ETUDE TRANSVERSALE - 2017 - TRANSVERSAL ANALYSIS

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SUPREME COURTS’ CASE-LAW ON SAFEGUARDS FOR JUDICIAL INDEPENDENCE

LA JURISPRUDENCE DES COURS SUPRÊME EN MATIÈRE DE GARANTIES DE L’INDÉPENDENCE DE LA JUSTICE

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Secretary-General
Secrétaire-Général

http://www.aca-europe.eu

(English version)
**GENERAL CONTEXT – CONTEXTE GÉNÉRAL**


-2015: l’accès au juge administratif suprême + décisions - Access to administrative Supreme courts and to their decisions

-2016: Uniformisation of administrative jurisprudence – Uniformisation de la jurisprudence administrative

1. Methodology & objet

- Working group+ (ACA + DG Justice)
- Electronic Questionnaire “made in house” ACA
  => same Questionnaire used by « Network of the Presidents of the European Supreme Courts » (NPSJC)

- To establish the extent of the legal dispute concerning standard situations that may threaten the independence of the judiciary and the judge.

2. Selected situations in which there may be a risk to judicial independence

Review of decisions on:

• § 1. Appointment and career of judges
• § 2. Discipline of judges
• § 3. Recusal requests regarding judges
• § 4. Organisation of the justice system
• § 5. Other relevant situation(s)
3. Results

- Particulary significant participation (29) => Members EU + Serbia => unique et very reliable

- Unique document in the EU => treasure of (useful) info

  (244 p. of statistics)

- Final narrative report: [www.aca-europe.eu](http://www.aca-europe.eu)
Powers and judicial activity of highest courts in situations relating to judges (source: European Commission with ACA-Europe and NPSJC)
3. Results

• § 1. Appointment and career of judges
• § 2. Discipline of judges
• § 3. Recusal requests regarding judges
• § 4. Organisation of the justice system
• § 5. Other relevant situation(s)
A.: Le nombre d’affaires – case load:

Have you had, between 2012 and 2017, or earlier (landmark cases) any cases in such a situation?
A. *Le nombre d’affaires – case load*:

<table>
<thead>
<tr>
<th>État - State</th>
<th>Nombre - number</th>
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<td>Grèce</td>
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<td>Pologne</td>
<td>813</td>
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</tbody>
</table>
B.: les motifs adoptés – Grounds used in the case

Grounds/reasoning used by the court in each case, as far as it relates to judicial independence, for example describing why a decision was found to be problematic:

![Bar chart showing reasons for judicial independence issues]
4. Follow-up of this analysis?

- Public document (free access)
  - Internal use in ACA + spin off (seminar?)
  - For academic and scientific use
  - Participation to the Score board EU DG Just:

The results of the questionnaire “on the powers and judicial activities of highest national courts in situations where judicial independence may come at risk” that ACA-Europe prepared, in close cooperation with the Commission, at the end of 2017, are expected to provide important insights for the preparation of the 2018 EU Justice Scoreboard.
Thank you for your cooperation