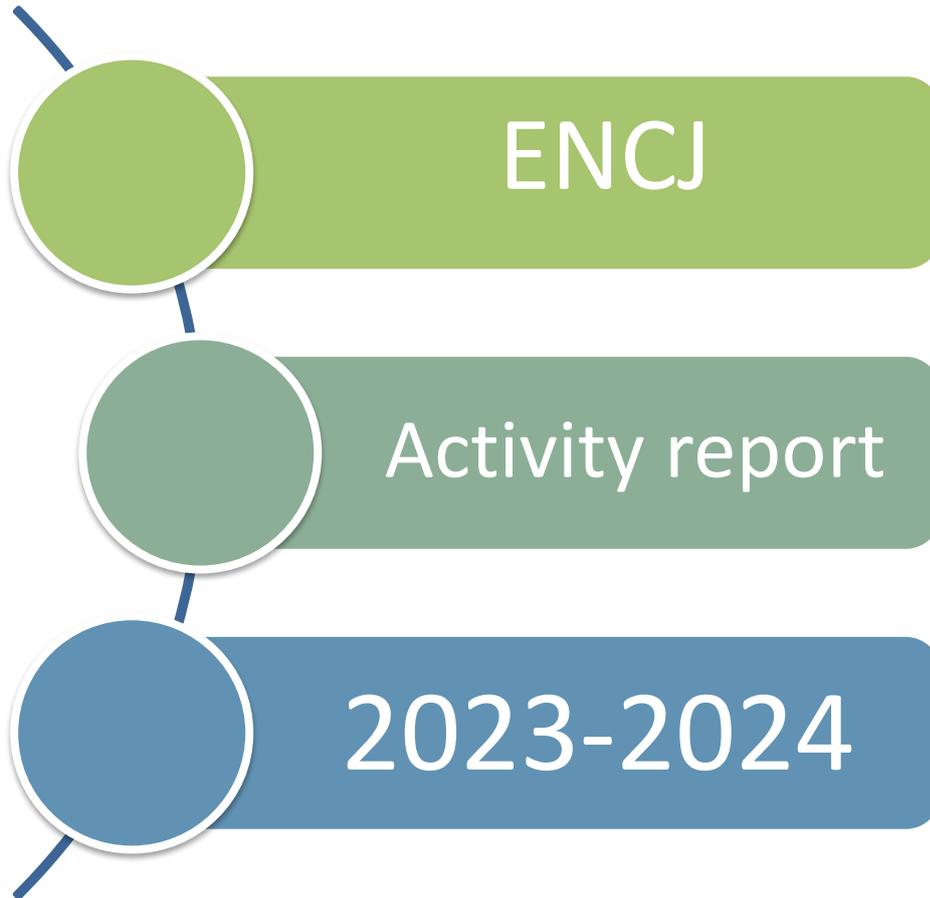




European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



Co-funded by the Justice Programme of the European Union

INTRODUCTION

Based on the ENCJ Strategy 2022-2025, the workplan of 2023-2024, was adopted in the General Assembly of 2023 in Ljubljana. In comparison to the several previous years, the execution of this plan was no longer impaired by the COVID-19 and its consequences. The planned activities were implemented in the envisaged manner. A combination of in-person and online meetings were held to execute this plan, giving consideration to environmental and financial constraints.

1. THE FUNCTIONING OF THE ASSOCIATION

1.1. The General Assembly

In the General Assembly of 2023, the members only session that dealt with the functioning of the association was organised on 7 June in Ljubljana. During the meeting, 2 Executive Board members were elected. In the General Assembly of 2024 (held in June in Rome, Italy), 5 Executive Board members and the ENCJ President the will need to be elected.

1.2 The Executive Board

1.2.1 Functioning of the Association

The Executive Board is responsible for the running of the organization in between General Assemblies. It follows developments in the Member States in relation to judicial independence and judicial reforms. It deals with the financial issues of the Association, the functioning of the organs and the external relations of the ENCJ.

Meetings

Six meetings of the Executive Board were held in 2023/2024. Two in-person meetings were held in 2023, in June in Vilnius and in November in the Hague. An Ad-hoc Executive Board meeting was held online in October 2023, regarding the adoption on the new regulatory framework on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Two more in-person meetings were held in 2024, in February in Paris and in April in Bruges. An online meeting was held in May 2024.

ENCJ Strategy 2022-2025

The ENCJ strategic plan 2022-2025 was adopted at the General Assembly on 2 June 2021. The plan serves as a basis for the EU Framework Partnership Agreement, which will guarantee the annual Operating Grants from the European Commission.

Protecting the Rule of Law and Advocacy

The ENCJ General Assembly in Ljubljana (7-9 June 2023) unanimously approved the candidacy of the **High Prosecutorial and Judicial Council of Bosnia and Herzegovina, the Superior Council of Magistracy of Moldova, and the High Council of Justice of Ukraine.**

² ENCJ activity report 2023-2024 (to be adopted at the General Assembly on 12-14 June 2024 in Rome)

The aim of granting the institutions of candidate countries to the EU an ENCJ observer status is to facilitate their familiarity with the EU acquis, and with the standards and guidelines established by the ENCJ in the field of justice – organization of justice and of independent judiciary in particular. The ENCJ aims to assist councils in establishing an independent, yet accountable judicial system in line with the European standards. The status of an Observer allows the judiciaries of these candidate countries for close and direct connections with their EU counterparties. Through active participation in ENCJ projects and other activities observers not only establish strong connections between Councils for the Judiciary and alternative judicial governance bodies and gain valuable insights into their best practices, but also have direct access to the knowledge and expertise of the ENCJ in different fields of the activities of the Councils for the Judiciary and judiciary as a whole. Observers are encouraged to use and adapt the developed standards to the specific needs of their justice systems under the advice and supervision of the ENCJ members and Office.

The Executive Board followed closely the developments in particular Member States, such as, in Hungary, Poland, Spain and Slovakia. Developments in these countries are also regularly discussed during the monthly online meetings of the Presidents of Judicial Networks.

In October 2023 an ad-hoc Executive Board meeting was held on the adoption of a new regulatory framework on High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

In April 2024 the ENCJ Executive Board made a joint statement together with the EAJ on the Renewal of the Spanish Council for the Judiciary (CGPJ). This joint statement is a result of the close cooperation among the Presidents of Judicial Networks.

In April 2024 the ENCJ also took note and shared with its community a formal call for attention and action of the European Union and Council of Europe leaders made by its partners the EAJ, AEAJ, MEDEL and Judges to judges, regarding the denial of conditional release of judge Murat Aslan. Taking note that this one case represents the general situation of imprisoned judges in Turkey.

1.2.2 Finances of the Association

The Executive Board is responsible for the budgetary issues of the Association. In the Summer 2021 the European Commission accepted the ENCJ proposal for the Framework Partnership Agreement. As a result, the ENCJ is currently financed through an annual operating grant under a Framework Partnership Agreement 2022-2025.

In August 2023 the ENCJ submitted a proposal for the Operating Grant for 2024 to the European Commission which has been accepted. In July the European Commission has also increased unit cost prices for air travel, which the ENCJ Executive Board has decided to apply for all the activities undertaken after 1 January 2023.

1.2.3 The Permanent Office (staff)

The Executive Board is responsible for the functioning of the ENCJ's Permanent Office. As of 2023 the staff of the ENCJ Office consisted of a full time director (Ms. Milda Treige); Aleksandra Switalska, full time policy advisor; Mr. Frans van Dijk under the secondment contract for one

day per week as a researcher/advisor for the Project on Independence, Accountability and Quality of the Judiciary.

1.2.4 Group on Internal organization

One of the organizational difficulties indicated by the Executive Board in the previous years was a diminishing interest of Members of the ENCJ to take an active role in developing and coordinating ENCJ activities. It was decided to launch a group on Internal organization as well as to actively approach the new formations of Councils for the Judiciary in the ENCJ Members. In the General Assembly 2023, the following was approved in this regard:

- 1) to oblige the ENCJ members and observers to organize at least two events yearly to the national judiciaries, where results of the work undertaken by the ENCJ would be presented;
- 2) to develop and use an onboarding package and process, consisting of an elaborate Introductory guide and a welcome letter to be shared with new member and observers, and new compositions of the Councils.
- 3) to charge the ENCJ Office with the task to develop the onboarding package and organizing onboarding meetings, when required.

To this end an updated detailed ENCJ guide was developed together with a welcome letter. In the year 2023-2024 this onboarding package was shared with six intuitions – three Councils, which became observers of the ENCJ in 2023 and three Councils of renewed composition. On 3 October 2023 an online onboarding meeting was held, where the coordinators of the ENCJ projects and the ENCJ President introduced the work of the network.

In March 2024, the ENCJ Office sent out the request for the information on the implementation of the first recommendation (organizing events to share the ENCJ materials) to its members and observers. Answers were received from fourteen ENCJ members and observers, which represents 35 % of all ENCJ members and observers. The Questionnaire focused on whether three documents developed by the ENCJ in 2023 (the Ljubljana declaration, the Model Code of Conduct and the I, A & Q report) were shared with the members of the Council for the judiciary, the judiciary, the general public and other state powers and stakeholders. Majority of the members and observers replied that at least one of these documents were presented to the members of the Council for the Judiciary in a meeting and made available to the judiciary through an internal website or other means (e. g. Newsletter). None of the respondents indicated any active events to present these materials to the judiciary as a whole. As regards presentation to the general public, efforts were made to publicize the documents on external websites. Several of the respondents also indicated that they did use these and previous ENCJ materials in relations with other state powers, one noted that it was done on a continuous basis.

In conclusion, the implementation of the first recommendation adopted in the General Assembly of 2023 was limited.

Attention should be brought to the fact, that the diminishment of participation in the ENCJ events is no longer felt, the interest of taking an active role in leading ENCJ project remains. An additional initiative to keep the ENCJ community involved, through a publication of a newsletter was launched.

1.2.5 Co-operation and external relations

European Commission and European Parliament

The ENCJ continued cooperation with partners to promote and preserve the Rule of Law. For this purpose, ENCJ continued to be an interlocutor for the European Commission on issues such as the functioning of Councils for the Judiciary, Judicial Independence, Quality and Efficiency of Justice.

The ENCJ contributed to the European Commission Rule of law report. The ENCJ also contributed, through its members, to the 2024 EU Justice scoreboard. The 2024 Rule of Law report will be presented to the ENCJ Members and Observers in July/August 2024.

Upon the invitation of the European Commission, the ENCJ representative (Ms. Maria Gkana) has presented the work of the ENCJ in the sphere of the Court user surveys at the meeting of national contact points of the judiciaries in October 2023. The director of the ENCJ Office, has presented the work of the ENCJ in the sphere of the allocation of cases in May 2024 at the European Commission in a meeting of national contact points for the Rule of Law report.

The ENCJ representatives closely followed the work of the LIBE committee, in July 2023 ENCJ President was invited to speak at the committee to speak on judicial independence.

European Judicial Training Network

The ENCJ is a LOT 4 partner of the European Judicial Training Network (EJTN). In 2023 the ENCJ was actively involved in the organization of Judges@Europe Forum, which is a high-impact training on the Rule of Law for judges, held on 25-27 October, in Syracuse (Italy). ENCJ President Ms. Dalia Vasariene delivered a presentation and moderated a working session in the Forum.

In January 2024, ENCJ representatives participated in the LOT 4 partners meeting, where the ENCJ support for the long-term judicial traineeships at the Court of Justice of the European Union and European Court of Human Rights was offered. To this end, official letters asking to support the concrete candidates were sent to the Councils of the countries, from which the participants were selected.

Academy of European Law

In May 2022, the EU Forum of the judicial and legal professions was established in Brussels. This forum brings together the stakeholders representing various judicial professions: ACA-Europe, AEAJ, CCBE, EAJ, the Network of the Presidents of the Supreme Judicial Courts of the European Union and UEHJ.

In December 2023 a second conference of this Forum took place in Brussels on the topic of Media and the Legal Professions, where Ms. Maria Gkana (Member of the Supreme Judicial Council for Administrative Justice of Greece) has presented the work of the ENCJ in the sphere. The ENCJ Office actively contributed to the organization of the conference through media campaign. In April 2024 CCBE hosted the meeting of the members of the Forum, where a

decision was taken to organize the third conference of the Forum in November 2024 on the topic of Acceleration of Justice through innovation.

In November 2023 a new representative to ERA's Board of Trustees was delegated by the ENCJ Executive Board. Ms. Madeleine Mathieu (CSM France) will represent the ENCJ.

In April 2024, upon the agreement of the ENCJ Executive Board, ENCJ became an Associated partner in ERA's proposal to the European Commission on "Enhancing judicial cooperation with the use of information and communication technologies in cross-border civil and criminal cases". In the event of success, the project will focus on mutual learning, through sharing of the best practises among institutions of several EU Member States. ENCJ Members and Observers will be able to attend these study visits for a reduced fee.

2. IMPLEMENTATION ENCJ STRATEGIC PLAN

The ENCJ Strategic plan 2022-2025 was adopted at the online General Assembly on 2 June 2021. The plan served as a basis for the EU Framework Partnership Agreement, which will guarantee the annual Operating Grants from the European Commission.



2.1.1 Main projects

Main project 1 Independence, Accountability and Quality of the Judiciary

In 2023/2024 the work of the project consisted of several activities in the area of Independence and Accountability and Quality of the judiciary. Activities followed the cycle of improvement introduced in the previous period of the project. Questions of judicial independence and quality requires constant attention, especially following recent developments within several member states of the European Union, where adherence to the principles of the Rule of Law give rise to concern.

At the last General Assembly in Ljubljana, the ENCJ has decided to organize dialogue groups in 2023/2024 in order to discuss the outcomes of the indicators on independence and accountability as well as the indicators on quality of the judiciary. Dialogue groups fit the improvement cycle that the ENCJ has adopted as a method for individual members and observers to improve their independence and accountability. This method was also applied for the first time to quality.

Six dialogue groups were formed on the basis of a two by two design with regard to similarity of legal system. Six in-person meetings were held in the months of January and February 2024 in Austria (Vienna), Bratislava (Slovakia), 2 meetings in Brussels (Belgium), Dublin (Ireland) and Helsinki (Finland). Five online meetings followed.

In addition, three in-person meetings of the whole project group were held in 2023/2024 in Brussels (Belgium) in October, December and April. An online meeting followed in May. During these meetings, as well as through numerous exchanges via e-mail, the project group has done considerable work in all areas of the project.

There were four main workstreams:

- The Independence and Accountability;
- The Quality of the Judiciary;
- The Court Users survey;
- The preparation for a survey on Judicial Independence in 2025.

Independence and Accountability of the Judiciary

In 2023-2024 an essential part of the improvement cycle of the judiciary that the ENCJ has initiated took place – the dialogue groups. These small groups, organized under Chatham House rules allow for an open and in-depth discussion of the main challenges judiciaries face in with regard to independence and accountability of the judiciary. This year the overall role of the Councils for the Judiciary with regard to the quality of the judiciary and challenges in the area were discussed for the first time as well. The second online meeting was devoted to look for possible solutions and to discuss the commitments of improvement of the Councils.

In the plenary meetings of the project group the issue of the political affiliation of judges with regard to judicial independence was discussed, which led to the proposal of minimum standards on the political affiliation of judges.

Quality of the Judiciary

Several possible directions of activities with regard to Quality for the Judiciary were proposed for the year 2023/2024. The Project group decided to adopt access to justice as an overarching concept for this year and to share best practices with regard to vulnerable people in the area. Six groups of vulnerable people were chosen in order to have a more pointed discussion and to structure the best practices. A best practices guide was drafted.

Court user surveys

The Project group continued its work in two directions. First, a possibility of conducting an EU-wide court user survey was further explored. In October 2023, an ENCJ representative presented the work of the ENCJ at the meeting with the European Commission. It was agreed that in the event the financing will be secured, the existing ENCJ court user survey could be used, but it should be enhanced with quality questions. In the light of the above the ENCJ Court user survey was enriched with several quality questions.

Second, the experience of the Councils for the Judiciary, which have recently conducted a court user survey was shared. The CSM France and HJPC of Bosnia and Herzegovina presented their experience.

Survey on Judicial Independence 2025

The Project team has also updated the Questionnaire to be used for the Survey of Judges 2025. Although it was agreed that to enable the monitoring of the changes through time, the Questionnaire should remain in essence the same, the project group agreed to add questions with regard to verbal and physical violence against judges. Preparations for the survey will continue in the third quarter of 2024.

Project 2 ENCJ Digital Justice Forum

The ENCJ Digital Justice Forum was set up as a reaction to the COVID-19 crisis and the considerable challenges it has brought to the functioning of the judiciaries together with the acceleration of developments in digitalization of the judicial systems.

In 2020 and 2021 the ENCJ Digital Justice Forum concentrated on organizing a series of online seminars, focusing on four major areas: (I) data collection, algorithms, machine learning and AI (artificial intelligence): the use in judiciaries; (II) COVID 19 pandemics: the soft spots of judiciaries revealed and the necessary steps for a proper way forward; (III) issues concerning GDPR: publication of court decisions, anonymization and GDPR; balancing data protection and judicial transparency; (IV) digital domain and judicial independence: possible implications of digitalization and AI tools on judicial independence.

In 2022/2023 an in-person Digital Justice Forum meeting on Balancing data protection and judicial transparency was held in San Sebastian (Spain) at the premises of Judicial Documentation Center (CENDOJ). In May 2023 an online meeting of the members of the ENCJ Digital Justice Forum was held with the aim to introduce the European Commission's proposal for a Regulation of the European Parliament and of the Council on the digitalization of judicial cooperation and access to justice in cross-border civil, commercial and criminal matters, and amending certain acts in the field of judicial cooperation.

In the year 2023/2024 a decision was taken to look into the ongoing projects in the ENCJ members and observers, as well as to look into the initiatives and work of the European partners. In the light of the above two online seminars were organized:

- In March, 2024 a seminar of the EU AI act, with the representative of the European Commission;
- In May, 2024 a seminar on the Opinion No. 26 of the CCJE with the members of the working group.

An in-person event of the Digital Justice Forum was hosted by the CSM Romania on the topic of the 'Use of AI in Summarization of Legal Documents', where best practices in the area were shared by the representatives of the Council of Europe, Cour de Cassation of France, CSM Romania and Rvdr Netherlands.

2.1.2 Other activities

ENCJ thematic dialogue group on Attractiveness of Judicial Career

The attention of ENCJ was drawn to the issue of decreasing attractiveness of judicial profession and in September 2022, a thematic dialogue group on the attractiveness of the judicial career (working conditions) was set up.

The aim of this thematic working group was first to assess, if the attractiveness of the judicial career is seen as a real issue, to identify factors that may make judicial career unattractive or less attractive and to draft a best practice guide which would comprise measures to improve the attractiveness of judicial career.

In 2023/2023 the participants of the group have filled out a survey regarding the obstacles they met and experienced, they were also shared in an initial on-line meeting. Based on this information, four main groups of challenges were distilled by the coordinators: the narrowing pool of candidates, the selection procedures, working conditions and remuneration.

In the year 2023/2024 two in-person working group meetings in Brussels (November 2023) and in Riga (March 2024) were held, followed by two online meetings in January and April. The first in-person meeting was used to share best practices in relation to broadening the pool of candidates and selection procedures, while the second, to discuss working conditions and remuneration. Both meetings benefited from the insights of external experts in the respective areas, which enriched the discussions and contributed to the quality of the recommendations proposed.

2.2 To strengthen mutual trust among the judiciaries of Europe

Activities and projects

ENCJ Lunch seminars

To promote mutual knowledge and trust among the ENCJ members and observers, especially in times of remote meetings, the ENCJ started to organise regular lunch seminars. This activity was continued as a viable opportunity to bring the ENCJ members and observers on board regarding different topics related to independence of the judiciary in 2023/2024.

Every 3rd Tuesday of the month a seminar around a central theme is organized. External speakers and other stakeholders may be invited to join. The following seminars were organized in 2023/2024:

- Presentation of the Rule of Law report 2023 (September 2023)
- Artificial Intelligence, (October 2023)
- Relationship between the judiciary and media & freedom of expression of judges, (November 2023)
- Legal needs surveys (January 2024)

- Presentation of research on the decay of the Rule of Law (March 2024)
- Update on situation in Poland (April 2024)
- External review of the HJPC of Bosnia and Herzegovina and the new HJPC draft law (May 2024)

To improve mutual knowledge and understanding of judicial systems

Requests for Information

The sharing of information and best practices between the Members and Observers of the ENCJ is an important feature of the network. In 2023/2024 a number of questionnaires were shared among the Members and Observers.

In November 2023, the ENCJ Office has launched the initiative of creating the ENCJ Forum to facilitate the direct sharing of information on the Members' only section of the ENCJ website. Up to this date the Forum is still being tested.