

Best practice of national networks of court coordinators in EU law – Summary of a session

Coordinators' representatives speaking on behalf of their networks during the ERA webinar on 8-10 February 2021:

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1. Is there a CCE in every court?

➤ In Romania

Originally, Romania planned on having at least one judge from each Court of Appeal (there are 15 Courts of Appeal in Romania) and one judge from each division of the High Court of Justice (4 divisions in total) which amounts to 19 judges all in all. That being said, additional members from the Courts of first instance and from the Courts of second instance joined the network and there are now 60 CCEs. Romania is looking into extending this network and have a CCE for every Court (250 Courts in total).

➤ In Hungary

There are approximately 70 judges acting as CCEs and an additional 30 judges assisting the CCEs which means there isn't a CCE for every Court of law in Hungary.

➤ In Bulgaria



Bulgaria has a national network of European Court Coordinators that comprises 65 Courts, each one of them having a CCE elected by the general assembly of their Court. This national network does not represent every Court in Bulgaria and there isn't a CCE for every Court, but almost. The national network of European Court Coordinators does not work very well and there are two different national judicial networks divided in civil and commercial matters for one of them and the other network pertains criminal matters. In the former network, there are 9 judges among whom 2 are the national contact points. This network is in contact with the EJC and these 2 contact points are representing Bulgaria before the EJC. The latter network in criminal matters possess 12 CCEs. Bulgaria being divided into Appellate District, there are more than one CCEs per Appellate District.

➤ **In Poland**

There are CCEs in regional courts only (their full name is coordinator for international cooperation and Human rights). There are two types of coordinators: one in civil matters and one in criminal matters. There are 46 regional courts in Poland and each one of them has one CCE in civil matters and one CCE in criminal matters.

➤ **In Spain**

There are 18 CCEs nation-wide, meaning we don't have a CCE for each Court, not even for Courts of Appeal. These 18 CCEs are divided into 6 sections: commercial, civil (consumer and civil law), criminal, fiscal and administrative, labour law and social security and the general division. Within its own section, each CCE is required to work in any court of the national territory and is not bound to any Court in particular.

➤ **In Italy**

Usually, 2 coordinators for each Court of Appeal district with specific experience in criminal and civil matters. There are 26 districts, but the Supreme Court has 2 CCEs at the moment.

➤ **In the Netherlands**



Every Court has its own CCE. Their task is the monitoring and coordination of actual developments in the field of European law. The way of operating within the own court is not strictly prescribed. Each CCE is free to give his own interpretation to his task. But the CCE's are centrally facilitated in their tasks by the central education office for judges, for example by monthly overviews of recent EU-jurisprudence.

2. Who appoints the CCE?

What are the requirements for being eligible?

➤ In Romania

On a voluntary basis after approval of the Court.

➤ In Hungary

CCEs are appointed by the President of the National Office for the Judiciary after the candidates went through a selection procedure. Part of the selection procedure is to test candidates' foreign languages skills and take into consideration degrees in European Law and/or relevant experiences. CCEs must be available to perform their duty at any given time irrespective of their workload as judges.

➤ In Bulgaria

Among the members of the national network of European Court Coordinators, 65 CCEs were elected by the General Assemblies of their own Court. Candidates had to justify a five-year of experience, a strong interest in the field of EU Law and good foreign languages skills.

➤ In Poland

The 2 types of coordinators for international cooperation and human rights (in civil matters and in criminal matters) both appointed by the president of each regional court in Poland, by way



of an order, from among judges, assessors or court referendaries of that regional court or district courts in the area of its jurisdiction.

Those coordinators are distinguished by knowledge of international judicial cooperation, European law and HR laws, additionally – the coordinator for international cooperation in civil matters in particular has to be familiar with the rights of the minors and the rights of the family; the candidate has to demonstrate an adequate knowledge of foreign languages.

➤ **In Spain**

Candidates must apply to become CCEs and are appointed for a period of time of 5 years. The Court coordinators are distinguished by knowledge of international judicial cooperation, European law and foreign languages skills.

➤ **In Italy**

They are appointed by the school of Magistrates after completion.

3. What are the tasks of a CCE?

➤ **In Romania**

The CCEs' tasks are similar to those in the Netherlands. The CCEs are required to offer assistance to their colleagues within the same Court or the circumscription of their Court of Appeal. CCEs are required to:

- a. Offer their insights regarding the rules on drafting a preliminary ruling;
- b. Offer assistance to their colleagues within the same court or the circumscription of their court of appeal, on request, to the end of distinguishing cases where EU law is applicable from purely internal cases; documentary references on specific EU law issues;
- c. Be in contact with the central coordinators of the network to keep updated on the case law of the CJEU;



- d. Participate in training sessions, conferences. The network in Romania tries to organise at least one conference every year to talk about the latest developments in the CJEU's case-law. The attendees will be fellow CCEs, not judges;
- e. Evaluate the training needs of their colleagues and work in partnership with the National Institute of Magistracy to draft training programmes in the fields covered by EU Law;
- f. Keep in touch with the other court coordinators members and with the central coordinator of the network, who is a trainer at National Institute of Magistracy, specialised in EU law.

➤ **In Hungary**

Their tasks are diverse and CCEs' also offer assistance on the substance of EU Law. CCEs' are required, inter alia, to:

- a. Provide local training for the Courts, which entails travelling within the circumscription assigned to the CCE;
- b. Attend at least two conferences each year aimed at CCEs;
- c. Publish summaries on the most important and relevant cases and literature;
- d. Monitor the judicial activity from the ECtHR and the CJEU to make it available to judges and other members of the judiciary.

➤ **In Bulgaria**

The CCEs' main task is to:

- a. Help apply EU Law;
- b. Offer expert assistance to judges;
- c. Promote working group experience;
- d. Offer training in EU Law



The tasks entrusted to CCEs in Bulgaria is close to those entrusted to Romanian CCEs. We don't organise training ourselves, the network helps organise it in cooperation with the National Institute of Justice. The attendees are all trainers from the National Institute of Justice.

➤ **In Poland**

The coordinators in Poland provide judges, assessors, court referendaries and assistant judges, upon their request, with the following information:

- a. on the rules and procedure for obtaining information on the law and practice of a foreign state,
- b. in the field of work technique and the performance of judicial administration activities essential for the proper preparation of an application/request for legal assistance and other decisions subject to mutual recognition,
- c. on the principles and procedure of cooperation within the European Judicial Network,
- d. on the rules and procedure for determining the authority competent in a foreign state to execute a request for legal assistance or to provide information on the status of execution of such a request,
- e. on the rules and procedure for determining the authority competent in a foreign state to execute a European arrest warrant or other rulings subject to mutual recognition, or on providing information on the status of execution of such a warrant or decision,
- f. on the method of obtaining information on the content of the standards resulting from the Convention for the Protection of Human Rights and Fundamental Freedoms, drawn up in Rome on November 4, 1950

The coordinators also inform the president of the competent court or the president of the competent division about the advisability of organizing a meeting of judges, assessors and court referendaries, in particular in order to present doubtful legal issues and issues where the jurisprudence is inconsistent, as well as to ensure compliance with the standards resulting from the Convention on the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, and may participate in such proceedings.



They also inform the president of the competent court about the need to analyse the jurisprudence available and inform judges, court referendaries and assistant judges about important current jurisprudence of the Supreme Court and international bodies.

➤ **In Spain**

Tasks developed by the members of the Network

- To promote references for preliminary rulings
- To give European information regarding judges through the Judicial Documentation Service
- To facilitate European training through the Spanish Judicial School

Promoting references for a preliminary ruling

- Formally through the Network
- Informally through personal contacts of each member of this Network

Official website intranet www.poderjudicial.es

- Automatic application requesting information
- Practical notes about the proceedings in the references for a preliminary ruling
- Data base on those references that are pending and those that already have been answered

To summarise tThe network members' duties include training, reporting and disseminating information. Court coordinators also help on the substance of the case when it involves EU Law. Court coordinators update the national database.

➤ **In Italy**

The tasks focus on the substantive aspect of a case. Court coordinators are also responsible for organising training. There is a second track of court coordinators established inside the Supreme Court hosting a working group appointed by the First President of the Court regarding the cooperation for the memorandum signed with the two supranational Courts. This second



track focuses on the cross-fertilisation of the culture of Fundamental rights through the jurisprudence. The duties of court coordinators extends beyond organising training and meetings to establish comparisons between courts.

➤ **In the Netherlands**

Courts coordinators do not work on the content of EU Law. CEEs are required to give guidance as to the jurisprudence, assist the judges in drafting a preliminary question to the CJEU and give counsel for any procedure before the ECtHR.

4. Can CCEs be held responsible for a wrong application of EU Law?

➤ **In Romania**

Every judge in Romania can be held individually responsible for the wrong application of the law in disciplinary proceedings. The private parties have remedies for damages against the State in this matter. However, if such a remedy is successful, the State can bring action for redress against the judge when the judicial error was caused by the judge's performance of his duties in bad faith or with gross negligence, based on an advisory report of the Judicial Inspection. The personal liability of a judge is still relatively new in these conditions and forms and although there is an insurance scheme in place at the moment, it is not used on a large scale yet.

➤ **In Spain**

CCEs as well as judges in Spain can be held individually responsible for the wrong application of EU Law but rarely happens, if ever, in practice.

➤ **In Italy**



Members of the Judiciary are usually insured against any damages they may have caused in the line of duty, There are also other considerations concerning the responsibility of the State - not of the single judge - for the wrong application of the EU Law in accordance with *Köbler and Traghetti del Mediterraneo* cases.

➤ **In Hungary**

There is no individual liability in Hungary.

➤ **In Bulgaria**

The responsibility lies with the State, not the individual. There are disciplinary procedures like in any other judicial system but not for damages. Judges do have a group insurance but it does not include a personal insurance.

➤ **In Poland**

Like in Bulgaria, there isn't an individual liability. However, a judge may be held disciplinary liable for requesting a preliminary ruling.

➤ **In the Netherlands**

The State is held liable for the wrong application of EU Law, never the member or members of the Judiciary.

5. Are the CCEs compensated for the extra time it takes to fulfill their duties?

➤ **In Romania**

No compensation is applicable. Being a coordinator is voluntarily-based.



➤ **In Poland**

Yes, the coordinators are extra paid (function allowance) and some of them have a limited number of cases to solve in the judge's office (1/4 - 1/2 less than other judges).

➤ **In Hungary**

- a. Monthly allowance (10% of the basic judicial salary);
- b. Language allowance depending on the priority and the level of the language (English, German, French 2x; C1-2 > B2);
- c. Reduction in the number of hearings (4 days/year).

➤ **In Italy**

Coordinators are not compensated, but they have the right to reduce their workload from ordinary tasks in the Court. The reduction is up to the 25%.

