



Palazzo di Giustizia - Piazza Cavour - 00193 Roma - Italia

To the
Minister of Justice of Greece
Mr. Konstantinos Tsiaras

**Participation of Associations of Judges
in Legislation concerning their Profession**

Excellency,

I am writing to you in my capacity as President of the European Association of Judges (“EAJ”), which is an association of the judges’ associations in 44 European countries and which has as one of its principal goals the maintenance of judicial independence and the rule of law.

Our association has been made aware that the Greek government, represented in this case by yourself as Minister of Justice, intends to proceed with legislation concerning the official status of judges in prosecutors in Greece. More specifically, the proposed legislation would include issues related to the promotion, assessment and disciplinary control of judges and prosecutors.

Further, the EAJ has also been advised that your aim is to proceed with that legislation rapidly without giving the associations of judges and prosecutors in Greece any opportunity to present their views formally within the legislative process, such as by establishing a legislative drafting committee.

The EAJ is deeply concerned about these intentions. Any legislative process which concerns the professional status of judges and prosecutors without involving their professional associations would constitute a breach of international values which are recognized as a common European standard.

For example, we would refer you to some of the most basic of those international standards-:

CCJE Opinion No. 23 (6 November 2020), paragraph 41:

The CCJE endorses the participation of associations of judges in the legislative procedure in the case of draft laws regarding the justice field which are put forward by the executive power. When reform commissions or similar strategic project groups are established, representatives of associations of judges nominated by their association should be involved. More generally, the opinion of associations of judges should be requested and considered by the executive power at all levels in respect of judicial reforms and projects including budgetary issues and the allocation of resources, working conditions and all aspects of the status of judges.

OSCE / Venice Commission / Council of Europe, Guidelines on Freedom of Association (2015), paragraphs 183 and 184:

183. In a participatory democracy with an open and transparent lawmaking process, associations should be able to participate in the development of law and policy at all levels, whether local, national, regional or international.
184. This participation should be facilitated by the establishment of mechanisms that enable associations to engage in dialogue with, and to be consulted by, public authorities at various levels of government.

The CCJE refers to these standards in its Opinion No. 23, paragraph 48.

What is more, we should like to draw your attention to the following statements from the 2020 Rule of Law Report of the European Commission:

Improving the inclusiveness and quality of the legislative process is important for structural reforms (p. 22).

Excessive use of accelerated and emergency legislation can give rise to concerns over the rule of law (ibid.).

The adoption of legislation based on initiatives introduced directly by members of Parliament, without going through the normal preparatory processes and consultation of stakeholders, is also a risk from a rule of law perspective (p. 22-23).

The Rule of Law is one of the common standards on which the European Union is founded (Art. 2 TEU). Therefore, if legal reforms touch upon the core issues of the professional status of judges and prosecutors – such as promotion, evaluation and disciplinary control –, we consider it to be the legal duty of any member state of the European Union formally to involve professional associations of judges and prosecutors in the legislative process. Failure to comply with these basic standards within a legislative process may thus be regarded a breach of the principle of the Rule of Law. This is all the more so as changes in the legal norms on the promotion and evaluation of judges, and even more their disciplinary control, may be a threat to judicial independence.

On behalf of the EAJ, I therefore call upon the Government of the Hellenic Republic to ensure effectively and immediately that the associations of judges and prosecutors in Greece are involved without exception in any legislative process that concerns the judiciary in Greece, especially the professional status of judges and prosecutors.

Yours sincerely,



José Manuel Igreja Matos
President of the European Association of Judges