ENALJ \* Brescia \* 18.10.2024 \* Rainer Sedelmayer

**0) Who is Rainer Sedelmayer?**

Born in 1955, university studies of economics, since 1976 entrepreneur with focus on photovoltaics.

Starting in 1998, 20 years honorary expert judge in commercial matters in the court of appeal in Vienna/Austria, in parallel vice president and president of the Austrian association of expert judges in commercial matters, now honorary president.

Starting in 2001 as secretary general and from 2006 till 2020 president of the UEMC, the European Union of judges in commercial matters (with head office in Strasbourg/France), now honorary president.

Since 14.05.2022 president of the ENALJ.

**1) Lay and honorary judges**

The existence of lay and honorary judges is very old, existing even in the old Greek and the old Roman empire. As an example the expert judges in commercial matters were starting in Italy and Germany in the 12th century and were formally created in 1508 in the German empire and 1563 in France.

You find different types of lay and honorary judges in Europe:

Aldermen, jurors, arbitrators, justices of the peace, social court judges, juvenile court judges, commercial judges, financial judges, agricultural judges, administrative court judges, military court judges, etc.

They work as single lay judge, or as a jury, or as a panel with professional judges, or as a panel without professional judges.

They are either the citizenry in general, or part of specific social groups (such as employer or employee), or experts in special professional experiences (such as expert judges in commercial matters).

**2) Who is ENALJ?**

The European Network of Associations of Lay Judges is a non-profit association, bringing together national associations of lay and honorary judges.

**3) What are the aims of ENALJ?**

The main aim of the association is to safeguard and to strengthen the participation of citizens in jurisdiction as „a fundamental principle in any democratic society” (European Charter) independent from the different systems of judiciary. More detailed:

**Promotion of civic engagement with regard to public involvement in the administration of justice**

This aim is to be realised through the dissemination of information concerning access to the legal system and concerning citizens’ involvement in the administration of justice. Such information dissemination shall take the form of, amongst other things, public information events, the establishment of information platforms, the creation of networks and the use of social media.

**Promotion of the system of the democratic state**

The promotion of the system of the democratic state is to be realised through implementation of the European Charter of Lay Judges, signed on 11 May 2012 in Brussels. The Charter expresses the right of citizens to be involved in the administration of justice as an act of civic emancipation and as an essential principle of any democratic society. It shall pursue the aim of increasing the role of lay judges in the administration of justice in all European states. To implement this Charter, the Association shall inform political decision makers at both the national and European levels as to the indispensability of citizen involvement in the administration of justice and, through statements and by other means, participate in the process of political opinion formation. Furthermore, the Association shall promote the exchange of ideas and opinions with professional judges, public prosecutors and lawyers, with the aim of raising awareness concerning citizens’ involvement in the administration of justice.

**Promotion of education and training**

The promotion of education as well as general and vocational training with regard to public involvement in the administration of justice shall be realised through additional training for lay judges. Such additional training can take the form of, amongst other things, online seminars, conferences, training programmes, networking events, the exchange of proven methods and opportunities to sit in on lectures/seminars.

**Promotion of academic study and investigation**

The promotion of academic study and investigation in the area of public involvement in the administration of justice is to be realised through own research activities.

**Co-operation between member associations**

The objectives of the Association are co-operation between members on the following:

\* collection and analysis of information on the structures and competencies of lay and honorary judges, arbitrators and lay prosecutors;

\* exchange of experiences in relation to the association, training, functions and situation of lay and honorary judges, arbitrators and lay prosecutors;

\* provision of expertise, experience and proposals to national and international organisations and/or European Union institutions;

\* promoting equal treatment and training for lay and salaried judges;

\* undertaking research and training as appropriate.“.

**4) What is the history of ENALJ?**

**2004 Turin: Mediterranean Initiative**

In October 2004 a conference on the judiciary of peace in Europe achieved the aim of comparing the experiences of the Italian, French and Spanish systems of justices of the peace by identifying their common features, the legal differences and, through these elements, enunciating some essential principles of the justice of peace in Europe.

**2007 Berlin: The German Initiative**

Independent of the Mediterranean Initiative the Federal Association of Lay and Honorary Judges in Germany with Mr Hasso LIEBER pursued the same objective but followed a different path. A „European Day of Lay Judges” was to be initiated in order to secure more attention and recognition for lay and honorary judges. For this purpose, the association contacted the European Parliament, the embassies of all European states in Germany and finally the European Academy Berlin.

**2009 Helsinki: First meeting of the associations**

While the German Association and the European Academy Berlin sought support at a political level, the Finnish Association invited the representatives of the associations of honorary and lay judges from Austria, Belgium, England and Wales, France, Finland, Germany, Malta, Scotland, Sweden and Switzerland to Helsinki in October 2009. The joint request quickly became clear: Expansion of the presence and influence of honorary judges’ associations in Europe in order to preserve this democratic legacy in Europe; participation of honorary judges’ associations in the political formulation in Europe; improving the reputation of honorary judges in general. Because of the former initiative the German Federal Association of Lay and Honorary Judges was asked by the conference to co-ordinate a European initiative for lay judges.

**2012 Brussels: European Charter of Lay Judges & European Day of Lay Judges**

From 2010 to 2012 the associations of England and Wales, Finland, Germany as well as the UEMC developed the idea of elaborating the European Charter and inaugurating the European Day of Lay Judges. These activities were financially supported by the European Commission as well as the German Federal Ministry of Justice and had been administrated by the European Academy Berlin. After two preparing conferences in Berlin (2010) and London (2011) the „European Day of Lay Judges” was established on 11 May 2012 in order to consolidate the necessity of citizens’ participation in jurisdiction.

**2012 Berlin: European Network of Associations of Lay Judges**

A workshop in August 2012 in Berlin was the final element in the project „European Day of Lay Judges“, which received funding from the European Commission (Programme Civil Justice). Delegates from eight lay judge associations in European countries discussed how cooperation should be continued. The European Network of Associations of Lay Judges (ENALJ) was founded to encompass associations of lay and honorary judges and arbitrators in those European countries which signed the European Charter of Lay Judges. The new association shall be governed by the provisions of German law relating to non-profit making associations.

**5) What did ENALJ in the last years?**

**European Charter of Lay Judges**

The participating associations expressed their conviction in an „European Charter of Lay Judges”. All of them have the common conviction that the participation of the people in jurisdiction is „a fundamental principle in any democratic society” (Charter). The lay judge associations defined minimum standards in the Charter, which jurisdiction in the European states have to conform with regard to the participation of lay judges. This includes not only the guarantee of equitable participation in the negotiations with the professional judges but also the ban on discriminations in profession. The Charter describes participation of representatives from the people in the jurisdiction as an essential element of democracy.

**European Day of Lay Judges, always approximately on the 11th of May**

The first „European Day of Lay Judges” was held in May 2013 in Belfast/IE, followed by Budapest/HU (2014), Vienna/AT (2015), Gdansk/PL (2016), Stockholm/SE (2017), Naples/IT (2018), Bonn/DE (2019), 2020 and 2021 interruption because of the Corona crisis, Poznan/PL (2022), Sofia/BG (2023) and Leipzig/DE (2024).

**SELECT project**

The SELECT project - StrEnghten Lay and honorary judges European CompeTencies, subsidied by the European Commission, aimed to develop a training course through frontal lessons and e-learning instruments able to provide lay judges involved with didactic and practical tools suitable to support the correct application of the "Charter of Fundamental Rights of the European Union" (so-called Charter of Nice) in the national legal systems. The general objectives were:

\* Contributing to the effective and coherent application of EU law by providing training to honorary and lay judges on the EU Charter of Fundamental Rights.

\* Highlighting Lay Judges role for the proper functioning of European judicial systems, promoting the systematic training of this category on EU law and the cross-border know-how exchange and cooperation among lay judges.

The 24-months project (01.12.2020-30.11.2022) activities included:

\* The study of jurisprudential and law innovations on fundamental rights and the deepening of target group’s needs;

\* The design of SELECT Manual and the development of a replicable training model;

\* The provision of tailored training courses on the EU Charter of Fundamental Rights;

\* The involvement of the target group and the exchange of know-how with and among participants.

The SELECT Project in numbers was:

\* 5 Member States’ Honorary and Lay Judges involved (Austria, Belgium, France, Germany, Italy);

\* 732 Honorary and Lay judges responding to the training needs assessment;

\* 73,5 training hours provided;

\* 1733 Honorary and Lay Judges trained;

\* 16 events involving 497 Honorary and Lay Judges;

\* 2 main output produced: the SELECT Manual «The Charter of Fundamental Rights within the EU legal order» in four languages (EN - DE - FR - IT); and: the SELECT «Training Methodology» Booklet;

\* More than 20.000 people were reached through SELECT social media;

\* More than 70.000 visualizations on the SELECT Website and platform (open up to today: [www.selectproject.eu](http://www.selectproject.eu))

**SELECT D&D (Data protection and Digitalisation)**

The follow-up project SELECT D&D - StrEnghten Lay and honorary judges’ European CompeTencies on Data protection and Digitalisation - was unfortunately refused by the European Commission as result of budgetary limitations.

**EU Competence as regards „justice“**

The ENALJ invited Ms Prof.JU Dr. Daniela A. HEID, PhD MA to analyse the EU competence as regards „justice“.

Unfortunately as result we have to take into account that there is no support for the participation of lay or honorary judges from the EU treaties (Amsterdam 1999, Nizza 2003, Lisbon 2007 with the TEU and theTFEU), as:

„The EU is an area of freedom, security and justice. And the notion "area of justice" covers (only) judicial cooperation between the Member States and the EU in civil, commercial and criminal matters“ . There is up to today NO competence for the EU in the topic judicial systems which remains totally national.

**6) What is the future of ENALJ?**

We continue with our above mentioned aims, and actually with some specific topics:

**Ethics**

The ENALJ started with the development of common ethic principles for all lay and honorary judges, there is a working group.

**Science**

The ENALJ started with scientic comparisons between the lay and honorary judges participation in the different judicial systems of the European countries, such as single judge:panel, fair compensation of expenses or lost income, social security and indemnity insurance, nomination or election, participation in the preparation of a trial, obligatory training, etc.

**Training for lay and honorary judges**

The ENALJ intends to adapt the material of the SELECT project as online training tool for all member countries and in their local language.

**More member associations**

The ENALJ continues to search for new member associations in countries where actually are no members.

**High politics**

The reality is that there is a negative tendency to cancel the participation of lay and honorary judges in Europe, such as in Finland, in Spain, in Hungary, in Poland, in the Baltic region, etc., or to make their life difficult (such as in Italy).

The ENALJ will continue to find a positive answer to our main question: „Can a principle of civil society participation (in the administration of justice) be derived from TEU and TFEU or/and from EU-history in general?“

Thank you for your attention, please do not hesitate to ask me your questions, I will try my best to answer.

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Sources:

/1: [www.parijus.eu](http://www.parijus.eu)

/2: [www.selectproject.eu](http://www.selectproject.eu)

/3: Prof.JU Dr. Daniela A. HEID, PhD MA, presentation in Leipzig/DE

/4: Prof. Stefan MACHURA, presentation in Sofia/BG

/5: <https://eur-lex.europa.eu>