

Distinguished Participants,

It is a great privilege for me to represent the board of ENCJ in this Seminar on methodology assessment ENCJ report on independence and accountability of the judiciary.

I am glad to see a good number of scientists here today and I am sure that our work together will be a win/win, helping the development and adjustment of the project and contributing to the scientific research as well.

First, allow me to say a few words about the network. ENCJ was established in 2004. It unites national institutions of Member States of the EU which are responsible for the support of the Judiciaries and are independent of the executive and the legislature. Countries that do not have a council or a similar institution can be observers, and as such participate in the work of the ENCJ. The same holds for Councils from candidate members of the EU and members of EFTA. Basically, the ENCJ represents the councils in the EU.

Its mission is to reinforce independent yet accountable judiciaries for the benefit of all.

This is achieved by project based cooperation to establish standards such as those for the appointment, transfer, promotion of judges, so on and so forth.

Access to fair, independent and impartial courts as the key institutions of an independent judiciary is crucial for the ENCJ, as the network helps to protect this right by providing support for the independence, accountability and quality of judiciaries of Europe and by promoting understanding and respect for judicial independence.

The Project on Independence and Accountability has contributed to this by examining the actual state of independence in EU member states and candidate member states, setting principles and standards which need to be implemented.

The last years the role of ENCJ has broadened.

In the light of political developments in our countries, ENCJ was asked by its members to support and help judiciaries take a stand in case of some national developments that directly threatened the independence of the judiciary.

In this regard, ENCJ published statements, visited countries and interacted with the European Commission, the indicators of Independence and Accountability, together with the ENCJ standards serving as a backing for the discussions by identifying good and bad practices for judicial systems.

Increasing the robustness of the indicators by validating and, where it is the case, improving them can help the ENCJ in its dialogue with judiciaries in Europe that are in need of support.

The work that has been done has given interesting insights in the state of the independence of European judiciaries. It has also given voice to the judges of Europe.

The main objective of developing and implementing indicators for the independence and accountability is to identify weaknesses and strengths in this field.

We started with establishing the methodology and, since then, the indicators have been improved biannually, and, in the years in between, applied by nearly all of the ENCJ Members and Observers. Ultimately the goal is to increase the scores every time we repeat the implementation of the indicators.

The outcomes have been used by individual councils to improve their performance and I am sure that they are very useful for the scientific research as well, even though some adjustments are required, as it results from your studies, sent in advance. Thank you very much for doing that.

We should bear in mind that the approach of the ENCJ reflects very much the professional views of

the judiciaries about independence and accountability. This is the reason for we need to share, validate and, where it is the case, improve the methodology with the help of the scientific community. Thank you again for assisting us in this effort!

I hope that our debates will serve as the next step for the development of the methodology of Independence and Accountability, as the assessment of judicial systems is needed to gain insight in the actual performance of judicial systems and to instigate reforms. We are looking forward to achieving these steps together.

I have read the studies some of you, distinguished participants, sent us in advance. Many thanks for that! Reading them, I noticed some very interesting conclusions, such as those drawn by professor Voigt, related to the fact that resolution rates are negatively correlated with the existence of the judicial councils (therefore countries considering the introduction of a judicial council might be well advised not to do so). I discovered similar reflections on the role of the judicial councils in the study sent by our colleague, Daniel Kettiger, whose opinion is that various committees within parliament are most suitable to protect judicial independence than judicial councils. It was also intriguing to ascertain professor Keilitz's paradigm on methodology, the distinguished professor suggesting that we should rethink the objective-subjective categorization on independence and accountability and consider replacing or supplementing it with an input-output-outcome logic model of performance management. I am sure these are very interesting subjects to be debated and a good opportunity for both parties, judges and academics, to see the perspective of one another. I strongly believe that together we can bring positive change.

Even if we are in a formal context, please allow me to tell you a joke about statistics, an old colleague of mine told me many years ago. He said that statistics are like a pair of bikinis. Show a lot, but hide the essential. What I want to say by this is that give us, I mean judges and councils of the judiciary, the opportunity to explain, where it is necessary, what lies behind the figures.

These being said, it is evident that what we are doing here is not just a theoretical exercise, but it is aimed at steadily improving the independence and accountability of the judiciaries in Europe, despite the difficult times in some countries.

Let us bring a bright reflection of all positive elements and develop together the most accurate methodology on assessing the Independence and Accountability of the Judiciary.

Thank you.