

**THE EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY**  
**ENCJ**

Charter

# **THE EUROPEAN NETWORK OF COUNCILS FOR THE JUDICIARY (ENCJ)**

## **Charter**

### **Preamble**

Considering that:

Article 2 of the Treaty of the European Union establishes the objective of maintaining and developing the Union as an area of freedom, security and justice;

Article 6 of the Treaty of the European Union refers to the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States;

The effectiveness of the European Area of freedom, security and justice requires a good understanding by members of the Judiciary of legal and judicial systems in other Member States, as well as national, European and international instruments requiring co-operation;

Co-operation is essential for upholding judicial independence and reinforcing the rule of law;

Those responsible for Councils for the Judiciary, Court Services and similar organs in the Member States of the European Union have agreed to establish the European Network of Councils for the Judiciary (ENCJ) which shall be governed by the following principles:

## **Article 1: Objectives**

(1) Within the framework of the creation of the European Area of freedom, security and justice, the objectives of the ENCJ are co-operation between members on the following:

- analysis of and information on the structures and competencies of members;
- exchange of experience in relation to how the judiciary is organised and how it functions;
- issues pertaining to the independence of the Judiciary and other issues of common interest; and
- provision of expertise, experience and proposals to European Union institutions and other national and international organisations.

(2) The ENCJ shall exclusively pursue objectives of a non-profit making character.

## **Article 2: Activities**

(1) The ENCJ shall develop an annual programme of activities, specifically related to the objectives in Article 1. These shall be financed by agreement between those members participating in each activity, with the benefit of such financial support as the European Union may provide.

(2) Participation in the activities of the ENCJ by members of the Judiciary and by others involved in the organisation and functioning of the Judiciary, shall be determined by each individual member.

### **Article 3: Membership**

- (1) The Founding Members of the ENCJ are listed in the annex to this Charter.
- (2) Membership is available to all national institutions of Member States which are independent of the executive and legislature or which are autonomous, and which are responsible for the support of the Judiciary in the independent delivery of justice.
- (3) Applications for membership shall be submitted to the General Assembly. If there is an objection by any member, the General Assembly shall refer the issue to the Steering Committee which shall make a recommendation. Admission of a new member shall require a unanimous decision by the General Assembly.
- (4) Members are free to resign from membership at any time. Membership terminates on notification in writing to the Secretary General.
- (5) The Ministry of Justice, in Member States where institutions as specified in Article 3 (2) do not exist, may be granted observer status.
- (6) Institutions from European Union candidate Member States may be granted observer status.

### **Article 4: Bodies of the Network**

The ENCJ shall consist of a General Assembly, a President, a Steering Committee and a Secretary General.

## **Article 5: President**

The President convenes and chairs the General Assembly and the Steering Committee. He is authorized to represent the Network as and when required.

The President is elected by the General Assembly for two years.

## **Article 6: General Assembly**

(1) The General Assembly shall comprise representatives of each member of the Network. It shall meet at least once in each calendar year and shall be convened by the President.

(2) The General Assembly has the power to amend the Charter. It shall adopt Rules of Procedure for all bodies of the Network.

(3) The General Assembly has the power to determine the policy and activities of the ENCJ. It elects the President of the General Assembly and the other members of the Steering Committee from the members of the ENCJ. It also appoints the Secretary General in accordance with the provisions of this Charter.

(4) The General Assembly may set up Committees and Working Groups charged with consideration of specific programmes or organisational issues and shall determine membership of these.

(5) The Secretary General, the Steering Committee, ad hoc Committees and Working Groups shall report to the General Assembly.

## **Article 7: Quorum and Voting in the General Assembly**

- (1) There shall be deemed to be a quorum when half the members of the General Assembly are present.
- (2) Each member represented in the ENCJ shall have six votes to be allocated as seen fit by the individual Member.
- (3) The General Assembly shall act on the basis of a simple majority of the votes cast, with the exception of changes to this Charter, adoption and amendment of the Rules of Procedure, and the dissolution of the ENCJ, which must be approved by at least three quarters of the votes cast.
- (4) Member States granted observer status in accordance with Article 3 shall be entitled to participate in all discussions of the General Assembly but shall not have voting rights.
- (5) Proceedings and decisions of the General Assembly shall be communicated to all members by the Secretary General.

## **Article 8: Steering Committee**

The Steering Committee shall consist of the President, the Secretary General and a minimum of four other members. The term of office shall be two years.

It shall have the power to issue directions to the Secretary General. It takes all necessary measures for the functioning of the Network between meetings of the General Assembly. Any such measures or decisions taken shall be referred to the next meeting of the General Assembly for consideration.

## **Article 9: Secretary General and Secretariat**

- (1) The Secretary General shall be appointed by the General Assembly for a period of two years renewable once only.
- (2) The Secretary General shall have responsibility for the Secretariat and the general administration of the Network.
- (3) The Secretary General is authorised to sign documents and otherwise to represent the Network as and when required.
- (4) The Secretary General shall have responsibility for developing relations between the Network and European Institutions and shall seek to ensure coherence between the programme of activities of the ENCJ and the priorities set by the European Union.
- (5) The Secretary General shall take part in the design of projects, particularly those which involve the participation of several members and shall ensure the dissemination of their conclusions and facilitate their evaluation.
- (6) The General Assembly may approve the establishment of a full-time Secretariat. The General Assembly may also approve a Member which shall have responsibility for the provision and staffing of the Secretariat. A Secretariat so established shall remain in place for a period of five years. At the expiration of that time the matter will be reviewed by the General Assembly.

## **Article 10: Contributions and Budget**

- (1) Members are not required to pay annual membership fees.
- (2) Contributions in kind and money for specific projects and activities shall be fixed by agreement between participants in the project. All such agreements shall be circulated among all Members by the Secretary General. Funding from other sources such as the European Union, or provided by the members for the purposes of financing the structure and administration of the ENCJ, is to be managed by the Secretary General, who shall be accountable to the Steering Committee.
- (3) The Secretary General shall draw up an annual budget for general running costs and the accounts relating to the management of the budget. The budget and the accounts for the following calendar year shall be approved by the General Assembly following consideration by the Steering Committee. The President of the General Assembly shall arrange the auditing of the accounts on an annual basis.



### **Article 11: Dissolution**

The ENCJ can be dissolved by decision of the General Assembly which shall also decide on the further use or allocation of the assets of the Network.

### **Article 12: Entry into Force**

(1) The present Charter, of which the English and French versions have equal validity, shall enter into force on 20 May 2004

## **Annex:**

### **EU Member States qualifying for ENCJ Member Status:**

Belgium	Poland
Denmark	Portugal
France	Slovakia
Hungary	Slovenia
Ireland	Spain
Italy	Sweden
The Netherlands	England and Wales

### **EU Member States and candidate (\*) Member States qualifying for ENCJ**

#### **Observer status:**

Austria	Greece
Bulgaria*	Latvia
Czech Republic	Lithuania
Cyprus	Luxembourg
Estonia	Malta
Finland	Romania*
Germany	Turkey*