



ENCJ NEWSLETTER



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EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY	2
STATEMENT REGARDING JUDGES AND PROSECUTORS OF THE COURT TARGETED BY THE SANCTIONS OF THE USA GOVERNMENT	2
ENCJ CONTRIBUTED TO THE 2026 RULE OF LAW REPORT	2
VENICE COMMISSION	3
REQUEST FOR AN OPINION OF THE VENICE COMMISSION ON THE DRAFT LAW “ON REINSTATING THE RIGHT TO A FAIR TRIAL AND HEARING THE CASE WITHOUT UNDUE DELAY”	3
COURT OF JUSTICE OF THE EUROPEAN UNION	4
CASE CJEU C-521/21 RZECZNIK PRAW OBYWATELSKICH.....	4
HIGH COUNCIL OF JUSTICE BELGIUM.....	5
CALL TO RESPECT FOR ALL JUDICIARY DECISIONS.....	5
JUDICIAL COUNCIL IRELAND	6
COMMITMENT TO JUDICIAL WELLBEING	6



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

European Network of Councils for the Judiciary

Statement Regarding Judges and Prosecutors of the Court Targeted by the Sanctions of the USA Government

The European Network of Councils for the Judiciary (ENCJ), the European Association of Judges (EAJ), and the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe) adopted a joint statement regarding Judges and Prosecutors of the International Criminal Court targeted by sanctions of the USA Government.

In this document, the three networks highlight that judicial independence is an essential element that must be guaranteed and preserved for every judge and for the judiciary as a whole.

Click [here](#) to read the full statement.

ENCJ contributed to the 2026 Rule of Law report

The European Commission invited the ENCJ to contribute to the European Commission 2026 Rule of Law report.

The Rule of Law report is a document issued by the European Commission that is devoted to examining developments in the EU Member States, in four key areas: justice systems, the anti-corruption frameworks, media pluralism and freedom, and institutional checks and balances.

ENCJ's contribution to the Report gives insight for the recommendations to the justice system key area. It consists of three sections. Section one addresses the ENCJ's statements and actions in 2025 regarding Rule of Law issues. Section two presents the results from the 2025 ENCJ Survey among Judges on their independence and the ENCJ Report on Independence, Accountability and Quality of the Judiciary. Section three provides an overview of relevant developments in the ENCJ Member countries in relation to Judicial Independence and is based on information provided by the Members.

Click [here](#) to read the full document.



Venice Commission

Request for an Opinion of the Venice Commission on the Draft Law “On Reinstating the Right to a Fair Trial and Hearing the Case Without Undue Delay”

During the Venice Commission’s plenary session, held on 6 and 7 March 2026, the Committee has issued an Opinion. The opinion analyses the draft law concerning the status of judges appointed or promoted in the Polish Council for the Judiciary, the Krajowa Rada Sądownictwa (KRS) between 2018 and 2025 and other related matters.

In this Opinion, the Venice Commission endorses the attempt to use a legislative scheme to repair the damage caused by the defective judicial appointments, but only if the solution is rapid, proportionate, and accompanied by judicial safeguards. It accepts some aspects of the proposal, such as the broad grouping of judges into categories, while underlining that other aspects raise stronger separation of powers and irremovability concerns.

The Commission supports only carefully limited reopening of cases and questions broader automatic effects of the participation of judges appointed or promoted during the relevant period, while also noting that abolishing the Supreme Court’s Extraordinary Review chamber fits the broader repair effort.

The full document is available [here](#).



Court of Justice of the European Union

Case CJEU C-521/21 Rzecznik Praw Obywatelskich

In case C-521/21, District Court of Poznan Old Town, Poland) posed a question to the Court of Justice of the European Union through a preliminary reference on whether an irregularity, committed during the appointment of a judge, is or not in itself sufficient to find that that judge is not independent.

In this ruling, the Court clarified that a flawed appointment process does not automatically mean a judge lacks independence. Instead of a "one-size-fits-all" disqualification, the Court is calling on national judiciaries to conduct a case-by-case assessment. The goal is to determine whether the specific circumstances of an appointment create a genuine risk of external influence or legitimate doubts about a judge's impartiality.

The case specifically addressed long-standing anxieties regarding judges appointed in the last years by the National Council of the Judiciary (KRS) and the lack of legal remedies for passed-over candidates. On this front, the Court of Justice took a pragmatic stance: neither the KRS's controversial involvement nor the absence of judicial review is enough on its own to justify an automatic recusal. According to the Court, for a tribunal to lose its status as being "established by law", the irregularities must be serious and combined in a way that actively undermines public confidence.

However, the Court was firm in stating that EU law requires national courts to have the power to review the legality of these appointments during recusal proceedings. By doing so, the CJEU is sending a clear signal: Poland must ensure a legal framework that allows for an assessment of the procedures of appointments that are considered as flawed. It is a firm reminder that restoring trust in the judiciary and upholding the separation of powers remains a non-negotiable priority for the Union.

The press release dedicated to this decision can be found [here](#). Click [here](#) for the full text of the case.

High Council of Justice Belgium

Call to Respect for All Judiciary Decisions

On 6 March 2026, the Conseil Supérieur de Justice / Hoge Raad voor de Justitie (Belgian High Council) has published a statement in both [French](#) and [Dutch](#) versions, calling for respect for all judicial decisions. The statement cites:

The High Council of Justice wishes to reiterate a fundamental principle of democracy: respect for judicial decisions lies at the heart of the rule of law.

In a state founded on the separation of powers, judicial decisions must be respected and enforced, regardless of one's views on their merits.

Citizens who bring cases before the courts must accept the decisions handed down, even when they are not in their favour. This requirement applies all the more to public authorities, and in particular to the executive, whose actions must be consistent with respect for the decisions of the courts.

This requirement applies particularly where the Constitutional Court orders the suspension of the application of a law, in order to preserve legal certainty pending judicial clarification.

Respect for the authority of judicial decisions is an essential condition for citizens' trust in democratic institutions.

The High Council of Justice reiterates the importance of these fundamental principles for the proper functioning of the rule of law.



Comhairle na mBreithiúna
The Judicial Council

Judicial Council Ireland

Commitment to Judicial Wellbeing

The Irish Judicial Council has published on its website a document dedicated to the wellbeing of judges. The topic that has also been recently addressed in the work of the ENCJ through the Quality questionnaire 2026 and the Report on the Attractiveness of the Judicial career 2024. The statement of the Irish Judicial Council indicates the following:

Judicial Wellbeing is a vital component in ensuring that judges in Ireland are able to perform their role responsibly and effectively.

The Judicial Council, as an institution and as a collection of the individual members of the judiciary, is committed to delivering certain core objectives set out in a [Commitment to Judicial Wellbeing](#). Those objectives will be sought to be pursued through a [Strategic Action Plan](#), which outlines a phased and tailored strategy to support the wellbeing of members of the judiciary so as to facilitate the fair and independent administration of justice in Ireland.

The documents highlight the engagement of the Council to respect the criteria set out in the [Bangalore Principles of Judicial Conduct](#), as well as the [Nauru Declaration on Judicial Well-being](#), in order to reach excellence in the performance of the judiciary; high standards of conduct among judges, and public confidence in the judiciary and administration of justice.

This initiative represents a meaningful commitment by the Members, result of the efforts of ENCJ in its projects. In the years 2023 and 2024, the wellbeing of judges was discussed and introduced in the [project on the attractiveness of the judicial career](#).