



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

**Contribution to INTERPARLIAMENTARY COMMITTEE MEETING  
“The first Annual Rule of Law Report by the Commission and the role of national  
Parliaments”  
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President of the ENCJ**

Mr Chairman, I am very grateful for the opportunity to address this distinguished audience today. I represent the European Network of Councils for the Judiciary which gathers councils for the judiciary in the EU or similar autonomous bodies that ensure the final responsibility for the support of the judiciary in the independent delivery of justice. The ENCJ deals with judicial systems and not judges individually. It is an institutional network representing the national institutions that have been set up to guarantee the independence of the judiciary and provide the all-important buffer between the judiciaries on the one hand and the executive and legislative branches of government on the other.

Central to the mission of the ENCJ is the reinforcement of independent, yet accountable judiciaries in the European Union to guarantee to citizens access to fair, independent and impartial courts. To this end, the ENCJ is working systematically to promote and further develop standards and guidelines for the self-governance of the judiciary and the legal and practical arrangements of essential functions such as the appointment of judges. The ENCJ also seeks to enhance the impact of its activities in the judicial systems of the Member States with the aim to improve justice systems across Europe for the benefit of citizens generally.

The ENCJ is involved in a more systematic assessment of the judicial systems. The ENCJ has co-operated since 2014 with the European Commission on the EU Justice Scoreboard in the field of judicial independence in particular in relation to the set up and functioning of Councils for the Judiciary, the appointment and transfer of judges and disciplinary proceedings. The ENCJ also contributed to the recently published Rule of Law report by mapping the legal framework in which Councils for the Judiciary function and the resources made available to them.

Access to fair, independent and impartial courts as the key institutions of an independent judiciary is a fundamental right which, is also laid down in European Law and is fundamental to the functioning of the Area of Freedom, Security and Justice together with the internal market.

Without judicial independence there can be not effective judicial protection and the Rule of Law cannot be upheld. This will ultimately also affect the level of respect for democracy and fundamental rights

As an effective protection against intervention by the other branches of state, a democratic state governed by the Rule of Law should be based on a proper understanding of the respective roles and responsibilities of each of the branches of the state and the need for them to work together. The other state powers need to accept that the judiciary as a whole is itself a branch of the state. This recognition is needed on the national and EU level. The Rule of Law report of the Commission could play an important role in positioning the judiciary of Europe. The ENCJ therefore calls for a European dialogue between the state powers as a means to achieve effective protection against intervention by other branches of state. The ENCJ stands ready to play its part in that dialogue.

Furthermore, there is a need for a formalised status within the EU, for judicial networks as representatives of the European judiciaries. The other branches of state have their own formalised EU level bodies that enable them to advise the EU Institutions. The national judiciaries of the EU do not have such a representative body. The ENCJ therefore urges the European Institutions to endorse the central role the judiciaries and judicial networks play in promoting and protecting the Rule of Law and formalise their role in any future Rule of Law evaluation mechanism.

Over the last few years, ways to better protect and promote the Rule of Law have been debated by the European Institutions. It is important to involve the judiciaries of the European Union in this process. The ENCJ and the other judicial networks are best placed to help understand the situation on the ground and provide a judicial perspective on relevant developments. The ENCJ therefore calls for a continuous dialogue between the branches of power of the EU achieved by establishing communication channels developed with the representatives of all the other branches.

An important finding of the Rule of Law report which the ENCJ strongly supports is that for the judiciary to remain relevant in society investments and innovations are crucial. The ENCJ calls on the European Institutions to encourage further investments by the Member States in their judiciaries and to ensure that Member States involve judiciaries in relation to reform or modernization plans.

The ENCJ welcomes the efforts of the European Commission and European Parliament to systematically scrutinise the adherence of Member States to the Rule of Law. It is an important first step which should be part of a continuous process aiming to solve deficiencies. At the same time, efforts to protect the Rule of Law should not be limited to an annual report. The EU Institutions should use all available instruments to take legal action when called for. In addition, the Member States play a key role as well. There is a joined responsibility for each Member State government and parliament to demand that the common values that the EU is built on are respected by the other Member States.

I thank you for your time.