

**Draft introduction for the speech of Mr Stefaan DE CLERCK, Minister for Justice, for the opening of the kick-off meeting for the implementation of the strategic plan of the European Network of the Councils for the Judiciary**

Mr Rector of the KULeuven,

Dear Professor Waer,

Mr President of the European Network Councils for the Judiciary,

Dear Lord Thomas,

Ms President of the Higher Council of Justice,

Dear Ms De Vroede,

I was pleased to accept your invitation to be present, here in Leuven, on the occasion of the kick-off meeting for the implementation of the strategic plan of the European Network of Councils for the Judiciary and to address you a few words.

This is the second opportunity I have to meet the representatives of the EU Member States Councils of Justice, gathered within your Network.

I remember this first meeting very well, during which you inaugurated your premises, here in Brussels, in the presence of the Commissioner for Justice, at the time, Mr Jacques Barrot.

This permanent presence of your Network in Brussels, through your permanent Secretariat, certainly is the most visible sign of your wish to become an important partner in the dialogue with the European institutions for justice-related matters.

Already in the Hague Programme, your Network was considered as a first rank actor, beside other European networks such as the Network of the Presidents of the Supreme Courts of the European Union. The Stockholm Programme confirmed this position.

Of course, this recognition implies that you will assume this position not only because of your very existence but especially because of the quality of the analyses that you will carry out and by the relevance of the proposals you will formulate.

Your institutional position in your different countries and your competences give you very often a role of observers or actors of the evolution and of the modernization of the Justice in your countries.

Through your Councils, it is also the voice of the magistrates that can be heard.

Do not hesitate to make it heard when you consider that the practical implementation of a European legislation is not satisfying or does not meet the expected goals.

Give your advice on drafts of new legislation when you think, thanks to your expertise, that the goal will be difficult to meet or when you consider that the proposed texts will improve the mutual confidence between judicial actors or the rights of European citizens.

Building up this European judicial culture, our wish, will only be successful if all together, national and European political officials, national judicial actors, magistrates and lawyers, we act with the same goal: to strengthen the mutual confidence not only between judicial actors but also between citizens and Justice in Europe.

I would like to briefly present you the major issues the Belgian Presidency of the Council of the European Union wishes to speed up and even come to a successful conclusion before the end of this year.

On the first of June, Belgium took over the EU Council Presidency. We have structured our Presidency along the following three main axes:

- Improving the protection for the victims of crime, particularly the most vulnerable;
- Improving judicial cooperation between Member States' judicial authorities in the fight against crime, both at European and regional level;
- Developing a more accessible justice to provide citizens with enhanced safeguards.

## **1. A better protection for the victims of crime**

The victims of human trafficking in and children who are victim of sexual abuse, sexual exploitation and child pornography are our priority. Together with the European Parliament, the Belgian Presidency wishes to successfully conclude the proposal for a Directive on preventing and combating trafficking in human beings and protecting victims. Within the Council, we are also striving towards a joint orientation. If possible, the European Parliament and the Council will adopt the proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography.

Moreover, we are pursuing the work on the initiative launched by the Spanish Presidency in order to realize the European protection order for the victims of crime. This is an important instrument, which enables the victims of crime, in particular the victims of conjugal violence, to move between EU Member States while benefiting from the protection issued by the State in which they were victim.

## **2. An enhanced judicial cooperation on European and regional level**

First, the cooperation has to be enhanced at European level, in particular, to combat the most serious forms of crime. This enhancement will happen by developing the principle of mutual recognition of judicial sentences, which is the cornerstone of the European area of justice. Under criminal law, mutual aid is the one field of cooperation, which still lacks a global instrument for mutual recognition. A group of Member States – including Belgium – proposed an initiative related to the European investigation order. This initiative aims at providing a global legal framework for the execution of measures for gathering evidence between Member States of the European Union. This instrument should facilitate investigations decided by the public prosecutor or the judge of a Member State in a direct and rapid manner on the territory of every other Member State. The Belgian Presidency has started to discuss this initiative to emphasize the points of convergence within the framework of the codecision procedure.

Eurojust plays a major role in the cooperation at European level. As a consequence, we will also focus on the implementation of a new legal framework for Eurojust. We will carefully reflect on the possibilities of coordinating judicial investigations and prosecutions at European level. We will also reflect on the role that can be played by Eurojust, the forum of Public Prosecutors and the EJM in this field. This reflection notably falls within the framework of a global approach to internal security. During the informal council of Ministers of Justice we discussed the role of Eurojust in extenso. Later this year, other seminars will touch upon the role of the other actors. In the margin of these discussions, we encouraged the reflection on the development perspectives offered by the Treaty of Lisbon, including the possibility to set up a European public prosecutor's office from Eurojust.

Everyday cooperation happens first and foremost between the local authorities in the frontier areas. This cooperation has to be developed more closely. Police cooperation is already well developed in this field, relying on a certain number of instruments. This is not the case for the judicial field. Consequently, I wish to foster practical judicial cooperation within the frontier areas, starting with an exchange of best practices between judicial authorities. To tackle this issue, we will organize a seminar in cooperation with the EJM later this year.

### **3. A more accessible justice which provides citizens with enhanced safeguards**

The accession of the EU to the European Convention on Human Rights is a major objective for the consolidation and coherence of European citizens' rights. In this perspective negotiations have already been initiated between the EU and the Council of Europe. We will see to it that they are conducted properly.

Regarding the individual's rights in legal proceedings, we are continuing the effort to set up minimal rules. After the adoption of the directive on minimal rules concerning interpretation and translation, we will initiate the discussion of the new proposal of the Commission on the right to be informed of all those arrested and detained.

Under civil law, we continue the effort to answer the proposals of the Commission which envisage to contribute to the actual improvement of the daily life of European citizens. Common rules have to be set up regarding jurisdiction, applicable law, recognition and enforcement of decisions and authentic instruments. A European Certificate of Succession has to be created. Common rules also have to be formulated regarding the law applicable to divorce, regulations on matrimonial property regimes and on consequences for the property upon separation of unmarried couples. Lastly, there need to be common rules for the jurisdiction, the recognition and enforcement of sentences in civil and commercial matters.

Finally, at horizontal level, I attach great importance to the development of e-Justice tools. These tools will provide citizens with an easier access to justice and simplify the management of justice within cross-border situations. In this respect, many projects have to be developed such as videoconferencing, electronic signature and the interconnection of national registers of wills, translators or insolvability. In this spirit, I am delighted that the “e-Justice” portal was launched under the Belgian Presidency. This is a major step and Belgium will see to it that this instrument actively contributes to the development of a real online European justice.

Dear colleagues,

During these two days, you are going to discuss the implementation of your strategic plan.

I would like to congratulate you very sincerely for the content of your plan. Having read your strategic goals, I think that you have already reached a very high level of development.

These goals remain now to be effectively achieved. Given the high number of participants gathered here, given the eminent professional qualities of each of you, given the dynamism of your President and of the members of your executive Committee, I have no doubt about it.

I wish you a very constructive day in this beautiful city of Leuven.