



Parliamentary questions

29 July 2005

E-2853/05

WRITTEN QUESTION by **Lena Ek (ALDE)** to the Commission

► **Subject: Respect for independence of the judiciary**

[Answer\(s\)](#)

The international standards of judicial independence state that there must be no interconnection between judicial remuneration and the results of the judges' work. These principles are set out, *inter alia*, in Recommendation No R (94) 12 of the Committee of Ministers of the Council of Europe on the independence, efficiency and role of judges and is also one of the foundations of Article 6 of the European Convention on Human Rights (ECHR). National legislation and governments, which have the power to determine judicial remuneration, should respect these principles.

Recently, several EU Member States have proposed or approved the introduction of systems of remuneration of judges which contradict the basic principles described above.

In 2004, France introduced a discretionary performance bonus into magistrates' salaries, making it possible to vary judicial remuneration (reduction as well as payment of bonuses) depending on the 'productivity' of the judge. The Swedish Government proposes, through the National Courts Administration, a system of remuneration of judges based on an assessment of their individual performance. The Finnish Government has recently withdrawn a similar proposal after negotiating for 18 months with the Finnish Association of Judges.

Pursuant to Article 47 of the Charter of Fundamental Rights, everyone is entitled to a fair and public hearing by an independent and impartial tribunal. Independence of the judiciary is also required so as to ensure that Community law is implemented and applied in the Member States in an efficient and fair manner.

In view of recent developments, what will the Commission do to ensure compliance with these principles by the EU institutions and by the Member States?