

EAJ Working Group on Judicial Salaries and Pensions
Meeting of the EAJ in Cape Town/SA, October 18th 2024

Progress Report 2024

At the EAJ meeting in Taipei (Session of Thursday 21 September 2023) several delegates reported that there was a number of serious problems in their countries related to the judges' salaries and pensions which affect the material independence. Therefore, the Assembly approved the establishment of a Working Group on judicial salaries and pensions.

The working group is composed of 21 members from 17 countries.

At its first in-person meeting held at the EAJ meeting in Warsaw on April 26, 2024, Andreea Ciuca was elected chair and Mette Lyster Knudsen vice chair.

So far, the working group hold 5 online meetings as follows: on February 26, 2024, on June 12, 2024, on July 9, 2024, on September 4, 2024 and on September 17, 2024. The topics discussed and the lines of action were highlighted in the summaries of these meetings.

A questionnaire was elaborated and distributed to all EAJ members in May 2024. Main task of this 1st questionnaire was to identify which problems regarding remuneration and pension exist. 29 member association answered the questionnaire. The answers were analyzed and the result was outlined in the "Summary of the answers to the First Questionnaire". In this document, the issues raised by each member association were organized into 3 topics as follows: Challenges/problems regarding judges' remuneration and pensions; Final or other judgements and/or pending cases before national courts; Enforcement of judgments.

On the basis of the summary of the answers to the first questionnaire a working document has been drafted, namely "Summary of the Main Issues raised by member associations on judges' salaries and pensions". This document is attached.

In parallel the jurisprudence of the ECtHR and the CJEU were studied and decisions regarding the issue of material independence of judges identified. National judgments on the issue - as far as available - were added. This document is also attached.

The working group saw as its goal to collect material, which will make it possible to identify best practices and to provide support for argumentation, be it by individual judges' associations or be it by the EAJ, in support of national associations which face problems.

Therefore, it was decided to attempt to elaborate a document which summarizes the point of view of EAJ and could be used as reference when facing respective problems and perhaps be added to European soft law standards.

The working group decided to structure the document in the way that short statements/principles are followed by an explanatory memorandum.

The draft of this document, which is attached, is not final. It is brought to the attention of the plenary now to get the general approval if such document should be drafted, if so to ask all members of EAJ to comment (not on the wording but on the substance) and perhaps amend or exclude topics in the meeting or during the next few weeks. After such decision and consultation, the working group will work on a final text, which should be prepared for the following EAJ meeting.

In parallel a second questionnaire which is already in preparation will be finalized and distributed to get another overview about the situation with the aim of comparison and identifying best practices.

Andreea Ciuca,
Chair EAJ-Working Group on Judicial Salaries and Pensions