



ENCJ NEWSLETTER



ENCJ Newsletter January – March 2025

Table of Contents

| | |
|---|---|
| <i>High Council of the Judiciary of Belgium</i> | 2 |
| Election of the Members of the New High Council | 2 |
| <i>European Network of Councils for the Judiciary</i> | 3 |
| The situation in Hungary | 3 |
| <i>Judicial Council of Latvia</i> | 7 |
| Launch of the project “Improving Judicial Efficiency and Budgeting in Latvia” | 7 |
| <i>Judicial Council of Lithuania</i> | 8 |
| New leadership of the Judicial Council elected..... | 8 |
| <i>Judicial Council of Slovak Republic</i> | 9 |
| Legislative activity published on the website of the Judicial Council | 9 |



High Council of the Judiciary of Belgium

Election of the Members of the New High Council

Prepared by the ENCJ Office

On 3 February 2025, the newly elected 44 members of the High Council of the Judiciary of Belgium (HRJ/CSJ) began their new term. The composition of the HRJ/CSJ changes every four years.

On 21 June 2024, Belgian magistrates elected 22 members, and on 13 December the Senate appointed 22 non-magistrate members. Half of the members are French-speaking and the other half are Dutch-speaking. The mixed composition of the High Council is anchored in the Constitution.

Each college comprises an equal number of members and is constituted with equal representation, on the one hand, of judges and officers of the public prosecutor's office elected directly by their peers under the conditions and in the manner determined by the law and, on the other hand, of other members appointed by the Senate by a two-thirds majority of the votes cast.

The new composition of the High Judicial Council had its first meeting on the 29 January 2025, where it appointed among them four members for the bureau that oversees daily operations of the Council. Each of the four members of the bureau will chair a committee during the 2025-2029 term of office and chair the High Council for one year.





European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

European Network of Councils for the Judiciary

The situation in Hungary

The ENCJ Executive Board visited Budapest on 31 January 2025 to collect more information on the current situation. The Board met relevant bodies involved in managing the judiciary: the Council for the Judiciary of Hungary (OBT), the National Judicial Office (OBH), the Minister of Justice and the representatives of the judicial associations MABIE and Res Judicata.

High inflation has adversely affected the salaries of judges and judicial staff in Hungary. Given the lack of indexation or any rise in salary, the position of judges and judicial staff in Hungary deteriorated significantly over the last few years. This issue was further exacerbated by substantial salary increases in other sectors, including legislative and executive branches of the public sector, which led to significant disparity among different state entities. This represented a threat to judicial independence¹.

However, on the initiative of the Ministry of Justice, the eventual increase in judicial remuneration was tied to wider changes through an entry into a Quadrilateral Agreement (“the Agreement”), between the OBT, OBH, Kuria and the Ministry of Justice on 22 November 2024. The ENCJ has been critical of the Agreement as:

(1) The Agreement provides that essential restoration of the value of judicial remuneration will only happen if changes are introduced to the working conditions of judges.

(2) The Agreement is drafted in such a broad manner that it was impossible to be sufficiently clear about the precise commitments being entered into by the signatories².

The entry into the Agreement along with the failure to consult resulted in a forceful denunciation from the Hungarian judges. The judges of Hungary spoke out strongly and publicly on the issue of judicial independence, and the inappropriateness of using judicial salaries as a way to put pressure on judges³. It was against this background that the ENCJ Executive Board went to Budapest.

On the right of judges to speak out. The prudent convention that judges should remain silent on matters of political controversy does not apply when the integrity and independence of the judiciary are threatened. Judges not only have the right to speak freely on matters concerning the administration of justice, but also a duty to speak out when the Rule of Law, including judicial

¹ [24 July 2024 Statement by the ENCJ Executive Board regarding the situation of judicial remuneration in Hungary](#)

² [ENCJ Open letter 19 December 2024](#)

³ See <https://mabie.hu/berjvaslat/felhivas-velemenynyilvanitasra-csatlakozo-nyilatkozatok-megkueldesere>.

independence, is in danger. There is now a collective duty on the European judiciary to state clearly and cogently its opposition to proposals from the government which tend to undermine the independence of individual judges or Councils for the Judiciary⁴.

It follows that when a judge makes such statements not merely in his or her personal capacity, but also on behalf of a judicial council, judicial association, or other representative body of the judiciary, then the protection which should be afforded to that judge will be heightened⁵.

The ENCJ Executive Board therefore both welcomes and supports the fact that the Hungarian Council for the Judiciary, the Hungarian associations of judges, and individual judges have decided to speak out about the need for judicial independence and the threats faced by the Hungarian judiciary. It is crucial that these issues are brought to the attention of the general public and remain the focus of such attention. The ENCJ Executive Board therefore calls on all stakeholders and the free media in Hungary to raise awareness of the situation by making these actions as visible as possible.

On proper consultation regarding reforms within the judiciary. The ENCJ delegation also learned that legislative amendments, adopted on 20 December 2024 and aimed at the implementation of the Agreement, were introduced by a Member of Parliament thereby circumventing the regular legislative procedure. The relevant Member of Parliament is also a vice minister in the Hungarian government. This resulted in a failure to consult properly either with the OBT or with the judiciary regarding the draft legislation. This was despite the fact that the proposed legislation primarily concerns the judiciary. While the reasoning of the stakeholders on the necessity to use this particular legislative procedure differs, the end result remains – a lack of proper consultation.

The ENCJ Executive Board reiterates that it is crucial for judges (and in particular for Councils for the Judiciary) to be involved at each stage of the development and implementation of proposals which concern the administration of justice. It is essential that the executive and legislature respect the independence of the judiciary and only undertake changes to the justice system after meaningful consultation with the judiciary⁶.

Such consultation should allow the judiciary enough time to become familiar with any proposals and accompanying material, to discuss draft legislation in a full and informed way as well as to formulate an informed opinion on any suggested changes. The purpose of consultation would be frustrated if obtaining the opinion of the judiciary was to be regarded as a mere formality. The views of judges require therefore careful consideration by the executive and legislative branches of government, and real engagement with such views.

Meaningful consultation is required to ensure the independence of the judiciary and to enable reforms both to be effective and to instil confidence in the judges themselves and the public at large⁷. It must also be emphasized that entry into the Agreement itself can by no means be regarded a proper consultation.

⁴ [ENCJ Compendium on the Councils for the Judiciary](#), [ENCJ Declaration of Athens on Judicial Solidarity \(2022\)](#), p. 5.

⁵ *Ibid.*

⁶ [ENCJ Declaration of Lisbon on Positive Change \(2018\)](#), [Declaration of Warsaw on the Future of Justice in Europe \(2016\)](#), [CCJE Opinion no. 10 \(2007\)](#), [CCJE Opinion no. 24 \(2021\)](#).

⁷ [ENCJ Compendium on the Councils for the Judiciary](#)

Such consultation and the provision of an opinion on the legislative amendments concerning the justice system is already one of the functions attributed to the OBT under Hungarian law (Section 103 of the Act CLXI of 2011 on the Organization and Administration of the Courts). The use of an individual Member of Parliament to introduce the recent legislation (as described earlier) completely frustrates the objective of the legislative safeguard. In order to adhere to proper standards, the ENCJ Executive Board believes that meaningful consultation on new legislation must be conducted regardless of the specific procedure chosen by the executive or legislative branches for the introduction of such proposed changes to the law.

On service courts. Service courts are an important part of the Hungarian judicial landscape. These courts deal with the disciplining of judges. Grave concerns over possible changes in respect of Service courts were raised by certain of the stakeholders during the meetings in Budapest. The ENCJ Executive Board views any possible changes in this regard as especially worrying. Disciplinary courts may be used to put pressure on judges through the use of disciplinary proceedings against individual judges who speak out on judicial independence and the rule of law. The potential for a chilling effect is clear.

The ENCJ Executive Board reiterates that disciplinary processes provide a means of ensuring that judges abide by proper professional standards, but they must not undermine the independence of the judiciary⁸. Disciplinary liability enables judges to be held accountable in cases of serious misconduct, which fundamentally undermines the public confidence in judicial impartiality and independence. Disciplinary liability must not interfere with the legitimate exercise of individual rights of judges, such as their freedom of expression. In particular disciplinary processes should not be employed to punish judges for discharging their duty to speak out when judicial independence is in danger.

The ENCJ Executive Board calls on all relevant parties to ensure that no changes to the Service court system create the potential for disciplinary proceedings to be used as a way of attacking the independence of the judiciary, diluting the right of judges to speak out, or undermining the confidence of the public in the impartiality of judges.

Regarding judicial salaries. Lastly, the ENCJ has already taken a position on the issue of inadequacy of judicial remuneration in Hungary⁹ and the negative impact this may potentially have on judicial independence. While the situation has slightly improved with a 15% increase for judges of regular courts, as of 1 January 2025, this increase is not adequate to offset the effects of inflation, which led to the depreciation of salaries in the last number of years. Some increase in the coming years is foreseen in the Agreement. However, this increase is not yet provided for in legislation and the actual value of the proposed increase (such as it is) depends in great measure on the extent of future inflation in Hungary. The concerns of the Executive Board therefore remain, to a large extent, unaddressed.

The ENCJ Executive Board concludes that the independence of the judiciary in Hungary currently faces serious challenges. The ENCJ supports the Council for the Judiciary of Hungary in its efforts to protect judicial independence, and in taking a clear position on issues that may infringe judicial independence. The ENCJ encourages the OBT to use all legal and practical means

⁸ [CCJE Opinion No. 27, rec. 1-2](#)

⁹ [Statement of the ENCJ Executive Board statement regarding the situation of judicial remuneration in Hungary.](#)

available to it to make the government, the legislature, and the public at large fully aware of its position on any issue which affects the independence and integrity of judges.

It is the intention of the ENCJ to monitor closely the position in Hungary and to continue to assist the judges of Hungary in any way it can. The Board highlights that the support offered is an act of judicial solidarity. The judiciary throughout Europe should actively cooperate and coordinate their efforts to assist those jurisdictions that need support. In addition, the ENCJ believes that there is collective duty on the European judiciary to state clearly and cogently its opposition to any developments that could undermine the independence of individual judges, the judiciary or Councils for the Judiciary¹⁰.



¹⁰ [ENCJ Declaration of Athens on Judicial Solidarity \(2022\), p. 11.](#)



Judicial Council of Latvia

Launch of the project “Improving Judicial Efficiency and Budgeting in Latvia”

On the 6th of September 2024, the Judicial Council of Latvia launched the project “*Improving Judicial Efficiency and Budgeting in Latvia*” with funding from the European Union via the Technical Support Instrument (TSI). The project aims at enhancing the efficiency of the judicial system and the capacity for budget planning to carry out structural reforms.

This initiative will last for 18 months and includes the development of a report on the current situation in the Latvian judicial system, the development of recommendations and a roadmap for the institutional reform of the judicial system, the development of a statistical model to assess the workload and budgetary aspects, as well as a pilot of the methodologies, training, and a manual on judicial data collection and resource assessment.

On the project's management board, the Judicial Council is represented by Juris Siliņš, a member of the Judicial Council and the Chairman of the Zemgale Regional Court. The first joint meeting of the parties involved in the project took place on October 18, 2024, to agree on further cooperation within the framework of the project.





Judicial Council of Lithuania

New leadership of the Judicial Council elected

Prepared by the ENCJ Office

On 18 October 2024 the new composition of the Council for the Judiciary of Lithuania was elected at the General Assembly of Judges.

Dr. Danguolė Bublienė, President of the Supreme Court of Lithuania, was unanimously elected President of the Judicial Council by secret ballot, while the President of the Court of Appeal of Lithuania, Nerijus Meilutis, was unanimously elected as the Vice-President of the Judicial Council, and the President of the District Court of Vilnius, Viktorija Šelmienė, as the Secretary of the Judicial Council.

"I believe that in these next four years of work of the new Judicial Council, the three key areas of work, cooperation, communication and quality, should be further strengthened. The judicial community needs to be strong, open, innovative, not afraid of challenges and criticism. Close cooperation between the judiciary and the constitutional authorities is crucial to resolving certain systemic issues. We need constant dialogue, diplomacy and consistent work", said Dr. D. Bublienė in a statement right after her election

The Judicial Council of Lithuania consists of 17 judges. The Council's term of office is four years, and judges may be elected for a maximum of two consecutive terms.



Judicial Council of Slovak Republic

Legislative activity published on the website of the Judicial Council

Prepared by the ENCJ Office

In the second half of 2024, the Judicial Council of the Slovak Republic started sharing its legislative activity online, including comments on proposed legislative amendments. The information is made available on the website of the Council for the Judiciary under “Legislatívna činnosť Súdnej rady Slovenskej republiky” (Legislative Activity of the Judicial Council), accessible through the main menu.

In the last two months of 2024, the Judicial Council has already shared its comments to the proposed amendments on two essential elements of the Slovak judiciary. In November, remarks regarding substantial changes to the Judicial Academy were made public. In December, observations on the proposed introduction of a special permission for early retirement of prosecutors were shared, underscoring the necessity to include similar legal provisions for judges as well.

The initiative of publishing legislative activity online represents an even further step in increased transparency and accountability of the Judicial Council of the Slovak Republic, allowing members of the judiciary and citizens to access the information in a practical and convenient manner.

[SÚDNA RADA](#) ▾ | [KANCELÁRIA](#) ▾ | [SUDCOVIA](#) ▾ | [PODANIA NA SÚDNU RADU](#) ▾

[SK](#) / [Súdna rada Slovenskej republiky](#) / [Legislatívna činnosť Súdnej rady Slovenskej republiky](#)

Legislatívna činnosť Súdnej rady Slovenskej republiky

[Legislatívna iniciatíva](#)

Do pôsobnosti Súdnej rady Slovenskej republiky podľa § 4 ods. 1 písm. c) zákona č. 185/2002 Z. z. o Súdnej rade Slovenskej republiky a o zmene a doplnení niektorých zákonov v znení neskorších predpisov patrí oprávnenie predkladať ministrom spravodlivosti Slovenskej republiky podnety na prijatie všeobecne záväzných právnych predpisov upravujúcich organizáciu súdnictva, konanie pred súdmi a postavenie sudcov.

[Pripomienkovanie všeobecne záväzných právnych predpisov a koncepčných dokumentov](#)