



ANNUAL CONGRESS REPORT 2026

ENALJ — European Network of Associations of Lay Judges

Dignity, Rights and Ethics in the European Judiciary

1. Presentation and Context of the Congress

The Annual Congress of the European Network of Associations of Lay Judges (ENALJ) was held in Murcia on 8, 9 and 10 May 2026. Organised by the Spanish Committee — comprising the Asociación Pro Dignidad de Jueces Sustitutos y Magistrados Suplentes (APDJSMS), the Asociación Plataforma Judicatura Interina (APJI) and the Asociación de Abogados Fiscales Sustitutos (AAFS) — the event brought together delegations from Austria, Germany, Bulgaria, Finland, Italy and Spain, as well as representatives of the ENALJ Presidium.

The Congress took place at a legally decisive moment. Three weeks before its opening, the Court of Justice of the European Union delivered its judgment in the Obadal case (C-418/24) of 14 April 2026, which definitively closes any remaining margin for a favourable interpretation of the measures adopted by the Spanish legislature to date. In addition, the European Commission referred Italy to the CJEU in October 2025, and the Italian Council of State had issued highly significant rulings in March and April 2026 on the status of honorary magistrates.

In this context, the Congress served as a coordination forum for European associations sharing common structural problems: precarity, abuse of fixed-term arrangements, insufficient statutory recognition, and the need to align with the standards of Union law.

2. Inauguration and Opening Ceremony

On Saturday 9 May, at 9:00 a.m., the Organising Committee received the authorities for the official photograph. The inaugural ceremony featured a presidential honour table bringing together His Excellency Carlos Hugo Preciado, member of the General Council of the Judiciary (CGPJ) and representative of the President of the Supreme Court, Her Excellency Isabel Perelló Doménech; His Excellency Manuel Luna Carbonell, President of the Superior Court of Justice of the Region of Murcia; His Excellency José Luis Díaz Manzanera, Senior Prosecutor of the Region of Murcia; and Her Honour Mercedes Bernabé Pérez, Fourth Deputy Mayor, representing the Mayor of Murcia, José Ballesta Germán. Also present in the front row of honour was His Excellency Joaquín Martínez Salmerón, President of the Justice Committee of the Congress of Deputies.

2.1 Addresses by the Authorities

The institutional addresses reflected the full legal scope of the debate on interim judiciary in Spain.



H.E. Carlos Hugo Preciado — Member of the CGPJ

The member of the General Council of the Judiciary spoke in his capacity as a member and as representative of the President of the Supreme Court. He stressed that there can be no quality justice without independent judges, but equally not without judges adequately protected in their working conditions. He highlighted the structural role of substitute judges and deputy magistrates in guaranteeing the continuity of the public justice service and reaffirmed the institutional recognition of the CGPJ for the collective. He identified three priority challenges: structural precarity that may compromise judicial independence, institutional recognition of the work performed, and the development of career models that integrate experience, merit, ability and stability.

H.E. Manuel Luna Carbonell — President of the Superior Court of Justice of the Region of Murcia

The President of the Superior Court of Justice emphasised that the role of substitute judges affects the very core of the rule of law. He recalled the evolution of these figures towards structural functions and the relevance of CJEU case law (citing the Pigli case) on stability, working conditions and the prevention of the abuse of fixed-term arrangements. He also referred to the CJEU judgment of 27 June 2024 in the Pigli case concerning Italian honorary judges and the doctrine derived from it: no less favourable treatment than that given to career judges in comparable situations; recognition of the right to leave, social protection and social security when acting under conditions analogous to those of professional judges; and the need to adopt effective measures to prevent abuse of fixed-term arrangements. He concluded that the dialogue and cooperation fostered by ENALJ are essential instruments for reaching the most appropriate solutions.

H.E. José Luis Díaz Manzanera — Senior Prosecutor of the Region of Murcia

The Senior Prosecutor acknowledged that substitute and reinforcement prosecutors are essential and that justice could not function without them. He argued that their rights and duties must be recognised on equal terms with those of the career prosecutor service, and viewed positively the debate on the stabilisation process, although he criticised certain aspects, such as integration after five years of seniority and the possibility of reviving a figure similar to the former district prosecutor.

Her Honour Mercedes Bernabé Pérez — Fourth Deputy Mayor, representing the Mayor of Murcia

She highlighted the city's commitment to the European values of dialogue, civic participation and institutional strengthening, as well as its ambition to consolidate itself as a venue for congresses and international cooperation. She also underscored the importance of the work carried out by associations of lay judges in bringing justice closer to citizens, reinforcing institutional transparency and increasing public confidence in the judicial system. She praised the open, academic and international character of Murcia, affirming that this Congress represents an opportunity for the exchange of experiences and the joint construction of new ideas in favour of a more accessible, inclusive and participatory justice in Europe.



H.E. Joaquín Martínez Salmerón — President of the Justice Committee of the Congress of Deputies

The President of the Justice Committee defended the Efficiency Law and the Draft Organic Law for the Expansion and Strengthening of the Judicial and Prosecutorial Careers. He acknowledged that by mid-2025 Spain had approximately 1,300 professionals among substitute judges, deputy magistrates and substitute prosecutors, many with more than 15, 25 or even 30 years of service. He affirmed that stabilisation is not a privilege but the recognition of a function performed for years with full responsibility and exclusive subjection to the law. He emphasised that the interim judiciary and prosecutorial service is appointed by the Superior Courts of Justice and by the CGPJ, that they fully exercise jurisdictional power and are subject to the same regime of incompatibilities, liability and impartiality as any career judicial member.

His Honour Joaquín Ángel de Domingo — Emeritus Magistrate

He declared that he sees no logic in the refusal to integrate into the judicial and prosecutorial career ladder those who have been performing jurisdictional functions for years. He noted that if district judges were able to accede to the Provincial Courts as full magistrates, there is no reason to deny the same recognition to those who demonstrate year after year their suitability before the Superior Courts of Justice.

Her Honour Olga Reverter Villar — Investigating Magistrate

The magistrate observed that Directive 1999/70/EC should have required the regularisation of the situation a quarter of a century ago. In her view, if since the adoption of the Directive the issue of fixed-term arrangements remains unresolved in Spain, it is not that it has been addressed poorly or insufficiently — it simply has not been addressed at all. She also pointed to the shortcomings suffered by the collective: the impossibility of accessing three-day leave, doubts about how suitability assessments are calculated, uncertainty as to whether a medical leave during an appointment may result in dismissal, and the inability to obtain a mortgage or credit given the labour instability they endure. She concluded that the delay in complying with the CJEU ruling harms not only the collective but also the public purse.

Mr. Enrique Fernando Santiago Romero — SUMAR Spokesperson on the Justice Committee

The spokesperson recalled the defence that Izquierda Unida and the SUMAR Group have made of the stabilisation of substitute judges, describing their situation as unjust and one suffered for decades. He explained that nearly two years ago his group promoted Final Provision XXXIII of the Organic Law on measures for the efficiency of the Public Justice Service, which mandated an end to the fixed-term status of substitute judicial operators. He stated that his group does not share the scope of the ministerial proposal, in particular because it does not guarantee the stabilisation of the collective or an exit for those with more than 20 years of service, and because it maintains the figure of the substitute judge without full employment rights. He reiterated the commitment to seeking fair and equitable solutions that guarantee a dignified professional future.



3. Papers by the Spanish Organising Associations

3.1 Asociación Pro Dignidad de Jueces Sustitutos y Magistrados Suplentes (APDJSMS)

Lydia Polo Alba, President of APDJSMS, resumed the thread of her address at the previous year's Congress in Bergamo, where she had described substitute judges as hidden and silenced figures within the Spanish justice system. She affirmed that this silence is being broken thanks to the impetus of the European network ENALJ, whose collective voice can no longer be ignored.

She reviewed the events of the past year: the announcement in June 2025 of an extraordinary stabilisation process for 1,004 posts, the subsequent amendment reducing the requirement to five years of jurisdictional functions, and the institutional dialogue opened with the Ministry of Justice.

She regretted that these advances have not always moved in the right direction, that the process remains stalled in parliament due to political equilibria unrelated to the collective, and that at the time of the Congress Spain remains the only member state that has not resolved the abuse of fixed-term arrangements for those exercising jurisdictional functions outside the career judiciary.

She insisted that the stabilisation of substitute judges and prosecutors is a strictly legal and European matter, to be addressed irrespective of political circumstances and in compliance with Union law mandates, with two infringement proceedings against Spain still open. She argued that the structural precarity of approximately 25% of the Spanish judiciary and prosecutorial service undermines judicial independence and the credibility of the European project.

She cited Italian Law 51/2025, which has enabled the stabilisation of a significant proportion of honorary magistrates, and concluded that the solution is legally feasible, politically compatible with the rule of law, and economically sustainable. She emphasised that the various models of lay and honorary judges across Europe — German Schöffen, Italian giudici onorari, Spanish substitute judges and others — share the same principle: participation in conditions of dignity in an essential function of the rule of law.

3.2 Asociación Plataforma Judicatura Interina (APJI)

María Inmaculada Domínguez Oliveros, President of APJI, noted that one year after the Bergamo Congress, the underlying problem persists: the Spanish system of judicial substitutions continues to rely on the structural and prolonged use of interim judges to cover permanent needs. However, the legal context has changed decisively following the CJEU judgment of 14 April 2026 in the Obadal case (C-418/24), which closes any margin of manoeuvre in favour of the national legislature.

She described the profile of the collective: legal professionals who access the post through a public merit-based selection process convened and evaluated by the General Council



of the Judiciary, respecting the principles of merit and ability. They perform identical jurisdictional functions to career judges, under the same regime of duties and prohibitions, and cover approximately 20% of the country's judicial activity — a need which the CGPJ itself classifies as structural. Nevertheless, they suffer from chronic abuse of fixed-term arrangements: they receive no remuneration nor social security contributions during periods when they are not on assignment or reinforcement duty, despite the permanent availability demanded of them; they receive no recognition of seniority, and have no access to continuous training or basic material means.

APJI has exhausted practically all institutional avenues before national and European authorities. Although the institutional balance is disappointing, legally the collective now has its strongest backing to date thanks to the Obadal judgment. This ruling declares that none of the instruments used by Spain — indefinite non-fixed employment, capped maximum compensation, or stabilisation processes open to third parties — meets the requirements of effectiveness, proportionality and deterrence required by clause 5 of the Framework Agreement under Directive 1999/70/EC. It also requires full reparation for accumulated past harm and considers open competitive processes involving persons unaffected by the abuse to be inadequate as a remedial instrument.

She criticised the Draft Organic Law currently in parliamentary process, noting that it fails to meet any of the four criteria established by the CJEU: it lacks a reparative function; the capped compensation does not ensure full reparation; it provides no recognition of seniority (in breach of the equal treatment principle); and it contains no effective mechanisms to prevent the recurrence of abuse. She therefore concluded that the Draft does not resolve the problem but consolidates it under a different label. She recalled that the Constitutional Court, in its Order 95/2025, has reaffirmed the primacy of European law, making legislative reform not an option but an inescapable obligation for the Spanish State.

She highlighted that approximately 80% of the interim judiciary are women, most of them over fifty years of age, with pensions compromised by years without social security contributions. This distribution is not coincidental but a structural pattern of indirect discrimination. The CJEU has identified this pattern as indirect discrimination on grounds of sex. The precarity, lack of work-life balance and absence of gender impact analysis in the Draft aggravate a situation that violates both Union law and the European Social Charter.

In the European context, she warned of a shared risk of the precarisation of non-professional judiciary for reasons of economic efficiency, and called on ENALJ to consolidate itself as an interlocutor before European institutions capable of exerting sustained and collective pressure.

She concluded that after more than thirteen years of struggle, the Obadal judgment marks a fundamental milestone. Bringing the case to ENALJ is not only about international visibility, but about strengthening solidarity among collectives who know that those who uphold justice on a daily basis cannot simultaneously become its victims.

3.3 Asociación de Abogados Fiscales Sustitutos (AAFS)

María Rosa Navarro Sánchez, President of the AAFS, presented the situation of substitute prosecutorial lawyers, a collective of nearly 500 people of whom 90% are women



and more than 70% are over 50 years of age. They represent 20% of the Public Prosecution Service's workforce.

She argued the need to recognise the employment stability of substitute prosecutors and deputy magistrates after decades of continuous performance of structural functions within the Administration of Justice. She stressed that these professionals are essential to guarantee the continuity of the public service and denounced the abuse arising from successive temporary appointments spanning more than 30 years.

She criticised the Government's proposed measures to reduce fixed-term arrangements through ordinary competitive examinations, arguing that they would cause the mass dismissal of experienced professionals without compensation or employment alternatives, particularly for older workers. She noted that the proposed solutions do not conform to the case law of the CJEU, in particular the Obadal judgment, and argued that the only adequate measure in response to the abuse is permanent employment.

The President of the AAFS also reported on actions taken before European institutions. The petition submitted by her association to the PETI Committee of the European Parliament was declared admissible and has given rise to a preliminary investigation. She also recalled that the European Commission sent Spain a new reasoned opinion for failing to provide sufficient protection against the abuse of fixed-term contracts in the public sector, granting a two-month deadline to adopt measures, with the possibility of subsequent referral to the CJEU.

Finally, she reaffirmed the association's commitment to defending the labour and professional rights of the collective and thanked the European Network of Associations of Lay Judges (ENALJ) for its support as a platform for international dissemination of their claims.

4. ENALJ Ordinary General Assembly

The ENALJ Ordinary General Assembly convened at 11:30 a.m. The agenda included: opening, welcome and introductions; adoption of the agenda; approval of the minutes of the Bergamo Assembly (10 May 2025); membership application of the Asociación de Jueces Concepción Arenal (AJCA); Presidency and member reports; Equal Opportunities Commission; ethics; science; miscellaneous; and venue for the 2027 Congress.

The membership application of the **Asociación de Jueces Concepción Arenal (AJCA)**, represented by its President María Inmaculada Galán Rodríguez, was debated in the Assembly as provided for in the agenda. She highlighted the contradiction that defines the collective's situation: permanent availability, material exclusivity and full responsibility are required, yet they receive no remuneration throughout the entire period of appointment nor continuous social security registration. She explained that the figure of the substitute judge in Spain was born as an exceptional solution and that today that exceptionality has disappeared — the interim arrangement does not cover absences but structurally sustains the judicial system. Citing CJEU case law, she concluded that when precarity becomes structural, as is the case, judicial independence ceases to be a guarantee and becomes a fiction.

Presidency reports were presented by Rainer Sedelmayer (President), Margherita Morelli (Vice-President for Training and Education), Hasso Lieber (Vice-President for



Europe), Piotr Juchacz (Vice-President for Science) and Paulette Vercauteren (Secretary General). Member association reports were then presented in approximately five-minute slots by each delegation.

The Equal Opportunities Commission item was presented by Alessia Perolio (Italy, UNIMO/ANGdP). The ethics block was introduced by Hasso Lieber (Germany, PariJus) and the science block by Piotr Juchacz (Poland, Lawnik).

Under miscellaneous items, the Assembly debated the proposal to create a Permanent **Observatory of European Honorary Judges**, put forward by the Italian Vice-Presidency, and the need to update the 2012 European Charter of the Lay Judge.

It was officially announced that the **ENALJ 2027 Congress will be held in Helsinki (Finland)**, and the Assembly closed at 18:00.

5. Country Reports

5.1 Spain

The Collective and Its Structural Situation

The interim judiciary and prosecutorial collectives share a defining characteristic: they perform identical functions to career judges and prosecutors, covering a structural need that the CGPJ itself recognises in its Strategic Plan 2026–2035, yet they do so under conditions of precarity that have persisted for decades.

Substitute judges and prosecutors access their posts through a public merit-based selection process. They are subject to continuous performance evaluation, which may result in a declaration of unsuitability without any right to compensation. They receive no remuneration and make no social security contributions during periods when they are not performing substitution functions, despite the permanent and absolute availability required of them. The incompatibilities established prevent any other paid professional activity, except teaching and research.

The Gender Dimension

The most relevant statistical figure for understanding the social scope of this situation is its gender composition. Approximately 80% of the interim judiciary and 90% of the substitute prosecutorial service are women, with an average age of around 50. The profile of the abused collective is therefore that of a highly qualified legal professional who has spent decades contributing to the functioning of the judicial system without the protection that this very system guarantees to their career colleagues.

The absence of contributions during availability periods prevents access to adequate retirement pensions, worsening a pension gap that is already structural in the Spanish labour market. Permanent availability — 365 days a year — combined with the impossibility of



pursuing any other professional activity, makes work-life balance impossible for those who still have care responsibilities.

CJEU case law has established unambiguous criteria for identifying indirect discrimination on grounds of sex: when an apparently neutral measure disproportionately affects women in statistical terms, the burden falls on the employer or the State to demonstrate that the difference is justified by objective factors unrelated to any form of discrimination. The Spanish State has not established that objective justification.

The Obadal Judgment and the European Legal Framework

The CJEU judgment of 14 April 2026 in case C-418/24 is the most significant legal milestone for the collective. The Court proceeds from a premise already established in its case law: the repeated use of fixed-term relationships to cover permanent needs constitutes abuse within the meaning of clause 5 of the Framework Agreement. What the Court examines is the adequacy of the responses articulated by states to remedy that abuse.

The judgment closes three avenues that Spanish law had attempted. First, the indefinite non-fixed employment figure is not an adequate measure because it neither guarantees employment stability nor remedies accumulated past harm. Second, capped indemnities — in the Draft Law, twenty days per year with a maximum of twelve months' pay — do not ensure the full reparation required by the CJEU since Gnattai and reiterated in Obadal. Third, stabilisation processes open to third parties unaffected by the abuse lack any reparative function.

The Court articulates four structural principles: full reparation for past harm; a cumulative triple test of effectiveness, proportionality and deterrence; prohibition of fixed-term capped compensation that prevents full reparation; and the inadequacy of open competitive processes as a remedial instrument. Advocate General Norkus specified in his Opinion that compensation must take into account the gravity and duration of the abuse without maximum limits that would undermine it.

The Draft Organic Law: An Insufficient Response

The Draft Organic Law for the Expansion and Strengthening of the Judicial and Prosecutorial Careers, approved by the Council of Ministers on 13 May 2025, proposes to subject the stabilisation of substitute judges to an eliminatory competitive process open to all legal professionals with more than five years of practice, even if they have never been victims of the abuse of fixed-term arrangements. For those who do not pass, it provides compensation of twenty days per year of service with a maximum of twelve months' pay. Those who pass will be placed at the bottom of the pay scale without recognition of seniority and, for five additional years, will be assigned to a substitution and reinforcement unit with compulsory geographical mobility.

This draft was characterised as a covert collective dismissal. In legal terms, it fails to meet the four criteria of the Obadal judgment; contains no gender impact analysis whatsoever, in breach of Article 19 of Organic Law 3/2007; and perpetuates the abuse by allowing the



continued appointment of substitute judges to cover permanent needs without adopting effective preventive measures.

The comparative grievance was also highlighted: in Spain, Forensic Medical Examiners and members of the Procedural Management, Procedural Processing and Judicial Support Corps have been regularised through a merit-based process without competitive examination, all subject to the same principles of equality, merit and ability. Requiring substitute judges to undergo an eliminatory process open to third parties unaffected by the abuse constitutes unjustified discriminatory treatment.

5.2 Italy

The Legislative Context: Laws 15/2025 and 51/2025

The Italian delegation reported that legislative advances have encountered shortcomings in practical implementation. Alessia Perolio, on behalf of UNIMO, and Roberta Tesei, President of the ANGdP (Associazione Nazionale Giudici di Pace), presented the situation.

Italy adopted Law 51/2025, introducing changes to the discipline of the honorary magistracy with provisions aimed at revising the legal, economic and social security regime of honorary magistrates, also in response to observations from the European Commission under infringement procedure No. 2016/4081. Law 15/2025 introduced the stabilisation of functions until retirement age, an appropriate remuneration and social security framework, and the right to leave and end-of-service treatment for magistrates in service on the winding-down roll.

Italian honorary magistrates welcomed these reforms, but the speakers explained that the new legislation is not fully applied in the absence of secondary legislation. For example, the possibility of applying for transfer to another court remains inoperative because it is contingent on the redefinition of staffing levels, which has not taken place. The law requires court presidents to draw up work programmes for honorary magistrates, but staff shortages force those in service to shoulder unsustainable workloads. Honorary magistrates have asked the Ministry of Justice for an increase in staffing and a more rational allocation of personnel, without response. The so-called judicial allocation — paid to all legal professionals — has been removed from the remuneration of honorary magistrates.

European Case Law Applied to the Italian Case

The trajectory of Italian honorary magistrates before European institutions is the longest and most consolidated in the entire Network. The ANGdP appealed in 2013 to the European Committee of Social Rights, which in 2016 declared that Italy had violated the principle of non-discrimination of workers enshrined in the European Social Charter. The CJEU delivered in 2020 (C-658/18, UX case) the first judgment recognising the Justice of the Peace as a fixed-term worker within the meaning of Union law; in 2022 (C-236/20) it affirmed the status of fixed-term workers and the need for adequate protection against the abusive repetition of contracts, enunciating the principle of non-discrimination of honorary judges vis-à-vis career judges.



The CJEU judgment of 4 September 2025 (C-253/24, Pelavi case) reinforced earlier decisions: it excluded honorary judges who entered service before the 2017 reform from classification as occasional workers, recognised them as entitled to the same protections as professional magistrates, and established that confirmation in post until the age of 70 cannot be made conditional on the waiver of accrued rights, with specific reference to paid leave.

The European Commission, considering both the new legislation and the government's responses insufficient, adopted on 8 October 2025 a new formal notice in infringement procedure INFR(2025)2159, concerning exclusively honorary judges in service as of 15 August 2017. Regarding magistrates recruited after that date, the Commission referred Italy to the CJEU (case C-863/2025, lodged pursuant to Article 258 TFEU) for failing to provide favourable employment conditions, failing to counteract the abuse of temporary contracts, and failing to ensure compliance with working time limits and rest periods under Union law. Vice-President Morelli described this as a development of enormous political significance, the first time the Italian State had been referred before the European court to compel the government to comply with the labour protection rules for honorary magistrates.

Council of State Judgment No. 2716 and Its Scope

The most significant judicial pronouncement was Council of State judgment No. 2716, which upheld the appeal of a former Justice of the Peace who had served without interruption from 2002 to 2019 in Veneto and Emilia-Romagna.

The Council of State reversed the previous decision of the Regional Administrative Court of Lazio and aligned itself with European Union law, recognising the primacy and binding nature of CJEU judgments. The court ruled in favour of the appellant, who had acted, among other things, to obtain recognition of a full- or part-time public employment relationship with the Ministry of Justice, resulting in an order for the Ministry to pay the salary differences accrued during that period, together with social security and welfare contributions.

The Council of State established that an honorary judge no longer in service who cannot be stabilised has the right to obtain full- or part-time public employee status, determined in consideration of the partial, though not total, comparability of functions with career judges. From this derives the right to leave, end-of-service severance, regularisation of the pension position, and salary differences corresponding to the pay grade of a newly appointed magistrate.

The Staffing Crisis and the Risks of November 2026

The ANGdP warned of a shortage of honorary magistrates in Italy which it described as extremely serious and unprecedented. Faced with ever broader and more specialised civil, criminal and immigration competences, the number of magistrates in service continues to fall, while those remaining face exponential workloads and logistical difficulties. There is concern that this situation will deteriorate further from November 2026 onwards, with the additional expansion of civil jurisdiction planned to relieve the burden on ordinary courts under the PNRR objectives. In the speakers' view, this measure could compromise the functionality of Justice of the Peace offices if adequate structural corrections are not applied.



The Proposal for a Permanent Observatory

Vice-President for Training and Education Margherita Morelli presented to the Congress the proposal to create a Permanent Observatory of European Honorary and Lay Judges, structured as a Working Group. Its objective would be to establish a discussion forum oriented towards the systematic and structured collection of comparative data on legislation, judicial processes and decisions affecting honorary judges, as well as decisions taken by European institutions in response to complaints, petitions and questions relating to their status, remuneration, workloads, functions and competences. The Observatory could act as an advocacy instrument before the European Parliament, the Commission and the Council, and would allow the sharing of experiences to promote common standards. Morelli proposed that each association could produce a position paper setting out its views on specific issues of the honorary judiciary. The proposal was received with interest by the Congress and left open for further development within the Network.

5.3 Germany

The Threat of Reducing Lay Judge Panels

Germany presented its reports through three separate organisations: PariJus, the North Rhine-Westphalia regional section of the DVS (DVS-NRW), and the Bund Deutscher Schiedsmänner und Schiedsfrauen (BDS). Each operates in different areas of citizen participation in justice, providing a diversified overview of the German situation.

PariJus focused its address on the threat posed by legislative reforms in administrative and social courts. The identified trend is the transfer of jurisdiction to professional judges sitting alone in cases that previously required a panel with citizen participation. The justification adduced by the German legislature is cost reduction. For PariJus, this represents a step backwards in the participation of civil society in the exercise of state power — a development described in the organisation's reports as unacceptable from the perspective of the democratic principles underpinning the judicial system.

The debate on the age limit is another open question in Germany. Currently set at 70 years, there is discussion about raising it to 75 — a proposal with support among the associations and one that would be consistent with the general trend towards active ageing and increased life expectancy and health among citizens.

Mental Health and Psychological Protection: DVS-NRW's Achievement

The North Rhine-Westphalia section of the DVS presented one of the most innovative developments at the Congress: the extension of psychological protection frameworks to lay judges. Following DVS-NRW's initiative, the Land Ministry of Justice extended to lay judges access to professional supervision and a trauma helpline, placing them on equal footing in this respect with career judges.

This advance is particularly significant because it highlights a commonly overlooked aspect of the lay judge's role: exposure to situations of high emotional impact, particularly in



criminal proceedings, without access to the support systems normally available to professional judiciary. DVS-NRW presented this initiative as a model that could be adopted by other Länder and other countries in the Network.

The BDS: Training, Digitalisation and Mediation

The BDS (Bund Deutscher Schiedsmänner und Schiedsfrauen) is the German association of extrajudicial mediators and conciliators — Schiedspersonen — with 5,582 ordinary members and 1,635 municipalities as associate members as of 31 December 2024. Its Federal President, Monika Ganteföhr, presented the activity report for the period 2021–2024, which in its early years was marked by the consequences of the COVID-19 pandemic.

The pandemic forced the BDS to completely transform its training model. From December 2020 onwards, the federal directorate introduced online seminars, which made it possible to maintain training activity during lockdowns and restrictions. In the 2021–2024 period, 73 BDS online seminars were planned, of which six were cancelled due to low registration, with 1,311 participants in those held. The total number of face-to-face and online courses in the period was 260 (61 in 2021, 68 in 2022, 63 in 2023 and 68 in 2024), with 5,919 total participants. Although volume has not yet recovered to pre-2020 levels (around 80 courses per year), the BDS maintains a diversified range including introduction courses, training in criminal and civil law, neighbourhood law, mediation I and II, workshops and specialised sessions.

The BDS completed in 2022 the unification of the web design of all its regional and district sections and maintains a forms server with more than 230 annual updates of forms adapted to the legislation of each Land. The Synopsis Working Group, created in 2022, concluded in 2024 a comparative analysis of arbitration and conciliation laws and administrative regulations of all Länder with competence in extrajudicial mediation. From 2025, the Agenda 2030 Working Group will continue that work with the aim of developing a best-of compilation of all current regulations.

In terms of public profile, in the latter part of the period the BDS achieved unprecedented media impact: features in the Süddeutsche Zeitung, the Frankfurter Allgemeine Zeitung and Die Zeit; an interview in Der Spiegel followed by an extensive feature in the print edition in late 2024; and appearances on television and numerous radio interview slots. The BDS has been a member of ENALJ since its founding in Berlin in 2012, and its European representative, Marc Würfel-Elberg, has participated in the Congresses of Poznan (2022), Sofia (2023) and Leipzig (2024).

5.4 Austria

The Austrian report was presented by Rainer Sedelmayer, President of ENALJ and Honorary President of the Austrian Association of Expert Lay Judges in Commercial Matters. Austria presents no developments with respect to the previous period in its lay judiciary system — a fact which the speaker himself interprets as a sign of the stability of a consolidated model that is, in its essential aspects, not politically questioned.



Civil Jurisdiction: Employment, Social Security and Commerce

In the civil sphere, Austria has two main categories of lay judges. The Employment and Social Security Courts (Arbeits- und Sozialgerichte) use lay judges known as expert lay judges, elected by the statutory professional bodies, the Chamber of Labour, the Chamber of Agriculture, the Chamber of Commerce, and by staff representatives of local authorities for a renewable five-year term. First-instance courts are composed of one professional judge and two lay judges, one from the business sector and one from the workers' sector. Appeal courts have two professional judges and three lay judges.

In commercial jurisdiction, only Vienna has a District Court for Commercial Matters and a Commercial Court; in the rest of Austria that jurisdiction is exercised by district and regional courts. Expert lay judges in commercial matters are designated by the Chamber of Commerce and appointed by the Ministry of Justice for a renewable five-year term. Austria has a total of 143 commercial judges in the regional and higher courts.

Administrative Jurisdiction

The provincial administrative courts hear, among other matters, appeals against decisions of administrative authorities in matters of indirect federal and provincial administration. The Federal Administrative Court (BVwG), based in Vienna with branches in all other federal states, and the Federal Finance Court (Bundesfinanzgericht) complete the structure. Lay judges in this branch are appointed by the Federal Chancellor for a renewable six-year term and participate in proceedings relating to social affairs, personal rights and education, the economy, communications, transport and the environment.

Criminal Jurisdiction: Lay Assessors and Juries

The Austrian Constitution provides that the people shall participate in the administration of justice. The lay judge is expected to bring their general life experience to counterbalance legal routine with a natural sense of justice, and to ensure that where criminal sentences have a particularly dramatic impact on people's lives, the population's sense of justice is taken into account. Citizen participation in lay judging also fosters broader public understanding of judicial and criminal law issues. The public confidence in state institutions generated by this participation is considered a fundamental element of democracy.

Eligibility criteria include Austrian citizenship, an age between 25 and 65 years, and principal residence in Austria. The selection process is based on random drawing: in a public act, mayors draw names from the electoral roll. The resulting annual lists are valid for two years. Those selected typically serve a maximum of five days of hearings per year, although if a trial continues beyond that, the obligation continues until its conclusion.

Lay Assessor Courts (Schöffengericht) decide cases with the joint vote of one professional judge and two lay assessors where the sentence may exceed five years' imprisonment. For very serious offences — such as manslaughter, rape or arson — the court is composed of two professional judges and two lay assessors. Jury Courts (Geschworenengericht) hear cases punishable by life imprisonment or a minimum sentence



exceeding five years and a maximum exceeding ten years, as well as certain political offences. The jury decides solely on guilt, but determines the sentence jointly with the professional judges.

The Austrian model was regarded by the Congress as a benchmark for how citizen participation can be stably integrated into the justice system, with solid constitutional guarantees and without the structural tensions affecting the honorary judiciary in Italy and Spain. Its independence from career advancement prospects within the judiciary is one of the strongest arguments in favour of the system.

5.5 Bulgaria

Bulgaria presented what its representatives described as an unprecedented organisational awakening in the history of Bulgarian lay judges. The report was presented by the Bulgarian delegation, headed by Gracia Stoyanova, Gruev and Mimo.

In January 2026, the first election of a Council of Lay Judges was held at the Sofia District Court, the country's largest, presided over by Filip Konstantinov. This entirely new structure has set as its immediate objectives the improvement of material working conditions, adequate offices for the exercise of the function, and recognition of fair remuneration.

The Council has initiated direct dialogue with the Bulgarian Minister of Justice to press these demands and has formulated its most ambitious goal: the creation of a national consultative body to serve as a liaison between all lay judge councils across different courts in the country and to act as an official representative before the State. Such a body would allow the articulation of common positions, the harmonisation of conditions, and a recognised institutional voice in legislative processes affecting the lay judiciary.

The Bulgarian trajectory illustrates a challenge common to countries where the lay judiciary lacks organisation: the difficulty of negotiating with the executive without a recognised structure as interlocutor. The recognition of that need and the steps taken to address it were viewed positively by the Congress, which encouraged the Bulgarian delegation to continue in that direction and to use the Network to share experiences and organisational models from other member countries.

5.6 Finland

The Finnish delegation presented a situation of institutional defence. The Finnish Association of Lay Judges faces demands from the Finnish Bar Association and sections of the professional judiciary calling for the abolition of the lay judge system.

The association's response has been twofold. On one hand, active public communication: issuing press releases and official statements arguing that citizen participation in justice strengthens confidence in the rule of law and civil society. On the other hand, proposals for improvement rather than abolition: better selection and training methods, with the organisation of seminars twice a year featuring university and police experts.



The central argument of the Finnish association is that citizen participation in the courts is not an anomaly in the justice system but one of its democratic pillars. Eliminating it in the name of economic efficiency or professionalisation would constitute an irreversible loss of public confidence in institutions that in Finland enjoy a high level of public credibility.

The Congress welcomed the announcement that Finland will host the next ENALJ annual Congress, to be held in Helsinki in 2027. The choice was also valued as an opportunity to reinforce the visibility of the Finnish system and strengthen the association's position at a politically sensitive moment.

6. Ethical Framework Adopted: Ethical Principles of Lay and Honorary Judges

The Congress adopted the Ethical Principles of Lay and Honorary Judges, developed under the coordination of Vice-President for Europe Hasso Lieber (PariJus, Germany).

The document defines independence, integrity, impartiality and accountability as the four pillars of the citizen judicial function. On independence, the principle establishes that judges must decide solely on the basis of the facts and applicable law, resisting external and internal pressures, and with the firmness necessary to defend their views even when contrary to majority opinion or unpopular.

The principle of integrity requires the lay and honorary judge to act with rectitude in all aspects of their function, avoiding any conduct that might compromise their impartiality or public confidence in the justice system. Impartiality requires deciding without favour or prejudice, with equal consideration for all parties and with full awareness of the consequences of each decision.

The principle of accountability includes a factual dimension: the lay judge has a duty to establish the facts rigorously, which requires continuous training and ongoing professional development. This dimension is consistent with the emphasis that the Congress placed on training as a quality requirement for the non-professional judicial function.

The document incorporates a clause on the relationship between the judicial function and Artificial Intelligence. The role that algorithms and decision-support systems may play in the administration of justice is acknowledged, but it is clearly established that the core of the judicial decision must remain a human communicative process. The reason is the preservation of democratic legitimacy: justice in a rule-of-law state requires human deliberation, the personal accountability of the adjudicator, and the possibility of the citizen confronting that adjudicator within the framework of a proceeding. No algorithm can satisfy these requirements.

The adoption of the Ethical Principles is also relevant in the context of the proposed update to the 2012 European Charter of the Lay Judge, whose text was drafted before the European case law recognising honorary judges as workers. The new ethical framework will need to be integrated into any future revision of the Charter.



7. Strategic Proposals of the Congress

7.1 Permanent Observatory of European Honorary Judges

Vice-President Morelli presented in detail the proposal to create the Observatory, structured as a Working Group with no cost to the Network. Its main function would be the systematic and structured collection of comparative data on legislation, judicial processes and decisions by European institutions affecting the honorary and lay judiciary in all member states represented in ENALJ. At present, data received through individual annual reports from the various associations are compiled separately, making comparative analysis difficult.

The Observatory would also allow each association to produce position papers on specific issues, describing possible solutions and areas for intervention. It would serve as an advocacy instrument before the European Parliament, the Commission and the Council, strengthening ENALJ's collective influence. An immediate task identified was the designation of a contact person to develop the objectives, activities, structure and value of the Observatory for the Network.

7.2 Update of the European Charter of the Lay Judge

The Congress considered it necessary to renew the European Charter of the Lay Judge, whose current version dates from 2012. The existing text was drafted before the CJEU case law recognising honorary magistrates as fixed-term workers and their derived rights, and before the trend towards de facto professionalisation of many honorary magistrates covering structural shortfalls of states. The new Charter must reflect this reality and update the definition of lay judge to encompass also non-professional honorary judges who perform functions comparable to those of career judges. Vice-President Morelli proposed that the new definition work with the concept of non-career judge rather than laikos, which may currently be restrictive.

7.3 Continuous Training as a Quality Driver

The Congress emphasised the need for regular, face-to-face and online training for all Network members. The Ethical Principles adopted incorporate training as a requirement of the lay judge's accountability. The experiences of the BDS in Germany (online seminars with high participation rates) and the Finnish Association (bi-annual seminars with university and police experts) were presented as models to be considered by the other member associations.

7.4 Equal Opportunities Commission

ENALJ's Equal Opportunities Commission, whose activity was presented by Alessia Perolio, continued its work during the period. The Congress considered that the gender dimension of the precarity of the honorary and interim judiciary is a cross-cutting theme that must be present in all the Network's strategies, particularly in the updating of the Charter and in the work of the Observatory.



8. Conclusions and Strategies by APJI

The Murcia 2026 Congress confirmed that the honorary and lay judiciary in Europe is not a marginal or residual figure but an essential component of the rule of law facing common structural challenges: the abuse of fixed-term arrangements, indirect gender-based discrimination, attempts to reduce justice to a matter of economic efficiency, and the lack of means for the dignified exercise of the function.

From the debates and papers of the Congress, the following conclusions and strategies emerge which ENALJ should promote over the coming year:

1. Strengthen advocacy before European institutions

ENALJ must increase its capacity for dialogue with the European Parliament, the Commission and the Council. The Italian case — in which the Commission has referred the State to the CJEU — and the Spanish case — with the Obadal judgment and the Commission's reasoned opinion — demonstrate that the European route is the most effective when national mechanisms fail. The Network must act as a collective amplifier of those strategies, presenting common positions, supporting individual petitions to Parliament and maintaining regular contact with the offices of the Commissioner for Justice.

2. Launch the Permanent Observatory

The Observatory proposal must move from the discussion phase to implementation. The first step is to designate a contact person to develop the work plan, organisational structure and data collection and analysis procedures. The Observatory should be operational before the Helsinki Congress of 2027, with at least one comparative situation report presented at that meeting. The systematic collection of data will enable ENALJ to speak with fact-based authority before European institutions.

3. Update the European Charter of the Lay Judge

The 2012 Charter must be urgently revised. The text does not reflect the CJEU case law post-2020, nor the reality of an honorary judiciary that in many countries exercises functions on a full- or near full-time basis without the guarantees that such dedication requires. The revision must incorporate the Ethical Principles adopted in Murcia, update the definition of lay judge to encompass non-professional honorary and interim magistrates, and reflect the current European legal framework, including the obligation of states to ensure adequate working conditions and protections against the abuse of fixed-term arrangements.

4. Make cases of gender discrimination visible

The gender dimension of the precarity of the honorary and interim judiciary cuts across several countries. In Spain, 80–90% of the affected collective are women; in Italy the situation is similar. ENALJ must make this an explicit strategic line: Observatory reports must disaggregate data by gender, position papers must include gender impact analysis, and communications to European institutions must frame the precarity of the honorary and interim



judiciary as a gender equality issue connected to the European Gender Equality Strategy 2020–2025.

5. Defend citizen participation against economic cuts

The trend identified in Germany and Finland, and which may spread to other countries, of reducing citizen participation in courts for reasons of economic efficiency must be countered with robust arguments. ENALJ must develop materials demonstrating the added value of lay and honorary judges in terms of public trust, democratic legitimacy and the quality of judicial decisions. The updated Charter and the Observatory's work can serve as the documentary base for that case.

6. Consolidate the shared training network

The Ethical Principles adopted in Murcia establish training as a requirement of the lay judge's accountability. ENALJ must promote the exchange of training resources among member associations, facilitating multilingual access to materials and the organisation of joint training activities, particularly online, enabling cross-border participation. The experiences of the BDS in Germany and the Finnish Association are concrete starting points.

7. Support Bulgaria in its national organisation process

The process initiated by Bulgaria with the election of the Lay Judges Council of Sofia and the objective of creating a national consultative body merits the active support of the Network. ENALJ can contribute comparative organisational models, experiences of negotiation with national executives, and support in communications before European institutions. The success of the Bulgarian process would reinforce ENALJ's representativeness in the eastern member states of the Union.

8. Prepare the Helsinki 2027 Congress as an evaluation forum

The Helsinki Congress in 2027 must be the moment for evaluating compliance with the strategies approved in Murcia. To this end, each member association should commit to presenting before that Congress: an updated situation report for their country; a position paper on at least one specific issue concerning the honorary, fixed-term and interim judiciary in their system; and the data necessary to feed the Permanent Observatory. The Finnish host, with its own situation of defending the system against abolitionist pressure, will also provide a particularly relevant context for debate on the democratic value of citizen participation in justice.

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