



MINUTES
MEETING OF THE EUROPEAN ASSOCIATION OF JUDGES
Copenhagen – 10 May 2019
(9.00 - 16.00h)

The meeting started at 9.30 a.m.

In attendance were:

- the IAJ President, Mr. Tony Pagone;
- the EAJ President, Mr. José Manuel Igreja Matos;
- the Vice Presidents Mr. Duro Sessa and Mr. Mikael Sjoberg;
- the Honorary Presidents Mr. Christophe Régnard, Mr. Gerhard Reissner, Mrs. Maja Tratnik and Mr. Günter Woratsch;
- the Secretary General, Mr. Giacomo Oberto;
- the Deputy Secretaries General, Mr. Lucio Aschettino, Mr. Galileo d'Agostino, Mr. Raffaele Gargiulo;
- the delegates of the following associations, which are members of the International Association of Judges and of the European Association of Judges:

ALBANIA	ITALY
ARMENIA	LATVIA
AUSTRIA	LIECHTENSTEIN
AZERBAIJAN	LITHUANIA
BOSNIA AND HERZEGOVINA	LUXEMBOURG
BULGARIA	MOLDOVA
CROATIA	NETHERLANDS
CYPRUS	NORWAY
CZECH REPUBLIC	POLAND
DENMARK	PORTUGAL
ESTONIA	REPUBLIC OF NORTH MACEDONIA
FINLAND	ROMANIA
FRANCE	SERBIA
GEORGIA	SLOVENIA
GERMANY	SPAIN
GREECE	SWEDEN
HUNGARY	SWITZERLAND
ICELAND	UKRAINE
IRELAND	UNITED KINGDOM
ISRAEL	

Secretary-General Oberto carried out a check on votes and proxies: 39 members were present.

EAJ President, Mr. Igreja Matos, thanked the Danish Association for the organization of the meeting and the conference. He then announced the presence of the IAJ President, Mr. Pagone and gave him the floor. Mr. Pagone greeted the Assembly and expressed his pleasure in being present at the meeting and observe personally the works. He underlined the importance of

sharing experiences in order to better reaffirm the culture and the commitment for the independence of the judiciary and the affirmation of the rule of law.

President Igreja Matos gave then start to the meeting.

1. Approval of the minutes of the Marrakech meeting.

The assembly unanimously approved the minutes of the Marrakech meeting.

2. Report of the President.

President Igreja Matos referred to his written report and highlighted that he was more optimistic than last year, also thanks to the strong reactions by the EU Commission to threats to the rule of law.

He underlined two major profiles: first, the importance to be present whenever is needed, wherever the problems are bigger. He mentioned the case of the Polish association “Iustitia”, whose members are the true representatives of the judiciary in the country. Also the OSCE was helping the association, organizing conferences and round tables and translating laws into English, to facilitate the global comprehension of the problem. The same presence and vicinity were shown in Hungary, where the EAJ sent a mission of expert, whose findings will be discussed further on during the meeting.

The second priority was to be more influential. The UNODC became a close partner of the IAJ; the Global Judicial Network was connected with the IAJ, there was a strong partnership with the Council of Europe and in particular with CEPEJ, whose President was invited to attend the meeting in Astana; Mr. Oberto is a key figure within CEPEJ and Mr Sessa is President of the CCJE.

Additional efforts regarding the EU were necessary. On this issue, the contribution of the WG presided over by Mrs. Parisot will be essential. President Igreja Matos will attend a conference in Luxembourg on the rule of law and will look for support to the Commission’s project on the rule of law. The Court of Justice will have a hearing Tuesday on the early retirement of Polish judges and there are grounds for optimism since the Advocate General released a strong opinion on the clear infringement of art. 7 of the EU Treaty especially as regards judicial independence.

3. Situation of the judiciary in Poland.

Mr. Jedrys took the floor to illustrate to the Assembly the situation of the judiciary in his country, with reference to the ongoing reforms (presentation enclosed to the minutes).

President Igreja Matos gave then the floor to Ms. Andrea Huber, of OSCE-ODIHR, who informed the Assembly about the risk that the ongoing reforms in Poland might affect negatively other European countries. She pointed out that the several rounds of amendments to the law were described by the Government as a way to meet the concerns of the EU, what was not true because at least in one occasion they were imposed by a decision of the Court of Justice. She also stressed that the cumulative effect of the laws on judiciary was to increase the influence of the Executive (speaking notes enclosed).

4. Situation of judiciary in Member Countries

4.1 Working Group on the Situation of the EAJ’s Member Associations. Report of the President

Mr. Gass, Chairman of the Working Group on the situation of EAJ Members, read the draft resolution on the ongoing reforms in Poland. President Igreja Matos underlined that the law mentioned in the resolution was adopted on 26 April and that the EAJ was very quick in reacting to threats to judicial independence.

Mr. Picken (UK) strongly supported the draft and noted that, since also ENCJ and the Court of Justice were dealing with the Polish case, the EAJ resolution was a further and precious contribution.

The Assembly unanimously approved the resolution.

Mr. Gass then presented the report of the fact-finding commission sent to Hungary.

Ms. Halasz (Hungary) read a note of the President of the Hungarian Association informing about the situation of the National Judicial Council that was under attack by the national Office for the Judiciary.

The Assembly unanimously approved the report and its dissemination to local and European authorities.

President Igreja Matos thanked the Association for its cooperation and support and asked the WG to send the reports on Hungary and Poland to the CCJE.

Vice-president Sessa informed the Assembly that the CCJE was preparing a report on the judiciaries in Member States and encouraged the associations to contribute to the survey, since official papers might not be exhaustive. Furthermore, several reports deal with the perception of independence, with emotions and not with facts. He suggested to find a place to speak about this problem because these reports are not fair and do not reflect the situation. President Igreja Matos agreed.

5. Working Group “Ways to Brussels” – Report of the President

Ms. Parisot, President of the WG, summarized the content of her report and the proposals therein.

The Assembly unanimously approved the draft letter to the President, the first Vice-President and the Commissioner for Justice of the European Commission aimed at presenting the EAJ and the IAJ and explaining the object of the working group.

The Assembly unanimously approved the resolution on the rule of law.

The Assembly postponed to the afternoon the approval of the resolution on e-evidence, to which some amendments were proposed.

6. Information about the situation in concrete Member States.

Armenia: the delegate of the Armenian Association took the floor to illustrate the judicial policy in the country and the steps taken to strengthen the role of the judiciary, mentioning also the progresses made with the introduction of electronic justice and the full digitalization of current affairs.

Azerbaijan: the President of the Association greeted the Assembly on the tenth anniversary of the admission of his Association as a member of the IAJ. He then gave the floor to Mr. Hajiyev, judge of the Supreme Court of Azerbaijan, who spoke about the real situation of the judiciary in the country, focusing on recent reforms, the institution of mediation, the increase of transparency and the guarantee of the irremovability of judges (paper enclosed to the minutes).

Bulgaria: the delegate of the Bulgarian Association took the floor to illustrate some serious problems concerning judicial independence in his country. First, he mentioned the composition of the High Council for the Judiciary, composed of 25 members divided in two Chambers, one for the judges and the other for the Prosecutors. Out of the 14 members of the Judges Chamber, only 6 are elected by their peers, contrary to the standards recommended by Venice Commission. Second, an amendment to the Judiciary Act obliges judges to declare whether they are member of professional association of judges. Third, in the country there is a long lasting media campaign against the Bulgarian Judges Association. Finally, he underlined the enormous powers of the Chief Prosecutor combined with lack of accountability and the fact that his election is influenced by political parties.

Greece: the delegate of the Greek Association took the floor to inform the Assembly about the attitude of certain politicians who, by their speeches and writings, aim at creating a negative atmosphere around the activities of judicial authorities, thus interfering in the proceedings. Ministers of the Government invited judges identified by names to impose a pre-trial detention over specific persons stating that, otherwise, justice would show unacceptable and unjustifiable negligence. Also the opposition attacked those prosecutors who started criminal proceedings against its members. The general climate in the country is that the courts' decisions are wrong and undesirable.

Iceland: the Icelandic delegate informed the assembly about a recent ruling of the European Court of Justice concerning the appointment of judges. In particular, the Court stated that the appointment of judges to the Landsréttur appeals court by Minister of Justice broke Article 6 of the European Convention on Human Rights on the individual's right to a fair court trial. A committee appointed for that purpose proposed a list of the applicant judges it deemed most fit to serve in the newly established court of appeal. The committee provided 15 names for the 15 positions available but the Minister replaced four of them with others who were ranked lower by the committee. According to the ruling of the ECtHR, this decision was illegal because it was taken without an independent examination of the merits of the candidates.

Romania: the President of the Rumanian Association took the floor to illustrate the situation of the reforms in her country. The RMA, established in 1993, is the eldest judges association in the country, in the time joined by other 5. In these recent years, when important reforms affecting the judiciary were on the table, 3 associations, among which RMA, opened a dialogue with the Government in order to positively influence the reforms, while the other 3 stood on the barricades. RMA was not entirely satisfied by the outcomes of the dialogue but at the same time considered that the positive effects of some amendments must be recognized (for instance, those regarding the powers of the Ministry of Justice in the field of discipline). As a conclusion, the President recommended, before issuing any statement on the situation of justice in Romania, to verify the facts with the help of RMA.

7. EAJ and IAJ

President Igreja Matos informed the Assembly that the Venezuelan Judge Afiuni, whom the IAJ assisted for several years, was condemned to 5 years of prison for “spiritual corruption” (against the spirit of the Bolivarian revolution).

Mr. Kempfle (Germany) took the floor and informed the Assembly about the situation in Guatemala, where there are many cases of corruption, killings of indigenous people, disciplinary proceedings are filed against members of the association because of the cases they decided and the security of judges is now managed by a secret service man coming from the personal office of the President. The Guatemalan Judges asked support to the EAJ because they do not receive any help from the US since the election of Mr. Trump. The German Association invited Mr. Velasquez, Commissioner of the International Commission against Impunity in Guatemala, who met several authorities.

7.1 Change of Statutes of IAJ

President Igreja Matos introduced first the proposal concerning the monitoring procedure: it proved inefficient, took long time and the final results were poor, therefore it should be reformed. The possibilities under consideration were to abolish the monitoring, to keep it as it is or to change the procedure, on an ad hoc basis or with a simplified questionnaire.

After a lively debate where a substantial aversion to the proposed amendment emerged, the Assembly agreed on establishing an “ad hoc” monitoring on initiative not only of the Presidency Committee, but also of a certain percentage of Member Associations, on submitting to the monitoring only a certain percentage of Member Associations per year and on changing the questionnaire in view to have lesser, more concrete, questions.

Upon proposal of the President, the Assembly approved the composition of the WG charged to draft the European proposal for amendment of the Statute: Vice President Sessa; Honorary President Reissner, Mr. Wiggo Larssen (Norway) and Mr. Roland Kempfle, Germany.

President Igreja Matos then introduced the proposal of amendment concerning the membership ex art. 4 of the Constitution, explaining that its rationale was mainly to allow the application for membership by representatives of the judiciaries of very small Countries (i.e. islands of the Caribbean Sea and the Pacific ocean) who do not form national associations but gather in supranational ones and to allow the participation of other international associations of judges, already attending as observers the IAJ meetings.

After a lively debate where a substantial aversion to the proposed amendment emerged, the Assembly voted against the amendment of art. 4 of the IAJ Constitution.

Mr. Picken (UK) announced the formulation of a proposal of amendment aimed at facilitating the admission of associations representing little island countries.

Secretary-General Oberto recalled the rules concerning the proposition of amendments and sub-amendments.

After the speech of Ms. Margrethe Vestager, European Commissioner for Competition, the Assembly considered the modification to the statement on EPO and unanimously approved the statement.

8. Budget of EAJ.

Secretary-General Oberto illustrated the figures of the budget and the assembly unanimously approved it (enclosed).

9. Situation of the judiciary in Turkey and actions undertaken by EAJ; Provident Fund of the European Association of Judges.

President Igreja Matos explained the origins of the Fund for the new delegates to the meeting and recalled the situation of the Fund, summarizing the content of the report disseminated among member Associations. Mr. Edwards, member of the Committee for the management of the Provident Fund, took then the floor to illustrate the proposals for the continuity of the activities of the Fund.

Mr. T.K. briefly explained the criteria for the selection of requests of support deserving approval. President Igreja Matos added that there was the need of further resources and encouraged the EAJ members to publicize the initiative, explaining that it was not secret, being confidential only the names of the people helped.

10. Future meetings: EAJ 2020 (Portugal)

Mr. Maximiliano Vale, on behalf of the Portuguese Association, presented the candidature of his association to host the 2020 spring EAJ meeting that will take place in Porto from 14 to 16 May.

11. Miscellaneous

No items.

President Igreja Matos thanked all attendees and the Danish Association and closed the meeting at 17.15.



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**

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EAJ budget Copenhagen

EUROPEAN ASSOCIATION OF JUDGES Regional Group of the I.A.J.

BUDGET 2018-2019 **and** **EXPENSES FROM 10th OCTOBER 2018 TO 30th APRIL 2019**

(in EURO)

		total
A) Reserves	+ 19,244.31	
B) Contribution from the IAJ for the year 2018-19	+ 3,000.00	
C) Total availability for the year 2018-19 [A+B]		+ 21,244.31
D) hotel for President Igreja Matos (CC meeting in Marrakech)	- 914.00	
E) travel expenses of President Igreja Matos for book fair in Frankfurt and French Association's Assembly in Pau	- 387.83	
F) expenses for the meeting of the Committee for the Provident Fund	- 250.63	
G) travel expenses of President Igreja Matos for the EU meeting in Vienna	- 387.05	
H) total expenses [D+E+F+G]		- 1,939.51
Availability on 30 April 2019 [C-H]		+ 19,304.80