

Closing speech General Assembly, 11 June 2020  
Kees Sterk, president of the ENCJ

Dear colleagues and friends,

I am about to close this extraordinary, remote, General Assembly. But before I do so, I just want to say a few words. It is my last chance as your president, because in a few minutes my term of office will end. It feels strange for me to say goodbye in this remote way, but this is how it is at the moment, I am sorry to say.

It has been a great privilege to serve as your president in a time that is essential for the future of the independence of judiciaries in Europe. To different degrees this independence is under threat in all countries in Europe. Our answer must be to improve the judiciary, while we defend its core values, such as independence.

If you allow me, I would like to give you some advice for the future, based on the experiences of my presidency.

Stay united

All judiciaries in Europe have their own culture and tradition. This means we have to listen to each other and try to understand each other's situation and needs. Get to the core of our common values. Have compassion with councils who work hard to defend the independence of the judiciary in difficult political circumstances. Help each other.

But most important: stay united. In some areas of cooperation in Europe, like the field of finances, a division along the lines of South and North, East and West is apparent. Please, let this not happen to our network, for, as the French say so eloquently: *L'union fait la force*. Unity makes powerful. And the judiciary in Europe needs this power of unity to be able to shape its future.

Work on the basis of the *acquis* of standards for the judiciary

The governments that threaten the independence of the Judiciary claim that the concept of Rule of law is diffuse, and therefore totally political. We must make it clear that the Rule of Law is a legal concept with a sufficiently precise content, by continuing developing standards, as we are doing from 2015 on.

Feed courts and politicians with these standards

I am sure the development of standards (soft law) will end up in the case law of the courts in Luxembourg and Strasbourg (hard law), and therefore in the minds and actions of the politicians. This will help the judiciaries in Europe very much. So intervene as third-party in suitable cases in Luxembourg and Strasbourg. And use the standards to influence the Commission and the European Parliament and politicians in your home country.

Be strict on countries/councils who evidently do not act as guardians of the independence of the judiciary and individual judges.

We must protect our values. We must not compromise on that. Poland and Hungary are examples where our values are deliberately attacked, for instance in Poland by disciplining judges for the content of their judgements. Stand up against this with all possible instruments.

Work together with the European Judges Association, the network of presidents of Supreme Courts and the Association of Councils of State and Supreme Administrative Courts, and other judicial organizations.

Together these organizations represent the judiciary in Europe. Cooperation is essential in the defense of the Rule of Law. Otherwise politicians will not listen, or play the game of divide and rule.

Claim the position of advisor to the European Commission on issues of Rule of Law.

National judges are also Union judges. But on the level of the Union the judiciary as third power is not systematically represented on issues of Rule of Law. This must change. The ENCJ must claim the position of advisor, not as only representative of the European judiciary, but next to other judicial organizations, like the European Judges Association, the network of presidents of Supreme Courts and the Association of Councils of States and Supreme Administrative Courts. Try to give the Commission a shared advise. Empower the ENCJ Office to prepare for this task.

Influence the media

The Judiciary must protect itself against the threats from politics. Our defense is the common standards. So make these standards actively know to the citizens of Europe. Judge upon the basis of these standards. Approach the media actively on the basis of our common standards, so our voice is heard.

Try to gain the trust of the citizens

Our standards are not the only defense. We must work to gain the trust of the citizens. This might mean we have to change our working methods. The common standards are the conditions of possible reform.

I hope my advice will be of help to the ENCJ in the future, the organization I thank and cherish so much.

I want to end my speech by expressing my gratitude to several persons.

First of all to my predecessor, Nuria Diaz Abad, for her support and council during my presidency.

To the members of the Board for the team spirit in which we worked. I think we have done a lot of work while we all enjoyed our company. Thank you Anna Rita, Caroline, Colin, Damir, Filippo, Guanma, Joris, Lucca, Nerijus, Simon, Suzanna and Victor. I am sure we will find a way to say proper goodbye.

To Monique, Natalie, Alexandra, Adam and former interns of the office. The office is small in numbers but absolutely great in output. The ENCJ could not survive without the constant enthusiasm, creativity and organizational skills of the office.

To the president of the European Judges Association, my friend Jose Igreja Matos, and the president of the network of presidents of Supreme Courts, Jean-Paul Wiwenius, for the enthusiastic, fruitful, necessary and promising cooperation between our organizations.

To the participants of all the project groups for the support of my presidency. Especially at the time in September 2018 when I was in poor health. I will always remember the warm support and signs of affection. Thank you again for that.

Thank you all. I am pleased the General Assembly elected an excellent president as my successor, so I am confident the ENCJ is in good hands.

But, I will miss you all.