

Access to an effective justice system is an essential right at the foundation of European democracies and enshrined in the constitutional traditions common to the Member States. It is crucial for the effectiveness of all EU law, in particular the EU economic laws that contribute to growth.

The EU Justice Scoreboard. Communication from the European Commission, March 2013

Appeal of the European Association of Justice: for a Judiciary of Quality, Efficiency and Independence in Europe.

14 years ago the European Council in Tampere established the area of freedom, security and justice as one of the main fields for political activities in the European Union. Justice, accessible to all citizens, has in 1999 been identified by the heads of the national governments as essential for the prosperity and peace of the Europe.

Major work was done by the European institutions and the member states to promote the area of freedom, security and justice by establishing a wide range of legal instruments to promote the principles of common recognition and mutual trust for cross border cases. However, neither the European institutions nor the member states itself paid much attention towards the situation of the judiciaries in the member states. Although essential for the application both of European and national law judges in the member states, their standing within their societies, their economical situation and their independence as well as the facilities of the court systems, has been utterly neglected by all national governments in all member states. The area of freedom, security and justice has been allowed to fall short in its most important part - the judges and prosecutors, who with their daily work in court insure that freedom, security and justice is being delivered to all European citizens every day.

At last, with the publication of the EU Justice Scoreboard in March 2013, the European Commission has started to bring forward the importance of the judiciary for economical growth and well being. The European Associates of Judges (EAJ) congratulates the European Commission for this undertaking and stresses the need to take the Scoreboard as a basis for the coercive political discussion about the situation of the judiciary in all member states. The EAJ is prepared to participate in these discussions and is ready to call for all institutions on European and national level to fight for a strong and independent judiciary.

To take this discussion further the EJA stresses two approaches as essential:

- Widening the scope of the Scoreboard: The EU Justice Scoreboard has focused so far on the importance of the judiciary for economic growth. However, the functioning of the judiciary is equally essential in all other aspects of social life. Without the work of judges (and prosecutors) in family matters, labour law disputes, punishment of crime, administrative affairs or social security disputes, the area of freedom, security and law as the basis of an open and secure European Union is not conceivable. Therefore, another Scoreboard should focus on all areas of law.

- Implementing the statement of the Scoreboard into the national legal systems: the EAJ sees that the European Union has no competence to harmonize the legal systems of the member states. Organizing the judiciary has to be left entirely to the member states. However, the European Judicial Scoreboard illustrates the need to establish European principles to safeguard the functioning of national judiciaries. The independence and standing of the judiciaries on the member states cannot be left entirely to the national lawmakers – the last 14 years have shown that they are not up to their duty to care for their judges and prosecutors.

These indispensable European principles are:

Quality and Efficiency: to ensure the quality of the judiciary a European citizen can expect, each national judicial system needs sufficient resources and a reliable financial strength. The annual budget has to ensure an income for Judges and Prosecutors adequate to their responsibilities and their standing as members of a body of state authority. It has to cover a standard of court buildings, equipment and support staff which can be expected by a modern administration.

These standards are not met by most, if not all, member states of the European Union. To safeguard the functioning of the judicial systems throughout Europe, European targets for judicial budgets has to be established which the national lawmakers have to meet.

Besides, the judicial system of each member state has to be organized and equipped to guarantee effective access to justice for all citizens. However, improving efficiency cannot be confused by just speeding up procedure. The soundness of reasoning by the court, the legal arguments taken into account, the amount of evidence taken, the time being spent to "hear" the parties, the recognition of basic rights in its judgement has to be taken into account to see if a court is working efficient or not. The EAJ will be prepared to support the European Commission in their quest to establish criteria for judicial efficiency and how to implement them into the daily work of the courts.

Independence: without independence there will be no judiciary as we see it. Although the Judicial Scoreboard shows a high perception of judicial independence for most of the European countries, the independence of the judiciary in itself and of the judges is always at risk. Therefore, to guarantee the institutional independence of the judiciary, it has to be European standard for all member states to establish councils for the judiciary. These councils have to be given sufficient power to guarantee the functioning and independence of the judiciary. Besides, the personal independence of all judges (and prosecutors) has to be guaranteed by an

adequate income, by constant training and by a promotion system independent from political or administrative influence

It is time to focus on the judiciary:

In 2014, the Stockholm program has to be replaced by new roadmap for political targets in the area of freedom, security and justice for the next five years. Access to justice should be put first into this program. It can however only be provided by the judiciaries of the member states. **The EAJ asks the European Council, the European Commission and the European Parliament to put the quality, effectiveness and independence of the judiciary on European and national level into the focus of the next five year program.**