

RESOLUTION ON ARTICLE 2 OF THE TREATY ON EUROPEAN UNION

At its annual meeting in Berlin on 25 May 2018, the European Judges Association (the EAJ) examined the situation of the judiciary in various European countries. In particular, it discussed the legislative changes related to the recent judicial reforms in Poland, the Rule of Law under Article 7 of the EU Treaty, the decision of the European Court of Justice in the case Associação Sindical dos Juizes Portugueses (C-64/16) and the decision of the Irish High Court to refer a case of extradition for systemic violations of the Rule of Law in Poland to the European Court of Justice (The Minister for Justice and Equality v. Celmer, Case C-217/18).

For the continuance of the European Union, an independent judiciary bound by the Rule of Law is indispensable in all Member States. The Rule of Law is one of the essential values on which the European Union is founded. It is, therefore, of paramount importance that the Rule of Law is protected and strengthened across the Union.

The EAJ agrees with the European Commission that Art 2 TEU, which declares that the principles stated therein are common in all Member States, needs further strengthening in its effectiveness.

EAJ therefore welcomes the increased awareness of the Commission in relation to these issues and its proposal to prepare a checklist which covers the issues listed in COM (2014) 158.

Further, the EAJ considers that it would enhance the constitutional arrangements of the European Union if the question of whether a Member State has failed to maintain the Rule of Law were to be examined and decided by an independent standing committee composed of members of the higher judiciaries of the Member States, academics and jurisconsults of recognised standing.

The EAJ offers its support in any steps taken in this regard.

Berlin 25th of May 2018