



NETWORK OF THE PRESIDENTS
OF THE SUPREME JUDICIAL COURTS
OF THE EUROPEAN UNION
RÉSEAU DES PRÉSIDENTS
DES COURS SUPRÊMES JUDICIAIRES
DE L'UNION EUROPÉENNE



European Association of Judges



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

To:

The President-Elect of the European Commission,
Frau Dr. Ursula von der Leyen

From:

The president of the Network of Presidents of the Supreme Courts of the EU,
Jean-Claude Wiwinius
The president of the European Association of Judges,
Jose Igreja Matos
The president of the European Network of Councils for the Judiciary,
Kees Sterk

Brussels, 20 September 2019

Dear Madam President-Elect,

We, as Presidents of the judicial organizations in the European Union, would first like to congratulate you on your election to your new important position. We trust that your term of office will be beneficial to all citizens of our Union.

We are confident that the European Commission will continue to be firm and resilient in the defence of the Rule of Law and Judicial Independence.

Madam President-Elect, we are deeply concerned that our common legal order is at risk, considering that several Member States are systematically undermining the core values on which the Union is based. In particular, the independence of the judiciary is being severely threatened, and the separation of powers between the executive branch and the judicial branch is being dismantled.

These Member States are seeking to use the judiciary in their countries primarily as an instrument for government policy.

The destruction of judicial independence will have serious consequences for the citizens of all Member States, will harm corporate investment, and will damage mutual trust between Member States, which is vital for the common fight against organized crime within the Union.

Once the judiciary is only an instrument of the government, it could no longer be able to uphold rights of European Union citizens, whether nationals of the Member State concerned or citizens of other EU countries. It could not protect investments, either nationally or internationally, European Union Law could no longer be freely applied. Consequently, such a judiciary could/would no longer be trustworthy.

In our assessment, completely detached from any political consideration, the situation, which we have described, imperils not only the very core of our common values but also the effectiveness of the European Union as a whole.

We firmly believe that without an independent judiciary in all Member States, the Union will eventually cease to exist as a common space for Democracy and the Rule of Law.

Madam President–Elect, we dare to use the forthright language in this letter because of our deep concern for the future of our Union, and our total commitment to the Rule of Law.

We therefore kindly, but urgently, ask you to receive us at your office in Brussels, as soon as possible, so that we may provide you with numerous examples of the destruction of judicial independence in some Member States.

Yours sincerely,

Jean-Claude Wiwinius
President of the Network of Presidents of the Supreme Courts of the EU

Jose Igreja Matos
President of the European Association of Judges

Kees Sterk
President of the European network of Councils for the Judiciary