

EUROPEAN ASSOCIATION OF JUDGES

STATEMENT

on

The proposal of amendments regarding deadlines in the Code of Civil Procedure and corresponding disciplinary regulations

1. In its plenary meeting of 9.5.2025 in Yerevan the European Association of Judges (EAJ) was informed by its member the Hellenic Association of Judges and Prosecutors that in Greece there are tendencies to misuse disciplinary procedures against judges. Thus, the President of the Supreme Court and the Prosecutor of the Supreme Court initiated a disciplinary review in two cases where the competent judge had applied restrictive conditions although the prosecution had demanded detention and in another case against the members of a panel of judges who granted suspensive effect to a remedy.
2. Another kind of problems is caused by the initiative of the Minister of Justice, who proposed amendments to the Code of Civil Procedure, setting new and shorter deadlines for issuing court rulings combined with a spontaneous initiation of a disciplinary procedure against the judge who heard the case.
3. Taking note of these developments the EAJ recalls that a proper, fair, and effective disciplinary procedure is necessary to safeguard the functioning and the accountability of the judiciary. Disciplinary procedures are sensitive and bear possibilities of misuse and by that can infringe the independence of the judiciary and the rule of law if they are not regulated and implemented properly.
4. The events reported above do not meet European standards and European Law concerning the judiciary.
5. The interpretation of the law, the assessment of facts or the weighing of evidence carried out by judges to determine cases must not be used as ground for civil or disciplinary liability, except in cases of malice and gross negligence.¹
6. Statutory deadlines must be set in such a way that they can be realistically met, given the available resources and existing procedural rules. Otherwise, the courts become responsible for circumstances beyond their control. Thus, trust in the judiciary may decline.
7. The responsibility of sufficiently staffing the justice system and creating adequate procedural norms is the task of the executive and legislative branches of state.
8. If a judge should be disciplinary liable when he or she exceeds a deadline his or her fault must be established in a fair procedure where all circumstances including the responsibility of others must be examined. Therefore, disciplinary procedures will regularly end with an acquittal. Nevertheless, the possibility of a disciplinary procedure or a pending disciplinary procedure put threats on judges even if an acquittal is most likely.
9. The EAJ is convinced that the amendments proposed by the Minister of Justice which will cause undue threat on judges thus endangering their independence which in the end may harm the public trust in the judiciary and its effective accountability.

¹ Committee of Ministers (CM) Recommendation (2010) 12 on judges: independence, efficiency and responsibilities, para 66; Consultative Council of European Judges (CCJE) Opinion 27 (2024) on the disciplinary liability of judges, para 29; The Universal Charter of the Judge, Article 7-1

Therefore, the EAJ urges the competent Greek authorities to stop the practice of initiating disciplinary procedures on grounds of the merits of decisions and to re-consider the proposal of amendments regarding deadlines in the Civil Procedural Code and corresponding disciplinary regulations, which was put forward by the Minister of Justice.