



Project funded by the
European Union

EUROMED JUSTICE III PROJECT



**COMPONENT I: ACCESS TO JUSTICE AND LEGAL AID
EXTENSION PERIOD
TRAINING SEMINAR 1.4**

**Judicial policy, governance and competences of the Judiciary,
and quality of Justice”**

Lisbon (PT), 21-23 October 2014

FINAL CONCLUSIONS

The fourth training seminar under Component I organised under the EuroMed Justice III Project of the European Commission, funded by the European Union, was held on 21-23 October 2014 in Lisbon, Portugal.

The participants were members of the delegations of the following ENPI South Partner countries: Egypt, Israel, Jordan, Lebanon, Morocco, and Tunisia.

The meeting was opened by Patricia Albuquerque Ferreira, Deputy General Director, Directorate-General for Justice Policy, Portuguese Ministry of Justice; and Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants. The meeting was closed by Andrés Salcedo Velasco.

Andrés Salcedo and José María Fernández Villalobos, Course Manager of the EuroMed Justice III Project, then made a presentation on the Euromed Justice III Project, the main topics suggested for discussion, the work programme and the methodology applied during this seminar.

The Project Team also made an introductory presentation on “Governance and competences of the judiciary: the current international models and relevant tendencies regarding distribution of governance competences between the Judiciary and the justice administration”.

The main body of this training seminar consisted of five thematic introductions followed by discussions, as well as by a presentation made by the ENPI South Partner countries' representatives, an open reflexion session and two workshops.

The first thematic presentation on "The European scenario: special reference to the opinion number 10 of the CCEJ" was made by *Orlando Alfonso*, Representative of the Consultative Council of European Judges, Cassation Court Judge, Portugal.

Then the ENPI South Partner countries' representatives had the opportunity to explain their respective model regarding the distribution of governance competences between the Judiciary and the justice administration.

During the following session there was an open reflexion on governance and competences of the judiciary: the current international models and relevant tendencies regarding distribution of governance competences between the Judiciary and the justice administration. This reflexion was led and moderated by *Jean Fahed*, Judge, President of the High Council for the Judiciary, Lebanon; and *Hany Fathy Georgy Abdelmalek*, Appellate Judge at the Court of Appeal, Department of International Cooperation, Ministry of Justice, Egypt.

The second thematic presentation was delivered by *Geoffrey Vos*, Representative of the European Network of Councils for the Judiciary and was about "The EU scenario: recommendations of the European Network of Councils for the Judiciary (ENCJ). Present and future evolution in the EU MS regarding the models of distribution of competences between the Council for the Judiciary, the Ministry of Justice and other actors of the Judiciary".

The third presentation dealt with "The more relevant tendencies regarding the distribution of governance competences concerning the Judicial Power and the Administration of Justice" and was given by *Virgil Ivan CUCU*, Senior Lecturer, European Centre for Judges and Lawyers, EIPA Luxembourg.

The fourth presentation explained "The role and position of the Prosecutors regarding the distribution of competences between the Council for the Judiciary and other players" and was delivered by *Joao Manuel Da Silva Miguel*, Deputy Prosecutor General, Supreme Court, Portugal and former President of the Consultative Council of European Prosecutors (CCPE).

And the fifth and last thematic presentation was made by *Renato Goncalves*, Deputy General Director, Directorate-General for Justice Policy, Portuguese Ministry of Justice on "Model of distribution of competences between the Council for the Judiciary, the Ministry of Justice and other actors of the Judiciary - The host country experience".

All these presentations were followed by an intensive and lively debate.

Two workshops were also organised by the PT in the framework of this seminar, the first one on “Legislative Programme concerning the Judiciary and the Justice administration. A common programme?” and the second one on “Overview of the situation regarding distribution of competences in the ENPI SPC between the Councils for the Judiciary and the Ministries of Justice: a comprehensive table of competences.”

Considering the objectives of this seminar and taking into account the recommendations made during the different working sessions and discussions, the participants are of the opinion that this seminar has achieved the expected results, i.e. it has given them the opportunity:

- To examine over a period of three days, and from an international angle, the different topics on the agenda.
- To keep abreast of the current situation and future developments in each Mediterranean Partner regarding the topics covered by this seminar and to have a fruitful debate on the state of play in this field in the ENPI South area, whilst presenting their respective experience and legal framework.
- To debate on the governance and competences of the judiciary and discuss the current relevant tendencies regarding distribution of competences between the judiciary and the justice administration.
- To get a better insight into the work developed by the Consultative Council of European Judges in this field, with special reference to the Opinion N° 10 of the CCJE on the Council for the Judiciary at the service of society.
- To learn about European models of Councils for the judiciary and discuss the recommendations worked out by the European Network of Councils for the Judiciary in order to promote independence and impartiality of the judiciary.
- To be informed of the work developed in this field by the Consultative Council of European Prosecutors and have the opportunity to discuss the role and position of prosecutors regarding the distribution of governance competences between the Council for the Judiciary and other players.
- To learn about the Portuguese experience of the distribution of competences between the Council for the Judiciary, the Ministry of Justice and other actors of the Judiciary.
- To discuss on the main tendencies and challenges faced on this topic and future perspectives in this field.

- To discuss from a practical point of view through a workshop the current situation in the region in order to get a good overview of the distribution of competences.
- To be made familiar with the content and functioning of the project's website.
- To receive the suggested reading documentation list related to the topics examined as support to facilitate the discussion and debate during the training seminar.
- To provide them with an overall approach concerning the final versions of the publications drawn up in the framework of the EuroMed Justice III Project that are now available on the project website.
- To be informed of the TAIEX instrument and of the possibility that they, the participants, could suggest to their NFP the gaps to be filled or the needs for further Technical Assistance requests, as a follow-up of this Euromed Justice III Project training session, should they consider them useful and linked to the work developed during the seminar.

Participants present during the reading of this document agree with the conclusions of the seminar.

Participants are grateful to the Portuguese Ministry of Justice, to the Directorate-General Development and Co-operation-EuropeAid, European Commission, and to the Project Team for organising this seminar.

Lisbon, 23 October 2014