

## Report on the Ways to Brussels group

Dear colleagues,

To continue my personal report from the meeting in Mexico, I must confess there is not much to present. The political situation in Poland, Hungary and Turkey is still bad. The threats to the independence – and in the case of Turkey to the personal freedom and health of our colleagues - in these countries still exist and might be even growing. Unfortunately, the European Commission has not acted very strong, if at all, to put pressure on those governments. The acting commission at least seems to be no help in protecting the independence of the judiciary . Here, the work of the EAJ is indispensable. The project to bring into life a protocol to the ECHR to protect the independence of the judiciary seems to be essential.

The main issue for the European Union, as I see it, is the future legal relationship with the UK - even if the president of the Commission, following the remark of a high-ranking (German) civil servant, is only thinking about 30 minutes a day about Brexit. Looking at the French elections, latest surveys on the acceptance of the EU shows that it should be much more- as Brexit and the coming legal relationship with the UK will settle the role of the Rule of Law within the EU as well. A new legal order between the UK and the EU has to be established, with special regard to Ireland. The discussion there is – at least in Germany- very much dominated by trade interests, the Rule of law and the integrity of the European legal order are of no importance.

I am doubtful that, with the pending UK elections, it is time for the EAJ to put forward a statement on this, but perhaps we can start thinking on it. I have drafted a first paper to start the discussion in Chisinau.

Besides Brexit, I will put forward two issues for discussion within the group.

The one is the ongoing discussion on the quality of justice. It is a growing part of the Judicial Scoreboard and has been the item of a CEPEJ study. The ENCJ is working on it. The approach of all these papers is a very statistical one. Although judges have taken part in writing these statements, the focus is not how judges think about the quality of their own work. And what they need to judge in the best way. Unfortunately, I was not able to start drafting a paper, so I have only enclosed the Judicial Scoreboard 2016 and the CEPEJ study 2016 for further discussions in Chisinau.

Second, the European law Institute has presented a draft paper on the Conflict of Jurisdiction in Criminal Matters. As before, I had not been able to draft anything, but I will be doing so (for the German association) and would like to have a discussion if this is a topic we should look into.

Looking forward seeing you all.

Peter Schneiderhan

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