
 - the Institutions as specified in Article 6.1 from European Union candidate states and the Member States of the European Economic Area;
 - the institutions of the European Union

- advisory bodies of European organisations in particular the Council of Europe, dealing with matters related to justice.

7. An observer shall be entitled to attend meetings of the General Assembly but shall not be entitled to vote. An observer may also be invited to participate in other activities of the Association. Observers shall contribute to the financial support of the activities of the Association in accordance with the Financial Regulations of the Association.

Article 7 – Contributions

1. Members shall pay an annual membership fee which will be used to cover the operating costs of the Association. The membership fee shall be decided annually by the General Assembly, on a proposal from the Executive Board, based on the Association's needs.

2. The annual membership fee per European Union Member State thus fixed may not exceed the sum of € 20.000.

3. A member shall not enjoy voting rights at any time whilst any membership fees payable by it remain unpaid.

4. Any member which resigns from membership of the Association shall not be entitled to be reimbursed any membership fees already paid and shall be liable to pay the membership fee for the year in which it resigns.

5. Further arrangements for deciding annual membership fees, their payment and collection may be laid down in financial regulations adopted by the General Assembly on the proposal of the Executive Board.

III. BODIES OF THE ASSOCIATION

Article 8 – Bodies

1. The Association shall consist of a General Assembly and an Executive Board. The General Assembly determines the policy and activities of the Association. The Executive Board is the governing body of the Association in accordance with article 48 of the Law.

2. The President of the Executive Board (referred to in these Statutes as the "President") shall be an individual natural person and shall act on its behalf and on behalf of the Association in accordance with the provisions of these Statutes and with the powers delegated to him by Article 12 and by the Executive Board from time to time. The President shall also act as President of the Association in accordance with the powers delegated to him by the General Assembly from time to time.

Article 9 – General Assembly

1. The General Assembly has all the powers necessary to achieve the aims and objectives of the Association.
2. The General Assembly shall comprise representatives of each member of the Association. It shall normally meet at least once before 30th June in each calendar year. The meetings of the General Assembly shall be convened by the President, at the venue indicated in the convening notice.
3. The President shall also convene a meeting of the General Assembly at any time at the request of at least one-fifth of the members
4. Any meeting of the General Assembly shall be convened by letter, fax, electronic mail or by any other suitable means of communication at least 30 days before the date of the General Assembly. The convening documents shall include the agenda, which shall be decided by the Executive Board.
5. The Presidency of the meetings of the General Assembly shall be held by the President or by a Board Member (as defined in Article 11.1) whom the President appoints for that purpose.
6. The General Assembly shall elect the person who is to act as President in accordance with the provisions of these Statutes. It shall also elect the other Board Members in accordance with the provisions of these Statutes.
7. The General Assembly has the power to determine the policy and activities of the Association.
8. On the proposal of the Executive Board, the General Assembly:
 - may set up commissions and working groups on specific themes in relation to the activities of, or to do with the organisation of, the Association,
 - shall decide the membership of the commissions and of the working groups as well as their duration, and
 - shall decide how to enable and maximise the participation of the members and observers in the commissions and working groups
9. The General Assembly has the power to amend the Statutes. It shall decide the financial regulations, the internal regulations and the Rules of Procedure for all bodies of the Association.
10. The General Assembly shall approve the budget and the accounts.

Article 10 – Quorum and Voting in the General Assembly

1. The General Assembly shall be quorate when at least half of the members of the General Assembly are present.

2. Each individual member shall have six votes.

Nevertheless, when there are several members in the same Member State of the European Union, those members shall allocate their six votes amongst themselves and shall inform the President of this allocation.

3. The General Assembly shall act on the basis of a simple majority of the votes cast, with the exception of:

- the matters specified in Article 6 which require differing majorities;
- the public statements of the General Assembly which must be approved by a two-thirds majority of the General Assembly;
- changes to these Statutes, the adoption and the amendment of the Internal Rules and Rules of procedure, the determination of the amount of the annual membership fee and the financial regulation specified in Article 7, and the dissolution of the Association, all or any of which must be decided by at least three quarters of the votes cast.

4. On the proposal of the Executive Board, the President shall consult all members by e-mail.

If he does so, a decision will be adopted if:

- at least a majority of the members formally respond by e-mail or by fax within the time limit specified by the President and
- the majority of those members approve the particular proposal.

The text of this Article 10.4 shall always be annexed to the e-mail commencing the consultation process.

5. Decisions and the minutes adopted by the General Assembly shall be recorded by the President in a register and lodged with the Permanent Office. The President shall communicate them to all members.

Article 11 – The Executive Board

1. The Executive Board shall consist of the President and seven members as specified in Article 6.1, such members (referred to in these Statutes as “Board Members”) to be elected by the General Assembly for a term of office of two years. The Board Members shall take office immediately following the General Assembly at which they are elected.

2. No term of office as a Board Member shall be immediately renewable. If insufficient candidates are proposed to fill the vacant positions on the Executive Board, the Executive Board may exceptionally decide to allow those members who would otherwise be debarred from standing for election for a renewed term to stand for re-election for the unfilled places on the Executive Board, notwithstanding the first sentence of this article.

3. Any Board Member, which is not able to continue as such, shall be replaced by another member elected in accordance with the Rules of Procedure at the next following General Assembly.

4. Any Board Member may act in respect of any of its functions by its nominated representative. A nominated representative must be a member of the national institution that he represents. A Board Member may replace its nominated representative during its period of membership of the Executive Board by giving 30 days notice to the President

5. The Executive Board shall function as a collegial board. The Executive Board shall have all powers that are expressly vested in it by these Statutes. Without prejudice to its other powers in these Statutes, the Executive Board shall:-

- a. take all necessary measures for the implementation of the Association's programme of activities,
- b. be responsible for ensuring the proper functioning of the Permanent Office,
- c. be responsible for calling and preparing ordinary or special meetings of the General Assembly,
- d. propose statements and policy positions to the General Assembly,
- e. undertake all legal formalities and publicity in respect of appointments and the annual financial statements, and
- f. submit an annual report of its activities to the General Assembly.

6. A meeting of the Executive Board shall be convened by the President by letter, fax, electronic mail or by any other suitable means of communication. The agenda of the meetings shall be decided by the President. Every Board Member shall have the right to propose items for inclusion on the agenda for the meeting. Any member of the Association shall also have the right to propose an item for inclusion on the agenda for the meeting and, if it does so, shall be entitled to introduce the item at the relevant Executive Board meeting. If at least half the Board Members request a meeting of it, the President shall call such a meeting within 35 days of the request, at the latest.

7. The Executive Board is not quorate unless at least the majority of Board Members are present.

8. Decisions of the Executive Board require a majority vote of the Board Members and the President present at the meeting. In the case of an equality of voting, the President shall have a second and casting vote. The decisions shall be recorded in a register signed by the President and lodged with the Permanent Office. The President shall communicate them to the members of the Association.

9. The President shall be elected by the General Assembly for a period of two years. That term will not be immediately renewable save in exceptional circumstances where no candidate is proposed, in which case the Executive Board may invite the current President to remain in office for a period expiring no later than the date of the next General Assembly following the conclusion of the President's existing term of office. The President shall take office immediately following the General Assembly at which he is elected or his term is renewed in the exceptional circumstances referred to in this Article.

10. In the case of his absence, the President may appoint a Board Member to replace him.

11. If the President dies or resigns or if, during the Presidency, he becomes incapable of carrying out the duties of the President, the Executive Board shall appoint an acting President until the election of a new President by the General Assembly.

12. If the President ceases to be member of his national institution a new President must be elected if the remainder of the term of office of the out-going President would have lasted more than 6 months after the date of cessation of his membership.

13. Should any of the events set out in Articles 11.11 or 11.12 occur then the Executive Board shall fix the date of the meeting of the General Assembly at which both a new President shall be elected and the period of office of the new President shall be decided.

14. The Executive Board shall, if necessary, fix the date on which an outgoing President shall cease to hold office.

Article 12 - Representation

1. The Executive Board represents the Association in all legal and other matters. It represents the Association through the majority of the Board members and the President.

2. Without prejudice to the general representative authority of the Executive Board, the President may act for and on behalf of the Association and may represent it in all legal and other matters, including in its dealings with the institutions of the European Union.

3. Written instruments may be signed on behalf of the Association either by the President or by a majority of the Board Members. The Executive Board may by written authority delegate authority to act on its behalf or to sign on its behalf to a Board Member or to a member of the staff of the Permanent Office.

III. FUNCTIONING OF THE ASSOCIATION

Article 13 – The Permanent Office

The Association shall have a Permanent Office independent of any member of the Association. The Office shall function as an administrative unit under the authority of the Executive Board.

Article 14 - Remuneration

Neither the President nor any member of the General Assembly nor any Board Member, nor any participant in an activity shall be remunerated by the Association for the exercise of their mandate within the Association. Genuine bona fide expenses may be reimbursed in accordance with provisions set out in the Financial Regulations.

IV. BUDGETS AND ACCOUNTS

Article 15 – Annual Budget and administration of the accounts

1. The financial year shall commence on 1 January and end on 31 December.
2. The funds of the Association shall be used for the purpose of financing the structure and the administration of the Association under the direction of the Executive Board which shall be accountable to the General Assembly.
3. Contributions in kind and money for specific projects and activities will be fixed by individual agreement between participants in the project. All such agreements shall be brought to the knowledge of all members.
4. The Executive Board shall draw up an annual budget for the running costs for the following calendar year which shall be presented to the General Assembly for approval. The Executive Board has the duty to submit the previous year's accounts to the General Assembly for approval.
5. Every two years, the General Assembly shall appoint two auditors from within the membership who shall present their report each year to the General Assembly when the accounts are to be submitted for approval.

V. MODIFICATION OF THE STATUTES AND DISSOLUTION OF THE ASSOCIATION

Article 16 – Modification of the Statutes and Dissolution of the Association

1. Without prejudice to articles 50, § 3, 55, and 56, of the Law relative to non-profit making Associations, foundations and non-profit making international Associations, any proposal to modify the Statutes of the Association or which may lead to the dissolution of the Association must emanate from the Executive Board or at least one fifth of the members of the Association.
2. Within three months of the making of a proposal mentioned in Article 16.1 above, the Executive Board must inform the members of the Association of the proposal and of the date of the General Assembly which will consider it.
3. No decision is valid unless it is approved by a majority of three quarters of the votes cast in the General Assembly.
4. If less than three quarters of members of the Association are present at this meeting of the General Assembly, a new meeting of the General Assembly shall be convened under the same conditions as above which shall take a definite and valid decision on the proposal in question, with the same majority of three quarters of the votes cast, irrespective of the number of members present.
5. Modifications to the Statutes of the Association shall not become effective until approval by the competent authority in accordance with article 50, § 3, of the law and

until publication in the Appendices of the Belgian Monitor in accordance with article 51, § 3, of the aforementioned law.

6. In the case of the liquidation of the Association, net assets after liquidation shall be allocated to a disinterested purpose determined by the General Assembly, with the same majority stipulated in article 16.3.

VI. GENERAL MATTERS

Article 17 – Other applicable rules

Any matter not covered by these Statutes and particularly the formalities relating to publication shall be regulated by the Rules of Procedure and the Internal Regulations adopted by the General Assembly, or in accordance with the provisions of the Law.

TRANSITIONAL ARTICLE

Article 18 – Implementation of the 2014 alterations to the Articles

1. The General Assembly held in Rome in June 2014 shall (exceptionally), in accordance with the Rules of Procedure, elect Board Members to serve for terms of office of either one or two years.
2. The first election for all 7 Board Members shall be held at the General Assembly in Rome in June 2014. The 3 members with the most votes at that election shall serve for 2 years. The 4 members with the least votes shall serve (exceptionally) for only 1 year, but shall (exceptionally and despite the provisions of Article 11.2) be eligible for re-election.
3. An election for the President shall be held at the General Assembly in Rome in June 2014. The President so elected shall serve (exceptionally) for the period of approximately 18 months from 1 January 2015 to the General Assembly held in June 2016, and shall not be eligible for re-election.
4. The President and Steering Committee in office at the date of adoption of the 2014 alterations to these Articles shall remain in office until the new President and Executive Board have been elected and taken office hereunder.

List of Members

24 Members (on 1 June 2016)

Members

| COUNTRY | MEMBER INSTITUTION |
|----------------|--|
| Belgium | Conseil Supérieur de la Justice / Hoge Raad voor de Justitie |
| Bulgaria | Висш Съдебен Съвет / Supreme Judicial Council |
| Croatia | Drzavno sudbeno vijeće / State Judicial Council |
| Denmark | Domstolsstyrelsen |
| France | Conseil supérieur de la Magistrature |
| Greece | Ανωτάτο δικαστικό συμβούλιο / Supreme Judicial Council of Civil and Criminal Justice |
| Greece | Ανώτατο Δικαστικό Συμβούλιο Διοικητικής Δικαιοσύνης/ Supreme Judicial Council of Administrative Justice |
| Hungary | Országos Bírói Tanács / National Judicial Council |
| Ireland | An tSeirbhis Chúirteanna / Courts' Service |
| Italy | Consiglio Superiore della Magistratura |
| Italy | Consiglio di Presidenza della giustizia amministrativa |
| Latvia | Tieslietu padome |
| Lithuania | Teisėjų Taryba |
| Malta | Commission for the Administration of Justice |
| Netherlands | Raad voor de Rechtspraak |
| Poland | Krajowa Rada Sądownictwa |
| Portugal | Conselho Superior da Magistratura |
| Romania | Consiliul Superior al Magistraturii |
| Slovakia | Súdna rada Slovenskej republiky |
| Slovenia | Republika Slovenija SodniSvet |
| Spain | Consejo General del Poder Judicial |
| United Kingdom | Judges' Council of England and Wales |
| United Kingdom | Judges' Council of Northern Ireland |
| United Kingdom | Judicial Council of Scotland |

List of Observers

15 Observers (on 1 June 2016)

Observers

| COUNTRY | OBSERVER INSTITUTION |
|-----------------------|--|
| European Union | Court of Justice of the European Union |
| Albania | Këshilli i Lartë i Drejtësisë / High Judicial Council |
| Austria | Ministry of Justice |
| Cyprus | Supreme Court |
| Czech Republic | Ministry of Justice |
| Estonia | Ministry of Justice |
| Finland | Ministry of Justice |
| Germany | Ministry of Justice |
| Luxembourg | Ministry of Justice |
| FYROM | Sudski Sovet / Judicial Council |
| Montenegro | Sudski savjet Crne Gore/Judicial Council |
| Norway | Domstolsadministrasjonen / National Courts Administration |
| Serbia | Високи савет судства / High Judicial Council |
| Turkey | Hâkimler ve Savcılar Yüksek Kurulu / High Council for Judges and Prosecutors |
| Sweden | Domstolsverket / National Courts Administration |

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Welcome to our Website

The ENCJ unites the national institutions in the Member States of the European Union which are independent of the executive and legislature, and which are responsible for the support of the Judiciaries in the independent delivery of justice.

Our aim is to improve cooperation between, and good mutual understanding amongst, the Councils for the Judiciary and the members of the Judiciary of the European Union (or candidate) Member States.

Our Mission & Vision

The ENCJ will be a unique body representing the judicial perspective to European institutions and the centre of a vibrant forum for the Judiciary across Europe.

Our Members

The ENCJ is the body which unites all Councils for the Judiciary of the EU Member States and represents them in the EU.

Report on the state of Democracy, Human Rights and the Rule of Law in Europe

The Council of Europe published its first report on the state of democracy, human rights and the rule of law in Europe. Part 2 of the report particularly deals with Justice and the Rule of Law, and identifies the following main challenges:

- Executive interference in the functioning of the judiciary;
- Corruption within the judiciary;
- Lack of public trust in the judiciary;
- Excessive length of proceedings and
- Chronic non-enforcement of judicial decisions

The main recommendations in this field include the introduction of effective measures to shorten the length

New on the website

EUROPEAN COMMISSION SETS OUT THE FUTURE OF EU JUSTICE POLICY AND FRAMEWORK FOR SAFEGUARDING RULE OF LAW

The European Commission published its
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