

Fact Sheet No. 2 – European Network of Councils for the Judiciary

A. General Information	
Name of Partner	European Network of Councils for the Judiciary (ENCJ)
Date of constitution	2004
Legal Statute	Not-for-profit International Association (since 2008) a.i.s.b.l. under Belgian law
Legal Seat	Rue de la Croix de Fer 67, B – 1050 Brussels, Belgium
Website	http://www.encj.eu/
B. Goals of the Partner	
<p>The Association has as its aim the improvement of cooperation between, and good mutual understanding amongst, the Councils for the Judiciary and the members of the judiciary of both the European Union Member States and of any European Union candidate member states.</p> <p>The Association shall exclusively and directly pursue international objectives of a non-profit making nature.</p> <p>Within the framework of the creation of the European Area of freedom, security and justice, the objectives of the Association are co-operation between members on the following:</p> <ul style="list-style-type: none">• analysis of and information on the structures and competencies of members, and exchanges between the members;• exchange of experience in relation to how the judiciary is organised and how it functions;• provision of expertise, experience and proposals to European Union institutions and other national and international organisations. <p>ENCJ's Vision is that the ENCJ will be:</p> <ul style="list-style-type: none">• A unique body representing the judicial perspective to European Institutions• The centre of a vibrant forum for the judiciary across Europe• The main support for independent Councils for the Judiciary <p>All to enable the judiciary to optimize the timely and effective delivery of justice for the benefit of all.</p> <p>Mission Statement: The ENCJ is the body which unites all Councils for the Judiciary of the EU member states and represents them in the EU. It reinforces an independent yet accountable judiciary and promotes best practices to enable the judiciary to deliver timely and effective justice for the benefit of all.</p>	

C. Membership structure of the Partner – Overall number of current members (with a breakdown by nationalities)

The ENCJ membership is open to all national institutions of Member States of the European Union which are independent of the executive and legislature, or which are autonomous, and which ensure the final responsibility for the support of the judiciary in the independent delivery of justice.

Members:

- Belgium – Hoge Raad voor de Justitie/ Conseil Supérieur de la Justice
- Bulgaria – Supreme Judicial Council JC
- Denmark – Domstolsstyrelsen
- England and Wales – Judges Council
- France – Conseil Supérieure de la Magistrature
- Ireland – Courts Service
- Italy – Consiglio Superiore della Magistratura
- Italy – Consiglio di Presidenza della Giustizia Amministrativa
- Latvia – Tieslietu Padome
- Lithuania – Teiseju Taryba
- Malta – Commission for the Administration of Justice
- Netherlands – Raad voor de rechtspraak
- Northern Ireland – Judges Council
- Poland – Krajowa Rada Sadownictwa
- Portugal – Conselho Superior da Magistratura
- Romania – Consiliul Superior al Magustraturii
- Scotland – Judicial Council
- Slovakia – Sunda Rada
- Slovenia – Sodni Svet
- Spain – Consejo General del Poder Judicial

Observers: (15 Observers)

The status of observer may, at its request, be granted by a unanimous decision of the General Assembly to: the Ministry of Justice in European Union Member States where institutions as specified in Article 6.1 do not exist; the Institutions as specified in Article 6.1 from European Union candidate states [and the Member States of the European Economic Area] (GA 29 May 2009); the institutions of the European Union; advisory bodies of European organizations in particular the Council of Europe, dealing with matters related to justice.

i. Ministries of Justice of:

- Austria

- Cyprus
- Czech Republic
- Estonia
- Finland
- Germany
- Luxembourg

ii. The Councils for the Judiciary or similar or similar autonomous bodies of:

- Croatia
- Hungary
- Macedonia
- Montenegro
- Serbia
- Norway
- Sweden
- Turkey

iii. The Court of Justice of the European Union

D. Governance and bodies of the Partner

The Association consists of a General Assembly and an Executive Board.

General Assembly

The General Assembly is endowed with all the powers necessary to achieve the aims and objectives of the Association.

The General Assembly shall comprise representatives of each member of the Association. It shall meet regularly, at least once in each calendar year.

Executive Board

The Executive Board will consist of the President and of 7 Member Institutions elected by the General Assembly for two years. It functions as a collegial board. The Executive Board has all powers that are expressly vested in it by these Statutes. Without prejudice to its other powers in these Statutes, the Executive Board shall:

- a. take all necessary measures for the implementation of the Association's programme of activities,
- b. be responsible for ensuring the proper functioning of the Permanent Office,
- c. be responsible for calling and preparing ordinary or special meetings of the General Assembly,
- d. propose statements and policy positions to the General Assembly,

- e. undertake all legal formalities and publicity in respect of appointments and the annual financial statements, and
- f. submit an annual report of its activities to the General Assembly.

Permanent Office

The Association has a Permanent Office independent of any member of the Association. The Office functions as an administrative unit under the authority of the President and the Executive Board.

E. Brief resume of the judicial training activities developed (if applicable) by the Partners

The ENCJ brings together the national institutions in the Member States of the European Union which are independent of the executive and legislature and which are responsible for the support of the Judiciaries in the independent delivery of justice.

At the national level, some ENCJ members are fully competent for judicial training. Some other ENCJ members have close relations with their national judicial training institute or school: either the training institute reports directly to them or they decide on the guidelines for the judicial training.

The ENCJ does not itself provide training but aims to improve cooperation between the councils for the judiciary and members of the judiciary in the European Union, including through the promotion of best practices to enable the judiciary to deliver timely and effective justice.

The ENCJ's opinion on judicial training is that Councils for the Judiciary should actively promote the activities mentioned below:

- guaranteeing a fixed place in initial and continuous training for EU law, as well as the understanding of other systems;
- enabling judges to meet colleagues from other Member States, either through training seminars for judges from various EU Member states or by participation in the exchange programmes;
- promoting the establishment of 'jumelages' between courts (twinning of courts) of EU Member States;
- encouraging judges who specialise in certain areas of law to participate in judicial networks (i.e. European Association of Labour Court Judges, European Commercial Judges Forum);
- organising bilateral study-visits also enhances mutual understanding and mutual confidence.

The ENCJ opinion on what concerns EU law and networks of experts on EU law is that:

On the national level the dissemination of EU knowledge could be either done by putting in place a network of EU law specialists or by appointing judges who provide access to information on EU Law (information intermediary) with a view to its practical application. The aim is that the available information is easily accessible for all judges.

The challenge is to organise these specialists or court coordinators so that they are easily found and approachable by their colleagues.

The ENCJ itself should promote the connection of national networks of Court coordinators or experts in EU law throughout Europe.

On the European level, it is necessary to promote the development of judicial networks that focus on improving mutual understanding of specialist issues and problems and on how the Member States' judiciaries identify and address these common concerns through sharing experience and through improved communication channels.

It is important that these networks are developed in a coordinated way. The ENCJ could and should promote the setting up of these networks and support the management of these networks by ensuring they are properly structured and facilitate contacts between Members.

The ENCJ has organised a seminar on Timeliness. If for the purpose of the present project the seminar should be perceived as a training activity, it is introduced here:

The ENCJ has organised Regional Seminar on Timeliness for Baltic and Nordic countries, 22-23 April 2013, Poland. The seminar was organised at a regional level with participants from countries with comparable culture and legal traditions and this allowing for a concrete and operational approach. The aim of the seminar was to increase awareness of the problem of timeliness, to deepen the understanding of causes and remedies, and to discuss the recommendations and the cooperation between stakeholders, and thus to further the implementation of the recommendations.

A second Regional Seminar on Timeliness for another region will be organised in 2014 as a follow-up to the pilot seminar on the same topic.

The ENCJ is running an internship programme which could be seen as a form of exchange.

The ENCJ started its Internship programme in 2009. Its aim is to reinforce the links and the mutual confidence between the ENCJ Office and the Members. It also offers an opportunity to staff working for a Member of the ENCJ to gain experience in dealing with the various EU institutions and working in a multinational team. Each intern is a temporary member of the ENCJ Office and is selected for a different period but in principle for two months. Shorter or longer internships are also possible. In most cases, the intern will provide assistance to the functioning of the Office depending on the work available, but sometimes he/she can be assigned with a specific topic or dossier that needs to be researched.

Since its creation in 2009, 13 staff members of the ENCJ Members completed the two-month internship at the ENCJ Office. After the management assistant of ENCJ left in the summer of 2013, this position is now filled by interns.

F. Highlight of the Partners' statutory provisions that make reference to judicial training / Concerns of the Partner referring to judicial training

In the Statutes, Rules and Regulations of the ENCJ there is no specific reference to any form of judicial training. The aim of the Association is the exchange analysis of and information on the structures and competencies of members, and exchanges between the members; exchange of experience in relation to how the judiciary is organised and how it functions and provision of expertise, experience and proposals to European Union institutions and other national and international organisations.

G. Brief resume of the trends of cooperation and/or regular contacts established by the Partner with major Judicial Networks involved in the current project

The ENCJ has developed links with the European Judicial Training Network (EJTN), the Network of the Presidents of the Supreme Judicial Courts of the European Union and the Association of the Councils of State and Supreme Judicial Courts of the European Union (ACA Europe). The ENCJ participates in the meetings of these organisations.

The ENCJ initiated a joint reaction with ACA and the Network of President of Supreme Judicial Courts of the EU on Judicial Training in 2010.

In 2013, the cooperation between the ENCJ and the other three judicial networks is mainly determined by their mutual work on the EU Pilot Project on Judicial training LOT 4 – Promotion of cooperation between judicial stakeholders by European judicial training.