



Association of European Administrative Judges/Vereinigung Europäischer Verwaltungsrichter /
Fédération Européenne des Juges Administratifs
Associazione dei Magistrati Amministrativi Europei /
Based at: Europäische Rechtsakademie D-54295 Trier, Metzger Allee 4

Minutes of the General Assembly of Association of European Administrative Judges, Athens, 19 May 2017

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Apologies for absence and proxies:

- Karin WINTER was given proxies to represent the Dutch member Katy VAN BOEVEN, the Czech member Karolina TYLOVA, our Polish members Dagmara DOMINI-KOGIŃSKA and Ewa MICHNA, Fedora LOVRICEVIC from Croatia, the Ukrainian Association of Administrative Judges, the Association of Judges of the Administrative and Tax Jurisdiction (Portugal), the Associazione nazionale dei Magistrati Ammini-

strativi (Italy) and the Association of Judges, Division of Judges of the Administrative Courts of Lithuania

- Pierre VINCENT has proxy to represent the French Association of Administrative Judges
- Werner HEERMANN has proxy to represent the Bund Deutscher Verwaltungsrichter und Verwaltungsrichterrinnen and our Spanish member Juan Carlos FERNÁNDEZ DE AGUIRRE.

After the General Assembly was opened, Edith ZELLER welcomed the participants.

1. Report of President Edith ZELLER

Before giving the report Edith ZELLER states that the necessary quorum of more than half of the member states is met, she expresses again her thanks to Juozas BERNATONIS, Minister of Justice of the Republic of Lithuania, for hosting the AEAJ-GA in the Ministry of Justice, to Ramūnas GADLIAUSKAS, chair of the Lithuanian Association of Administrative Judges, for inviting the AEAJ to have the annual meeting here in Vilnius, and to Aistė MEDELIENĖ, Jurgita PAUŽAITĖ-KULVINSKIENĖ, Rasa RAGULSKYTĖ-MARKOVIENĖ and Indre ZVAIGZDINAS for having organized the last General Assembly. She deeply thanks the Greek Association of Administrative Judges for hosting AEAJ to hold its General Assembly meeting 2017 here in Athens.

The President reports on the following meetings:

- On 20 May 2016, Rosa PERNA participated and represented AEAJ at a conference organized by EJTN and DG Justice on training needs concerning counter-terrorism measures in Brussels.
- From 1 to 3 June 2016 the „German Verwaltungsgerichtstag“ took place in Hamburg: An AEAJ-workshop on the “Implications of new IT-developments in courts on the work of judges – a European perspective” was held on 2 June during the morning session. Many thanks to Hannele KLEMETTINEN, who gave the Finnish presentation, as well as to Daimar LIIV from Estonia and to Bernard EVEN, giving a presentation on the state of play in France. Ralf HÖHNE was moderator and Holger BÖHMANN was in charge of organising our workshop. Many thanks to the BDVR as well.

- On 19 and 20 May 2016 as well as on 4 and 5 May 2017 Heinrich ZENS and Edith ZELLER held another workshop in Bucharest in co-operation with NIM. The topic was: “Impacts of the ECHR and EU-law on the procedural laws”. 2016 one Turkish colleague was present; 2017 one German colleague was attending the seminar (apart of participation of Romanian colleagues).
- On 22 Sept 2016 the AEAJ-Working Group “Asylum and Migration” held its annual meeting in London – co-organized with the UK Upper Asylum Tribunal and IARLJ. In addition to this, on 23 Sept 2016 one day EASO training was organized by our WG Asylum at the UK Upper Asylum Tribunal. Many thanks for hosting us and co-organizing go to Bernard MC CLOSKEY, president of UK Upper Asylum Tribunal, Bernard DAWSON and Hugo STOREY, who was co-organizer for IARLJ.
- On 13 and 14 Oct the WG “Taxation” held its meeting in Warsaw in co-operation with the Polish Supreme Administrative Court and DG TAXUD. Bartosz WOJCIECHOWSKI, judge at the Supreme Administrative Court, was responsible contact person, giving also scientific contributions. Many thanks go to him for the great work and warm hospitality. DG TAXUD covered the costs for 5 speakers and contributed also scientifically to the content of the meeting, which was devoted to topics of tax avoidance and tax evasion.
- On 10 and 11 Nov our WG “Environmental law” held its annual meeting on Tenerife Island. Many thanks to the Spanish colleague Jorge RIESTRA SIERRA for organizing and hosting the working group.
- Our joint EJTN-AEAJ seminar took place on 2-3 March in Rome. The seminar was on “conflict of norms” and was co-organized by AEAJ and EJTN. Many thanks also go to the Italian colleagues for hosting us and organizing the event. Special thanks go to Maria Laura MADDALENA, who was moderating the seminar. Many thanks to Danute JOCIENE, Justice at the Lithuanian Constitutional Court, for her willingness to contribute to the seminar as speaker.
- After this seminar, an AEAJ board meeting took place on 3 March.

Finally Edith ZELLER expresses her deep thanks to all WG-chairs, all board members, the treasurer and the Secretary General, all colleagues, who were willing to host AEAJ and last but not least all participants and active members.

2. Reports of the Vice-Presidents

Report of Vice-President Holger BÖHMANN, co-chair of the working group “Asylum and Immigration”

Holger BÖHMANN refers to the already mentioned meetings of the WG “Asylum and Immigration” and mentions the following:

All together there were more than 60 participants during the two days. It was the first time for the WG to have a joined event together with EASO and the European Chapter of the International Association of Refugee Law Judges (IARLJ). Here the co-operation between AEAJ and EASO, formally established by a memorandum of understanding, was filled with life. To IARLJ the WG has a long standing contact as some members engage in both associations. The two day event took place under the umbrella of the UK Upper Tribunal Immigration and Asylum Chamber (UTIAC). The first half of the first day was dedicated to reports on recent developments in the asylum field in Greece and Hungary as well as to presentations on legal grounds for the limitation of asylum applications and the right to effective remedy according to Art. 47 of the FRC in secondary EU law in relation to a situation of mass influx of asylum seekers, all by members of the WG. The second half of the day members of IARLJ gave a presentation on Art. 8 ECHR and the best interest of the child in the immigration context, followed by a panel discussion. Further on three topics were discussed in break out groups. The second day was organized by EASO as a professional development workshop, to which some 30 WG members had been invited to by EASO. In the morning session judge colleagues from UTIAC presented current challenges in the judicial understanding of qualification for international protection and judicial considerations related to ending international protection (exclusion, revocation, cessation etc.). Moreover the accountancy of vulnerability when hearing claims for international protection, the credibility issues in protection claims as well as the best practices and considerations of due process of country of origin information where discussed. The afternoon session was dedicated to a moot court, held in two groups, where a whole range of topics in asylum law were developed under a scenario in a created case with fixed rules of procedure.

Regarding the cooperation with EASO and its Network of Courts and Tribunals of the Member States also in 2016 and this year the WG was thankfully represented by Marie-Cecile MOULIN-ZYS from France. This was the case especially at the Annual Coordination and Planning Meeting on 16./17.01.2017. The Review of the EASO activities focused on the

continued development of the Professional Development Series (PDS), where IARLJ is the main actor, and the professional development workshops, e.g. for Greek judges. EASO wants to use the Network for the dissemination of its PDS. The institutions such as EJTN are struggling amongst each other who should be the player in the field of training.

The annual meeting 2017 of the WG is scheduled for 28./29.09.2017 here in Athens. As the developments in the asylum field are changing rapidly, the agenda is not yet fixed. So far Co-Chair Bettina MAURER-KOBER received a confirmation for a presentation by CJEU judge Bay LARSON. A first contact shall be established to the EU Commission for a presentation on the recent developments in EU legislation for the Common European Asylum System. Here especially the recent challenges of the existing and possible changes of a future Dublin system are of interest. A presentation is announced for the topic of unaccompanied children under the Dublin regulation as well as on the Safe Third Country Concept.

For the annual meeting 2018 we have received an invitation to Riga.

***Report of Vice-President Rasa RAGULSKYTE-MARKOVIENE, co-chair of the working group
“Independence and Efficiency”***

Rasa RAGULSKYTE-MARKOVIENE refers to the already mentioned meetings of the WG “Independence and Efficiency” and mentions the following:

On 6 May 2016 the WG “Independence and Efficiency” together with the Association of the Judges of Lithuania and the Division of the Judges of Administrative Courts, the Committee on Legal Affairs of Parliament (Seimas), the National Courts Administration, the Law Faculty of Vilnius University, the Law Institute of Lithuania organized the conference in Vilnius about “Effective Justice: Challenges and Priorities for (Administrative) Courts”, the issue was: “quality versus quantity”.

On 2 June 2016, during the congress of „Verwaltungsgerichtstag“ in Hamburg, the WG was a co-organizer of the WG of the congress „The implications of new it-developments in courts on the work of judges“ – a European perspective“. Bernard EVEN gave a speech about the topic „The teleprocedure of Administrative Courts named ‘Télérecours’ in France”.

On 2 and 3 March 2017, the European Judicial Training Network (EJTN) and AEAJ organized a meeting about „The hierarchy of norms in Europe” in the Tribunal Administrative Regional Del Lazio of Rome (Italy). Bernard EVEN gave a speech about „Violations of Fundamental

Rights and Conflicts between National Law and Constitutional, EU, ECHR, and International Law”.

On 15 and 16 June 2017 the meeting of the WG will be held about „Access to information held by public institutions and processing of secret information in administrative court procedure“ in Leipzig at the Federal Administrative Court of Germany.

3. Reports of the working group chairs

Report of the co-chair of the working group “Taxation”, Eugenia PAPADOPOULOU

Eugenia PAPADOPOULOU refers to the already mentioned meetings and mentions additionally that around 30 colleagues have participated. It was the second time we had the participation of DG Taxud-EU after the previous successful collaboration we had in the WG meeting in Thessaloniki. This time, our event was co-funded by the above office and the FISCALIS Programme and was co-organized by AEAJ and the European Commission. 9 speeches were presented in the field of direct taxation law by colleagues, academic and DG Taxud executives. The presented topics were the following:

- Adam ZALASIŃSKI, Legal Officer, Unit for Control of the application of EU legislation and state aid in the field of direct taxation, Directorate General for Taxation and Customs Union, European Commission. Title of the speeches: “The concepts of abuse of rights, tax avoidance and tax abuse in the ECJ's case law” and “Domestic anti-avoidance provisions in ECJ's case law”.
- Annika SANDSTRÖM, senior judge at the Administrative Court of Appeal, Sundsvall, Sweden. Title of the speech: “Taxation coercive measures and the Law on Tax avoidance in Sweden”.
- Bartosz WOJCIECHOWSKI, judge at the Polish Supreme Administrative Court. Title of the speech: “Tax avoidance as the problem of the interpretation of law”.
- Ioannis DIMITRAKOPOULOS, judge at the Greek Council of State. Title of the speech: “Fundamental rights and the relationship between criminal and administrative proceedings, in the context of tax evasion, under Greek and European law”.
- Milda VAINIENE, judge of Vilnius Regional Administrative Court and Member of the Judicial Court of Honour. Title of the speech: “Tax evasion and tax avoidance in the case law of Lithuania”.

- Philip BAKER, Barrister and international tax specialist with Field Court Tax Chambers, Gray's Inn, in London, Visiting Professor at Faculty of Law, University of Oxford. Title of the speech: "Tax avoidance and tax abuse – a practitioner's view."
- Peter SCHONEWILLE, Legal Officer, Unit for Control of the application of EU legislation and state aid in the field of direct taxation, Directorate General for Taxation and Customs Union, European Commission. Title of the speech: "Discriminatory taxation of investment results of pension funds and life insurance companies."
- Katrin SAAREMÄEL-STOILOV, Legal Officer, Unit for Control of the application of EU legislation and state aid in the field of direct taxation, Directorate General for Taxation and Customs Union, European Commission. Title of the speech: "Practical guidance to national judges on how to make references for preliminary rulings to the ECJ."

Aside the scientific part of the meeting, we attended an organized city tour in the old city of Warsaw and we also attended our annual welcome dinner in a traditional restaurant with typical Polish Kitchen. It was a very successful, interesting and beneficial WG meeting, characterized by the European Commission's participation and we certainly feel richer for attending it. All the held speeches were at the highest level and very enlightening and informative. We are also very grateful to the warm hospitality of our Polish colleagues and we should point out the valuable contribution of Bartosz WOJCIECHOWSKI, who helped us with the organization of the event.

Lastly, it should be mentioned that we are all very happy to have in our WG family a new co-chair, Barbara WISIAK, an Austrian judge and also a tax expert, whose contribution, professional experience, exceptional abilities and hard work will be a great asset for the future activities of our WG and also a guarantee for a fruitful and successful outcome.

The next WG meeting will be held in Ljubljana from Thursday, 5th October 2017 morning until Friday, 6th October 2017 afternoon at the Slovenian Supreme Court, again with the collaboration of the European Commission and it will be focused on the field of Direct Taxation. The main topic of the next WG meeting will be "Administrative Cooperation in Tax matters".

It should be mentioned that there is a strong possibility of co-funding for the upcoming event from the European Commission. Also it should be noted that for the year 2018 there is

a strong possibility that the WG will co-organize with DG TAXUD and FISCALIS programme a big event which will be funded from the DG TAXUD.

Report of the co-chair of the working group “Environmental Law”, Werner HEERMANN

The WG “Environmental Law” consists of 61 members coming from 23 countries. We have furthermore one honorary member from Japan and three observers. The WG had for the 6th time organised a workshop in cooperation with the National Institute of Magistracy (NIM) of Romania. The workshop was held on 14 – 15 April 2016. The subject was “Introduction to EU environmental law”. AEAJ had sent 5 speakers.

The working group's main event during 2016 was the annual workshop, held in Santa Cruz de Tenerife on 10 – 12 November. The event was supported by various Spanish authorities and an association of judges of the hosting country. The workshop was dedicated to „Water protection and EU water legislation“ and opened with an address by a judge from the Supreme Court of Spain (Rafael FERNÁNDEZ VALVERDE) who described the practical problems which are partly linked with the federal structure of the Spanish State. The introduction was followed by presentations with the following topics:

- Recent developments of EU environmental law and an introduction to the EU legislation on water (Daniel GOMEZ FERNANDEZ representing the European Commission)
- EU legislation on water - a focus on the Water Framework Directive – structure, scope etc. (Tiina PALONIITTI, Doctoral Candidate University of Helsinki)
- Guidance Documents stemming from the Water Framework Directive, their legal value, how they are treated and ought to be treated (Mariolina ELIANTONIO, Assistant Professor University of Maastricht)
- Water management and Economic Interests (Prof. em. Erkki J. HOLLO)
- Recent developments of water management in Japan (Prof. Noriko OKUBO, Osaka University)

Matthias KELLER, Presiding Judge, Administrative Court, Aachen, mastered a case study called “Ferry-tales” and Anders BENGTTSSON, co-chairman of the working group (presiding judge at the Land and Environment Court in Växjö, Sweden), presented the results from a questionnaire that had been sent out as a preparation for the workshop. The workshop was attended by 24 AEAJ members, coming from 12 countries (Austria, Belgium, Estonia,

Germany, Finland, Greece, Italy, Latvia, Lithuania, Luxembourg, Spain, Sweden). Furthermore, Spanish colleagues from local authorities followed the presentations and discussions due to a simultaneous interpretation.

A number of working group members attended the EUFJE (EU Forum of Judges for the Environment) conference on 18-19 November 2016 in Bucharest Romania. The topic for the conference was "Human Rights and the enforcement of environmental law".

Concerning the EU programme "Support for Cooperation with National Judges in the Field of Environmental Law" contract partner of the Commission for the past period has been the Academy of European Law (ERA). AEAJ successfully supported ERA for the new contracting period which will run for the following three years. Anders BENGTTSSON has been a member of the steering committee for this programme during the last period and participated in its session on 6th June 2016 where the discussion focused on the outcome so far and the eventual future for the project.

During 2016 and the beginning of 2017, members of the working group have participated and/or lectured in several of these workshops organized by ERA - workshops that are free of charge and financially supported by the European Commission.

The annual WG-meeting for 2017 will be held in Riga (Latvia), on the 7 – 8 September. This year's topic will be Administrative sanctions in environmental matters.

4. Report of activities within the Council of Europe

Edith ZELLER expressed her thanks to Pierre VINCENT, the AEAJ correspondent with the Council of Europe. He participated at the relevant meetings of CCJE and CEPEJ and represented AEAJ at the solemn hearing at the ECtHR in January 2017.

Pierre Vincent reports the following:

Our association has been recognized as observer by the Council of Europe since October 2001.

At the beginning, the Council of Europe was very active in the administrative law/justice field and issued various recommendations, for example judicial review of administrative acts and execution of administrative decisions/judicial decisions towards administrative authorities.

But, owing to financial problems, all the working groups which have worked out these recommendations have given up their activities after year 2007.

Nowadays, our cooperation with the Council of Europe is mainly aimed at following up the activities of two bodies acting within it: The CEPEJ (Council of Europe commission for the Evaluation of the efficiency of Justice/European commission for the efficiency of Justice, on a shorter way) is entrusted by the committee of ministers with proposing concrete solutions, suitable for use by Council of Europe member states(at the present 47) for promoting the effective implementation of existing Council of Europe instruments relating to the organisation of justice, promoting the public justice service and ensuring that policies concerning the courts take into account the needs of users of the justice system and preventing violations of article 6 ECHR by offering states effective solutions prior to application to the court. Its meetings are held twice a year (June/July and December).

The main-and now well-known and disseminated-tool aimed at this purpose is the biannual report on judicial European system, which is based on data collected two years before.

The 2016 report on European judicial systems, designed as “Report of European judicial systems-Efficiency and quality of Justice-Key facts and figures”, worked out on the basis of 2014 data, has been presented during the June 2016 meeting.

It’s obvious that our attendance to the CEPEJ meetings doesn’t influence in depth the daily work of the CEPEJ. CEPEJ consists of high level civil servants (not judges) appointed by each MS (frequently responsible for the statistical department of the Ministry of justice.

The CEPEJ has been set up in the year 2002.At the very beginning of the CEPEJ, when it has been discussed on which items should be chosen, we pointed out the necessity to introduce questions related to administrative law/justice. Many items are indeed referring to administrative justice, but, owing to the fact administrative justice doesn’t cover the same field in the respective Council of Europe MS, administrative justice cannot be compared as a whole with ordinary justice.

Furthermore it’s the main interest for us - the CEPEJ meetings provide an occasion to present our activities and concerns before the whole assembly. In the context, Pierre VINCENT always focuses his speech on the activity of our working group “Independence and Efficiency”.

The CCJE (consultative Council of European judges), which consists only of judges (one judge for each MS appointed by their governments after consultation of the High Council of Justice, and who (nearly always) are acting as the highest court of their country) is less important within the Council of Europe in comparison with the CEPEJ, but more important for us.

This Council is aimed at promoting and keeping up the efficiency, quality and independence of the judiciary. It meets once a year in autumn and examines and adopts every year an opinion. During the last meeting (Strasbourg 8-10 November 2016), it has adopted an opinion n°19 on “role of Court’s presidents). Pierre VINCENT sometimes takes the floor as well as other observers concerning the wording of the opinion. There is always a wide discussion on each article.

It examines also all odd years a report on the situation of the judiciary and judges. Thus, the last one has been presented during the London CCLE meeting (October 2015). This reports, which presents the situation not in every MS, but only for those giving rise to observations, faithfully takes note of information collected by our association. As we have presented observations concerning 11 MS, the attention of all present colleagues has been drawn towards our association.

Pierre VINCENT also takes part (it always takes place on the last Friday of January) to the ECHR solemn hearing and previous lunch and conference. He also met COE officials with colleagues of AEJ and Judges for judges in the framework of common platform (which has organized a press conference in Brussels on 11 Oct 2016) for an independent judiciary in Turkey. Our aim was to draw the attention of a mere nonsense for the Council of Europe to foster (joint project Council of Europe and EU) a project on strengthening judicial ethics in Turkey during the period December 2015-December 2017 while the main beneficiary of the financial support (3 700 000 €) is the High council of judges and prosecutors, which has dismissed more than 4000 Turkish judges. This meeting has alas resulted in a complete failure.

5. Treasurer’s report

The treasurer Ralf HÖHNE reports on the budget and the calculation for the year 2016, explaining receipts and expenses.

The treasurer gives an account of the financial situation of 30 December 2016, adding that the account showed a plus of EUR 8,615.91. Income in 2016 was EUR 12,330.00.

Edith ZELLER asks the General Assembly to empower the board to set the membership fee for 2018 for the Ukrainian association at EUR 100.-. The General Assembly unanimously empowers the board to set the membership fee for the Ukrainian association for 2018 at EUR 100.-.

Edith ZELLER outlines that the funding situation by the European Commission under the new funding framework programme affects AEAJ in that we are limited to our own membership fees. Therefore we the co-operations with EJTN, EASO and DG TAXUD have shown to be helpful also from a budgetary point of view. Edith ZELLER stresses that the European Union still does not yet fully see and realize the important function, European judicial networks play.

Furthermore Edith ZELLER especially thanks the national court presidents and court administrations, who and which enable AEAJ-members to participate in AEAJ-meetings and even often finances their participations.

6. Report of the auditors Hannele KLEMETTINEN and Marja-Liisa JUDSTRÖM

After examining the accounts Hannele KLEMETTINEN gives the auditors' report, indicating that there was no complaint. All the accounts are in good order; the auditors congratulate the treasurer on his work. However, individual members should be more aware of their duties to pay membership fees.

7. Approval of actions of board, treasurer and auditors for 2016

The General Assembly unanimously decides to approve the actions of the board and the treasurer as well as the auditors.

8. Report on the representation of AGAJ/AEAJ at ABA (American Bar Association) General Assembly meeting, San Francisco in August 2016

Edith ZELLER says that the co-operation with ABA and NCALJ has proven to be reliable and also helpful, this especially with respect to Turkish issues or other issues of judicial independence.

Catherine KOUTSOPOULOU reports that the National Conference of the Administrative Law Judiciary (NCALJ) invited AEAJ and the Association of Greek Administrative Judges (AGAJ) to participate to the Annual Meeting of the ABA- Judicial Division, which was held in San Francisco, California in August 2016.

NCALJ is a Conference of the Judicial Division of ABA. Its membership is composed of administrative judges, and administrative appeals judges, board of contract appeals judges and other trial and appellate judges in the executive branch of the state, federal and local governments of the United States.

During her stay there, Catherine KOUTSOPOULOU had the chance to meet the Chair of NCALJ, Christina KALAVRITINOS, Judge of a Greek origin, Ed FELTER, who is the Co-Chair of the International Law Committee of NCALJ and the rest of the Board Members. They have expressed their sincere gratitude for the representation for the first time of the European Judges at the States, and expressed their commitment to have a further cooperation with the Associations. We have agreed to exploit the possibilities to organize a common Conference during 2018 and by this way create a forum of discussion between the European and the American Judges.

Catherine KOUTSOPOULOU has also attended the meetings of different working groups such as the Lawyers Conference where the strategic use of special masters to improve Judicial Efficiency and reduce litigation cost was discussed. Our Colleagues expressed their fears that the cost of the trials is high and this might set obstacles to the judicial protection of the people.

But the meeting she remembers the most was the Board Meeting of the International Committee, where she had the chance to make a presentation on the refugee crisis in Europe. Our colleagues were very worried on the consequences that the unprecedented numbers of immigrants and asylum seekers will have to the protection of their fundamental rights.

The meeting was held a few days after the Coup d Etas in Turkey and the arrest of a significant number of Turkish Judges. And it was during that meeting where our colleagues decided unanimously to propose to the President of ABA to issue for the first time a statement on the situation in Turkey. And as one of our American colleagues said "Judge

means being able to react against any actions not consistent with the principles of judicial independence, because the rule of law does not exist without independent judges”.

Edith ZELLER further mentions that she will be panel speaker in a skype conference organized by ABA regarding the situation of judiciary in Turkey on 11 August 2017.

9. Report on other external relations/co-operations

a) EJTN

Edith ZELLER reports that AEAJ is one of the partners of EJTN. The above mentioned seminar on 2-3 March was organized twice with EJTN sub working group “administrative law”. A new EJTN sub working group was founded (sub working group “fundamental rights”) which might be interested to continue to co-organize this seminar. In addition the continuation of co-operation with EJTN sub working group “administrative law” next year so that one of our working groups might combine a co-organized seminar with holding its annual meeting of the working group.

Edith ZELLER attended the partners meeting at EJTN on 27 March 2017. Main issues were the interest of EJTN on specialized exchanges. In addition future training needs were debated. The next framework programme for funding of DG Justice will probably continue to give extraordinary high amount of overall funding to EJTN. Seminars on judge craft and on issues on independence were discussed to be needed. It is relevant to actively promote that each trainer comes from AEAJ, in case AEAJ is involved. Also specialized exchanges are very much promoted by EJTN. They need to find colleagues of us who are willing to host other colleagues.

b) NIM

Edith ZELLER reports that we continue our co-operation with now only one seminar. No financial support is possible any more for our AEAJ participants.

c) EASO

Edith ZELLER reports that last year an EASO training took place in London. Holger BÖHMANN is AEAJ contact person. Different meetings took place, in which AEAJ was represented. AEAJ continues the co-operation: EASO supports 5 Tunisians colleagues for participation of our

WG meeting Asylum law in 2017. Edith ZELLER expresses her thanks to Marie-Cecile MOULIN-ZYS and Holger BÖHMANN.

d) EUI/University of Trento

Markus THOMA reports that AEAJ is associated partner in the ACTIONES-project, realized by the European University Institute (EUI), Florence. In the course of this project, a handbook will finally be published, containing different modules (on the scope and application of the Fundamental Rights Charter and judicial interaction techniques - available to national judges in the field of FR in the EU and about the right of effective remedy). AEAJ participates in different specific areas of administrative law. The University of Trento new project was launched (REJUS), where we also contribute.

Edith ZELLER expresses her thanks to Markus THOMA, who agreed to be AEAJ-contact person for this project.

e) DG Justice/DG TAXUD

Edith ZELLER says that the Justice Scoreboard unit (DG Justice) is relevant. With DG TAXUD the co-operation is very good.

f) CJEU

Edith ZELLER says that AEAJ will get two speakers from CJEU this year; the support of the CJEU as well as from CoE is highly appreciated.

Furthermore Edith ZELLER mentions that in general co-operations have shown to be fruitful to a greater extent. It means more work, but also enriches the spectrum and under these conditions of no organisational funding by DG Justice helpful.

10. Contact persons of national member associations

Edith ZELLER stresses again that the contact persons of national member associations of AEAJ have a key role – not only to disseminate information, but also to actively promote and support AEAJ by ensuring that each member receives the information on upcoming meetings and by reporting national needs to AEAJ. This might also support an increase in further active participation of members.

11. Admission of new members:

The following individual members and observers are unanimously accepted by the General Assembly:

- Cosmin MIHAILA (individual member; Romania)
- Ramona GRATIELA MILU (individual member; Romania)
- Evaristo GONZÁLEZ GONZÁLEZ (individual member; Spain)
- Diego ÍÑIGUEZ HERNÁNDEZ (individual member; Spain)
- Bożena SULEJA-KLIMCZYK (individual member; Poland)
- Branca LAKOCEVIC (individual member; Montenegro)
- Ricardo DE OLIVEIRA E SOUSA (observer, Portugal)

12. Reports concerning the actual situation of administrative judiciary in certain countries

a) Austria

Markus THOMA reports the following:

1) Asylum in the state of emergency (follow up to the 2016-report)

Asylum Law allows in an „state of emergency“ to reject asylum seekers at the border and to stop applicants from applying to be reunited with their families for three years.

Under the terms of an 2016-amendment to the Asylum Law, the Austrian government is entitled to declare in an ordinance a „state of emergency“ in times of significant irregular migration. Once this mechanism is triggered, “irregular migrants” at the Austrian borders will be sent immediately back to the countries they arrived from, on the assumption that Austria’s neighbours are safe for refugees.

If they make it into Austria they would be brought to registration centres, and there the authorities would start the procedure to send them back to the neighbouring countries that they came from.

A complaint against the refoulement could only be filed from abroad.

The families of asylum seekers who are already in the system will also mostly be barred from joining their relatives for three years.

The assoc. of judges objected against it as in contradiction to Union Law (Art. 18 FRC).

The Austrian governmental parties settled a limit of 37,500 refugees for 2016 (and declining numbers for the following years) to trigger the system, but count (up to now) only „admissible declared cases“. Till the end of 2016 the limit was not struck.

2) *Tensions over ruling of Federal Administrative Court (FAC)*

The FAC ruled in February 2017 plans for a new third runway at Vienna International Airport should be rejected on climate change grounds, and that the positive economic benefits of the airport expansion were outweighed by the potential harm to the public interest caused by higher carbon emissions. In its 128-page ruling, the court found within a margin of appreciation the increase in aviation emissions from an additional runway was at odds with the country's 2020 transport sector reduction target.

Vienna Airport filed an extraordinary appeal at the Austrian Supreme Administrative Court; the case is pending now there.

After the ruling had been delivered the Newspaper *Kurier* focused on the judges of the court as biased. Later on the newspaper *Kurier* reported that criminal investigations were opened into two of the three administrative court judges who ruled the runway should not be built. They were suspected of having a conflict of interest and having abused their office.

The Assoc. of Judges of the FAC protested against this kind of reporting and filed a complaint to the Austrian Press Council (an NGO).

In April 2017 a group of Austrian politicians (Governors) demanded in a letter to the Chancellor to cut the power of administrative courts to preserve political decisions of impact on the country to politicians. In the following public discussion most voices such as the assoc. of judges criticized the proposal as step back and as in contradiction to Union Law (Charta) and ECHR.

b) Poland

Edith ZELLER reports that a draft legislation currently being considered by the government includes the possible dismissal of all presidents and vice-presidents of common courts and subsequent appointment of new presidents by the executive; the setting up of disciplinary chambers consisting of peoples' representatives in the Supreme Court and the dismissal of the Presidents and a substantial number of judges of the Supreme Court.

ENCJ and CCJE have made statements.

c) Turkey

Edith ZELLER reports that AEAJ had made a request to CCJE to as about certain aspects of the legislation in Turkey concerning judges and prosecutors and the practise of enforced transfers. This request was accepted and we have received an answer from CCJE on 5 July 2016, CCJE-BU(2016)3.

On 15 July 2016 the coup d'état took place in Turkey and AEAJ as well as many other European and International judges associations have issued immediately statements condemning the practise of mass arrests of judges. AEAJ is member of the platform for an independent judiciary in Turkey, together with the European Judges Association, Judges for Judges and Medel.

Also the ENCJ (European Networks of Councils for the Judiciary) and EJTN have become active, also the American Bar Association has issued a statement. The membership of the Turkish High Council for Judges and Prosecutors was suspended by ENCJ, also EJTN suspended preliminarily the observer status of the Turkish Judicial school.

The Platform has invited the members of the Parliamentary Assembly of the Council of Europe to attend an exchange views on 7 October 2016. Also a press conference was given. ECtHR so far has rejected applications, arguing non exhaustion of local remedies.

State of play: 4.200 judges/prosecutors have been dismissed. More than 2000 judges are in detention. No trial has yet started, nor is there an indictment ready. They do not know about the accusations in detail. There is no possibility of exchange, except family members and a lawyer. But the representations by lawyers are really expensive or hardly available or legal aid is on a really low level.

The European Association of Judges has organized a bank account to gather funds for Turkish families of detained judges who need money. But the problem is that the transfer of the money means "Support of Terrorists".

Karin WINTER reports that she also works together with the Austrian Platform "State under the rule of law – Turkey" („Plattform Rechtsstaat – Türkei“). This platform is an initiative consisting of the Expert Group for Human Rights of the Austrian Association of Judges, the Vienna Bar Association, the International Press Institute (IPI), Reporters without Borders

Austria (RSF), the Ludwig Boltzmann Institute of Human Rights (BIM) and the Austrian League for Human Rights. The initiative was founded in spring 2016 to take a stand against the long list of arbitrary and highly wrongful dismissals and apprehensions of the members of the Turkish judiciary and the media, based on the emergency decrees of the Turkish President since July/August 2016. The initiative is fighting for justice, democracy, rule of law and the protection of fundamental human rights in Turkey. Right now this platform is preparing drafts for ECtHR-appeals and an Amicus Curiae letter.

d) Ukraine

Edith ZELLER reports on the ongoing judicial reform process. She participated at some conferences organized by the Ukrainian Association of Administrative Judges. Our Austrian colleague, Siegfried KÖNIGSHOFER contributed as speaker at one of the conferences. Also Panagiotis DANIAS, Greek colleague, contributed as speaker at one of the conferences.

AEAJ fully supports all issues related to possible threats of full judicial independence. The judicial reform process stands under the heading of “anti-corruption”. However, it was planned and partly effectuated to dismiss the judges so that they have to re-apply instead of transparent disciplinary and criminal proceedings (which would be most useful to fight corruption). So far signs show that there is probably no dismissal, but only transfer. However, details are not clear yet. So far the new Supreme Court judges are in the process of being appointed. Officially the new nomination system is crystal clear and transparent. E.g. criticized by us is the system that a committee of NGOs has decisive influence on the nomination process of judges (“Council of Integrity”). In a next step the reform steps are planned to be effectuated for judges of first and second instance. Anti-corruption may indeed be a justified aim for a reform, however, any judicial reform must be in line with European standards. Disciplinary and criminal proceedings should be initiated, which would be more transparent and show all sides involved in corruption.

e) Azerbaijan

Saadat BAKTASHI reports that there are new reforms in Azerbaijan: Judges now have to deal with a variety of new law fields. The number of complaints has doubled - the major disputes take place in tax law and pension cases.

The Association of Judges of Specialized Courts of the Republic of Azerbaijan wants to increase the cooperation with AEAJ.

f) Slovenia

Jasna SEGAN reports that like in Austria the Slovenian Asylum Law now allows in an „state of emergency“ to reject asylum seekers at the border, but the Slovenian ombudsman asked to review this new law.

13. Work program AEAJ for 2018

Edith ZELLER reports the following:

Upcoming meetings:

- 20 May 2017: an “alumni board meeting” will take place. As already mentioned last year, this is to keep an “institutionalized contact” and “Think – Tank” for AEAJ.
- 15-16 June 2017: the WG meeting “Independence and Efficiency” will take place in Leipzig concerning „Access to information held by public institutions and handling of secret information in administrative courts” also with contribution from CoE and CJEU.
- 7-8 Sept 2017: the WG meeting “Environmental Law” will take place in Riga concerning “Administrative sanctions in environmental matters”.
- 28-29 Sept 2017: the WG meeting “Asylum and Immigration” will take place in Athens. There will be a speaker from CJEU. Also 5 Tunisians judges can participate.
- 5-6 Oct 2017: the WG meeting “Taxation” will take place in Ljubljana in cooperation with DG TAXUD.
- 2018: the WG meeting “Asylum and Immigration” will take place in Riga.
- Mid-June 2018: the AEAJ-GA will take place in Tallinn combined with a WG meeting “Independence and Efficiency”.

14. Miscellaneous

Nothing