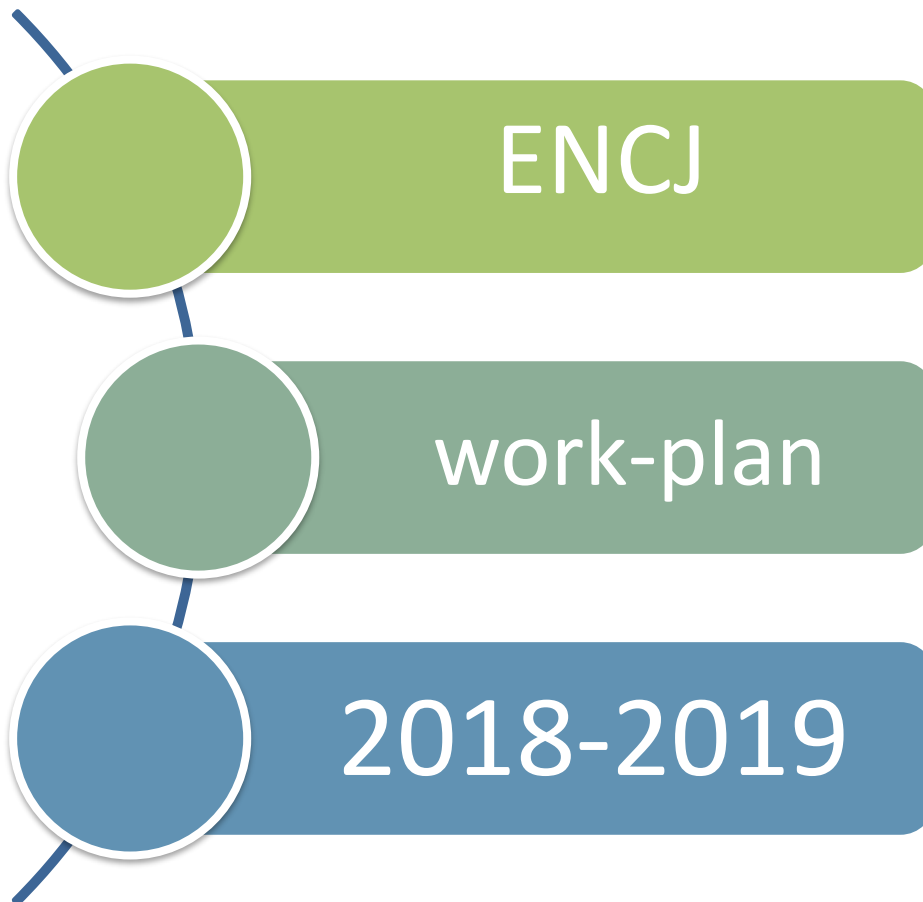




European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)



INTRODUCTION

At the General Assembly in Paris in June 2017 the ENCJ 2018-2021 strategic plan was adopted. The 2018-2019 work plan sets out the actions that the ENCJ wishes to undertake from July 2018 to June 2019 with the aim of attaining the strategic objectives set out in the 2018-2021 Strategic Plan.

1. THE FUNCTIONING OF THE ASSOCIATION

1.1. The General Assembly

The 2019 General Assembly meeting will take place in Bratislava, 5-7 June and will be hosted by the Sudna Rada/ Judicial Council. At the meeting three Board Members will need to be elected.

1.2 The Executive Board

1.2.1 Functioning of the Association

The ambitions set out in the Strategic Plan 2018-2021 will need to be put into practice by the Executive Board. It will study how to best implement the strategic objectives set out. The first priority will be how to initiate a dialogue on the Rule of Law and the role of the judiciary in a democratic state.

Meetings

The Executive Board will meet four times in the summer and autumn 2018 and in February and May 2019. It will monitor the activities of the project teams (within the framework of the Strategic Plan) and other relevant files. A report for the ENCJ Members will be drafted and distributed after each meeting.

Action: draft and disseminate reports of the Board meetings

Evaluation of Impact

The Board will monitor the impact of the ENCJ on the national and European level by developing and implementing the impact evaluation mechanism.

Action: develop and implement impact evaluation mechanism

Political developments

The Executive Board will propose to the Members how to deal with the consequences of Brexit.

Action: draft proposal for implications Brexit

General Data Protection Regulation

The Board will ensure compliance of the Association with the General Data Protection Regulation.

1.2.2 Finances of the Association

The Executive Board is responsible for the budgetary issues of the Association. In the second half of 2018 the Operating Grant for 2019 from the European Commission needs to be secured.

Action: submit Operating Grant proposal 2019

The European Commission is currently working on the new EU multi-annual financial framework 2020-2027. The Board needs to engage with the Commission at an early stage of the process to guarantee continuous financial support for the network after 2021.

1.2.2 The Permanent Office

Staff

The Executive Board is responsible for the functioning of the ENCJ's Permanent Office. The office currently has a staff of 1.4 fte (Monique van der Goes Director 1 fte/ Natalie Callebaut 0.4 fte) The Office will continue to organise all meetings of the ENCJ bodies: the General Assembly and the Executive Board. The Office also deals with the financial management of the Association (EC Subvention/drafting budgets/preparing accounts/raising payments etc.). With a view to the increasing workload, the office may have to expand in 2019 (if sufficient funds can be secured).

1.2.3 Co-operation and external relations

Requests for Assistance

The President and/or other representatives may occasionally visit ENCJ Members or Observers (especially when a new Council mandate begins) to discuss their involvement in the ENCJ and to ensure the continuity of this involvement. The ENCJ may also receive requests for cooperation from Members or Observers. The Board will support Councils for the Judiciary and similar independent bodies in the EU and in candidate and prospective candidate states especially where such bodies face challenges to their justice systems.

European Parliament

Further links will be developed with the JURI and LIBE committee of the European Parliament through the secretariats of these committees and in contacts with specific MEPs. The ENCJ will follow the developments in relation to the Pact on Democracy, Rule of Law and Human Rights.

Court of Justice of the European Union

The CJEU is an observer to the ENCJ. The President will develop further ties and areas of cooperation will be identified.

Council of Europe

The ENCJ is represented in the **CCJE** meetings and contributes to the annual CCJE opinions. ENCJ is an observer in **CEPEJ** and participates in their Quality Working Group. The ENCJ and the **Venice Commission** have had a first official meeting in December 2014 when ENCJ was invited to present its work at the meeting of the Venice Commission. ENCJ wishes to have stronger links and collaboration with the above mentioned organisations and will strive to set up regular meetings and or concrete cooperation on specific issues.

Other

The ENCJ will continue to assist the UNODC in the further development of the recently launched Global Judicial Integrity Network. The current ties with the Ibero-american Judicial Summit will be continued.

2. IMPLEMENTATION ENCJ STRATEGIC PLAN

The ENCJ strategic plan 2018-2021 was adopted at the Paris General Assembly on 7 June 2018. 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 Within the framework of protecting the Rule of Law, to provide support for the independence, accountability and quality of judiciaries in Europe and to promote understanding of and respect for judicial independence

The ambitions set out in the Strategic Plan 2018-2021 will need to be put into practice by the Executive Board. It will study how to best implement the strategic objectives set out. The first priority will be how to initiate a dialogue on the Rule of Law and the role of the judiciary in a democratic state.

The ENCJ President or his representative will speak, when invited, at a number of events and conferences organised by other bodies (for instance FRA, ELI, Aca-Europe, the network of Presidents of the Supreme Courts of the EU etc.). These contacts are important as all these bodies are influential with judicial systems across Europe. Close contacts will strengthen the outcomes of the activities of the various networks.

The Board will also follow developments that could affect the co-operation between the judiciaries in Europe such as the establishment of a Network of European Inspection Services and the initiative of the CJEU to create the European Judicial Network consisting of the Constitutional and Highest national Courts (civil/criminal and administrative).

2.1.1 Main projects

Main project 1 Independence, Accountability and Quality of the Judiciary

The project will be continued and have several components:

Independence and Accountability

The work on Independence and Accountability could focus on:

1. Implementation of the national plans to improve independence and accountability.
2. Repetition of the survey of professional judges. Some predominantly technical improvements need to be considered in preparation.
3. Review of the indicators I&A to reflect practical suggestions of the validation seminars and development of a system of external validation per country (external experts per country), followed by implementation of the adjusted indicator system by all Members and Observers and scoring of the answers.
4. Continued cooperation with the CCBE to conduct a survey among the lawyers of Europe about the independence of the judiciary, aiming at a higher participation of countries and lawyers within countries.
5. Develop a uniform format for a court user survey that focuses on the experiences of the parties in court cases, and a method how to conduct the survey: to cover I&A, but also quality. Ready for implementation in 2019/2020.
6. Develop an opinion about the incorporation of hard data about outcomes in the system to measure real (de facto) independence, and to incorporate in the system.

Quality of Justice

The proposals for the Quality of the Judiciary include:

1. Adopt of a framework by all Councils that defines their involvement in guaranteeing and promoting quality of justice and their approach to it, and to improve quality of justice by examining their country profiles, taking the general recommendations into account.
2. Improvement of the quality indicators by a thorough analysis and reflection on the outcomes so far and the issues encountered.
3. Incorporation of quality in the development of the format for a court user survey.
4. Analysis of existing, external data on quality of justice for use in the indicator system.

Main Project 2 Public confidence and the Image of Justice

The project that has started in September 2017 will be continued. Topics and activities for 2018-2019 could include:

- Drafting guidelines for building trust in institutions generally, communication instruments with other branches of power ;
- Communication guidelines and best practices on communication with legal professionals;
- Drafting protocols with the most influential actors in terms of promoting public confidence and the image of Justice (politicians, reporters, some judges/prosecutor well known in social media, law professors etc.)

- The project team recommend to the councils to develop protocols with these actors, and the way they should be drafted should be considered in a future project or in the continuation of the present one next year.
- developing guidelines for using social media for the various institutions within the judiciary, in order to raise public confidence and improve the image of Justice ;
- Drafting guidelines for using social media by individual judges/prosecutors (clerks) and the institution of media adviser

2.1.2 Other activities

Fundamental Rights Agency (FRA) - Fundamental Rights Forum

The ENCJ will organise a session at the 2018 Fundamental Rights Forum (FRF) on Rule of Law with the title “Protecting the Rule of Law, by promoting understanding of and respect for judicial independence and accountability”. The FRF would provide ENCJ with the opportunity to get feed-back on the remedies identified to increase public trust in the judiciary. Moreover it provides an opportunity to raise attention for the need to have a dialogue with the other State Powers on the role of the judiciary in a democratic state.

Action: organise session at the FRF in September 2018

Council of Bars and Law Societies of Europe - CCBE

ENCJ will continue co-operation with the CCBE. First the Board will call upon the lawyers to participate in the next survey on the independence of judges among lawyers. The survey will be done simultaneously with the survey among judges. The outcomes will be studied and further joint-actions may be developed as a result. In addition a joint project on the Quality of Justice may be initiated.

Action: call upon lawyers to participate in survey

Action: develop joint project on Quality of Justice / Public Confidence and the Image of Justice

Pilot case study economic value of the judiciary

The strategic plan states that:

“This dialogue [among the state powers] should include the notion that a well-functioning judiciary has an economic value and as such contributes to prosperity and society as a whole. A case study will be developed and implemented to research the impact of the handling by the representative set of ENCJ members.”

It is proposed to set up a case study in which four members/observers participate, in cooperation with the University of Utrecht in the Netherlands. The objective is

1. to provide an illustrative overview of the economic interests at stake in a category of court cases that is important for the economy such as high value commercial law suits, and
2. to provide insight in the duration and procedure to decide these cases in each participating judiciary. The outcomes will be presented at the GA 2019, and, of course dependent upon the results, should aim at generating media interest.

The four participating judiciaries should come from different parts of Europe, be willing to be pro-active by providing in-depth knowledge and ideas, and be willing to collect data about the

selected category of cases. The first step of the case study will be to decide together about the choice of cases and the method to be applied.

Action: initiate small pilot case study with 4 ENCJ Members/Observers

2.2 To promote access to justice in a digital age (measured in terms of efficiency, cost and timeliness) for the benefit of all citizens in the EU

2.2.1 Main projects

Main project 3 To promote Digital Justice

Further development of the the **ENCJ Digital Justice Forum**.

Main project 4 To promote access to fair and impartial courts

The objective is to further the implementation of ENCJ guidelines and standards in the fields of independence, efficiency and quality of Justice. The ENCJ has been developing minimum judicial standards and the relevant indicators in particular fields as a tool for self-evaluation for judicial systems. It is believed that this would further the approximation and ultimately the improvement of the judicial systems in Europe and contribute to the development of independent Councils for the Judiciary and contribute to the attainment of a European judicial culture. Through a series of seminars and workshops awareness for these standards will be furthered and compliance will be enhanced. In the Autumn of 2018 a workshop on selection, appointment and promotion of judges will be organised.

Action: organise workshop on selection, appointment and promotion of judges

2.2.2 Other activities

To promote other aspects of access to justice

Fundamental Rights Agency

Research the possibility of assisting or developing joint activities with the Fundamental Rights Agency of the European Union will (possible topics could be the Access to Justice for vulnerable groups and disabled people or legal aid).

European Law Institute - ELI

The ELI-ENCJ project team finalised its work in 2017. The statement on the Relationship between Formal and Informal Justice: the Courts and Alternative Dispute Resolution will be adopted by the ENCJ in June 2018. On 9 November 2018 the ERA will organise a conference at which the statement will be presented.

2.3 To strengthen mutual trust among the judiciaries of Europe

Activities and projects

To promote mutual trust among judges

European Judicial Training Network - EJTN

The ENCJ will continue the co-operation with EJTN within the Rule of Law project that is co-ordinated by the EJTN. The project aims to design and organise trainmodules for judges, prosecutors, court leaders and members of Judicial Councils. The topic of the trainings are the causes that lead to the creation of Rule of Law challenges and cover the very practical and very precise areas in the judiciary of the EU Member States, and focus on the judiciary as well as on the citizens and their expectations. The trainings will promote the values of access to justice, effectiveness of the judiciary, effective judicial protection by increasing the understanding of what is the role and daily obligations in private and professional duties of judges and prosecutors. The training for members of Judicial Councils is scheduled for February 2019 in Brussels. Andrea Chis (CSM Romania) is the ENCJ representative in the expert group.

To improve mutual knowledge and understanding of judicial systems

Communication

The ENCJ website has been renewed early 2018. It should now be further developed. Tot that intent a staff seminar will be organized after the General Assembly of 2018 to discuss how to develop ENCJ pages containing detailed information on the functioning of the judicial systems in Europe. The Board will invite Members and Observers to share more news with each other through the ENCJ website. The fourth annual ENCJ report will be published in 2019. Members will be asked to send their national reports by early October 2018.

Action: organise staff seminar in summer 2018

Request for Information

The sharing of information and best practices between the Members and Observers of the ENCJ is an important feature of the network. This work could be further developed by collecting, summarizing and disseminating the information. A new website tool will be developed to share information more effectively.

Action: develop website tool

To build mutual confidence among ENCJ Members - Internship programme

Two interns will be welcomed to Brussels for two weeks in 2019. A Call for Applications will be launched in the Autumn of 2018. The ENCJ does not pay salary but a *per diem* is paid to cover accommodation and living expenses in Brussels. Travel to Brussels is also paid for by the ENCJ

Action: organise 2 internships in spring 2019

Summary main projects 2018-2019

Project 1 Independence, Accountability and Quality of the Judiciary

First meeting on 17/18 September 2018 in Brussels.

Project 2 Public confidence and the Image of Justice

First meeting on 17/18 September 2018 in Brussels.

Project 3 To promote Digital Justice

Further development of Digital Justice Forum and meeting in March 2019

Project 4 To promote access to fair and impartial courts

workshop in November 2018

PT 5 To improve mutual knowledge and understanding of judicial systems

Staff seminar in October 2018