



Decisions Summary Report

12th Assembly of the EULEX Judges

23 September 2010 in Mitrovica

Present

Judges:

Maria Giuliana Civinini, President of the Assembly of EULEX Judges
Gerrit-Marc Sprenger, Vice-President of the Assembly of EULEX Judges

Antoinette Lepeltier-Durel
Arkadiusz Sedek
Caroline Charpentier
Charles Smith
Christine Lindemann-Proetel
Dragomir Yordanov
Esma Erterzi
Ferdinando Buatier de Mongeot
Francesco Florit
Gianfranco Gallo
Gunnar Oyhaugen
Hajnalka Karpati
Harri Katara
Johanna Schokkenbroek
Jonathan Welford-Carroll
Karen Asphaug-Warg
Klaus Huner
Klaus Jung
Ingo Risch
Lars Dahlstedt
Nikolay Entchev
Richard Winkelhofer
Rositza Buzova
Torsten Koschinka
Vitor Pardal

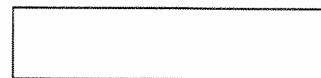
EULEX Kosovo

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Office of the President of the Assembly of the EULEX Judges:

Andrea Chmieliński Bigazzi
Maria Rosa Del Valle

Legal Officers:



Chiara Rojek
Diana Wilson
Elina Castren
Laura Gheorghe
Olivia Debaveye
Tobias Lapke, Chief Registrar of the SCSC
Zane Ratnice

Absent

Judges

Agnieszka Klonowiecka-Milart
Anna Bednarek
Gabriele Gaube
Laura Plesa
Malcolm Simmons
Martti Harsia
Norbert Koster
Piero Leanza
Riku Jaakkola
Vergiinia Micheva-Ruseva
Vladimir Kanev
Witold Jakimko

Office of the President of the Assembly of the EULEX Judges:

Gergana Arabadjieva
Kathinka Hewitt

Agenda

It has been timely disseminated to the EULEX Judges, in due time prior to the Assembly and in accordance with EJU Rules as they stand until today.

Discussion, decisions, assignments

Assembly commences at 10.55 am

1) APPROVAL OF THE MINUTES OF THE 11TH EXTRAORDINARY ASSEMBLY ALREADY DISTRIBUTED VIA EMAIL.

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PEJ: slight modifications were requested by Judges upon dissemination of the draft minutes, which were implemented and the final draft disseminated again. The Assembly does not request any additional amendment.

The Assembly unanimously approves.

2) EXTENSION OF THE APPOINTMENT OF JUDGE MARTTI HARSIA AS SELECTION PANEL MEMBER FOR SC JUDGES IN CRIMINAL MATTERS, ALSO FOR DC JUDGES IN CRIMINAL MATTERS.

The Assembly unanimously approves, for the foreseen term of appointment of the previous appointment.

3) REPLACEMENT OF JUDGE HARRI KATARA FROM THE PANELS OF EVALUATION AND SELECTION OF THE PRESIDENT AND VICE-PRESIDENT, EFFECTIVE FROM HIS EOM.

The Assembly appoints after secret ballot Judge Antoinette Lepeltier-Durel as Member of the Evaluation Panel for the foreseen term of appointment with 16 votes, while Judge Torsten Koschinka gets 11 votes.

The Assembly appoints after secret ballot Judge Ferdinando Buatier De Mongeot as Member of the Selection Panel for the posts of President and Vice-President of the Assembly of the EULEX Judges for the foreseen term of appointment with 17 votes, while Judge Torsten Koschinka gets 9 votes. 1 vote is empty.

4) REPLACEMENT OF JUDGE EMILIO GATTI AS PRINCIPAL MEMBER OF THE DISCIPLINARY BOARD.

Judge Gianfranco Gallo is elected to the Disciplinary Board with the foreseen length with 11 votes, while Judge Johanna Schokkenbroek gets 8 votes, Judge Caroline Charpentier gets 4 votes, and Judge Torsten Koschinka gets 4 votes.

5) PRESENTATION OF THE FINALIZED NEW ORGANIZATIONAL GUIDELINES AT DC LEVEL DISTRIBUTED AS ANNEX 1.

Requested amendments:

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- On the appointment of the FPs, it is requested to introduce a line in the draft saying that there must be a joint proposal from the Team Judges on the candidate for the Focalpointship to the PAEJ. Page 4 of the draft would read *upon recommendation of the EULEX Judges from the relevant Team.*
- Name of the SCSC is on KTA Related Matters and not for KTA Related Matters. It will be corrected in all parts.
- Section III at page 5 should exempt also SCSC.

*The Assembly approves the draft with the amendments indicated above:
Unanimously approved (1 Judge absent from voting as out of room).*

6) PRESENTATION OF THE AMENDED MMA GUIDELINES.

The Assembly, after an amendment is decided, approves with *24 votes in favor and 3 abstentions*

7) CONSIDERATION OF THE FUTURE ENTRY INTO FORCE OF THE LAW ON COURTS.

After the presentation from the KJC EULEX Member Judge Harri Katara and EULEX Advisor to the KJC Maria Cristina Di Cocco, the Assembly approves that within the EJU, a WG is established in order to support the KJC EULEX Member and the EULEX Advisor to the KJC to implement this Law where very specialized competences are needed.

8) PRESENTATION OF THE REFORMED MMA OUTPUT ACTION FICHES

The Assembly discusses and agrees to amend the new MMA Action Fiches and approve them through circulation via email. Should it be needed, they can be finally approved at the 13th Assembly.

The Assembly agrees on empowering the PAEJ to make non-substantial changes to the MMA grids for adapting them to new needs and developments emerging from daily work of the Teams on the ground in the future. Assembly will be always promptly informed.

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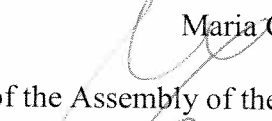
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9) PRESENTATION OF THE ANTI-CORRUPTION STRATEGY AND THE WORK ON THE DEFINITION OF "CORRUPTION" ELABORATED BY THE EJU WG.

The report is approved with 25 votes in favour, 2 abstentions, none against.

Assembly ends at 17.50 pm


Maria Giuliana Civinini
President of the Assembly of the EULEX Judges

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