

22.01.2008

Speech of Minister of Justice of the Republic of Slovenia, prof. dr. Lovro Šturm, in Committee on Civil Liberties, Justice and Home Affairs of the European Parliament

Dear mister president, dear members of the parliament, dear madams and sirs,

First I would like to thank you for giving me the opportunity to present to you here, in the house of the European democracy, the priorities of the Slovenian presidency of the Council of the European Union in the field of justice.

Presenting priorities is a historical moment for Slovenia as a first of the member states of the European Union, who joined the EU in 2004, for the Government of the RS and also for me personally.

Slovenia has a past experience with a non democratic political system where fundamental human rights were massively breached. Today Slovenia has an opportunity as a presiding country of the Council of the European Union to take a role of a leader in a future building up and development of democratic Europe. Slovenia will be able to use its experience especially in the field of human rights protection for which your committee is competent. And therefore I am very glad to take over the responsibilities as the minister of justice of the presiding country.

Up to date under the presidency of Germany and then Portugal in the framework of first trio it was possible to conclude many important documents and all thanks and congratulations go to Germany and Portugal and also to you, representatives of the LIBE Committee of the European Parliament, who contributed to excellent results with your cooperation and expertise.

Legislative competence of the European Parliament is gradually enhancing and we are of a opinion that it is right so. Also in my opinion it would be convenient if the European Parliament had a greater role in adopting legislation which directly concerns the lives of the citizens of the European Union. It is a fact that decisions adopted in the process of codecision are made faster and are of greater quality.

Dear Madams, dear sirs, Slovenia has set three important objectives in the field of justice: first to provide a greater legal certainty for all citizens, second, to provide more rights for citizens and efficient use of their rights and third to provide a better and more efficient operation of the justice and better practical cooperation between the judicial authorities.

According to the competences of your committee all three goals are relevant. The presidency is aware that for successful work of the Council of the European Union when dealing with certain judicial topics, your parliamentary committee is of a key importance. Therefore we are especially glad to cooperate with your committee.

Our citizens and european residents want to see Europe as a common place of freedom, security and justice. On one hand they expect advantages offered by Europe without borders and on the other they expect high level of security and justice. We have to provide such Europe and this is our main political goal.

Our priorities in the field of justice are adopting regulations where we first of all see a direct benefit for the citizens of the EU and also benefit for operation of judicial systems. We are positive that the EU has to develop further in the area of freedom, security and justice. To achieve these objectives the presidency is open to your critique, suggestions and opinions.

Citizens need mechanisms, which will enable implementation of rights in the most efficient way and the easiest and cheap access to judicial protection in member countries. As members of parliament you are aware that it is not enough just to adopt the legislation which provides more rights but it is also necessary to provide implementation of these rights.

Foundation for good and efficient cooperation between the member states of the EU in criminal matters is the principle of mutual recognition of court rulings, as defined in the framework of Conclusions of the European Council in Tampere in 1999 and again confirmed in the Haag's Program and Action plan.

This principle foresees that the member states recognize and enforce a foreign court ruling in criminal matters without interfering in it. The enforcement can be refused only if exactly defined reasons for doing so exist. For an efficient implementation of this principle we need a clear definition of what are reasons to refuse the enforcement of a ruling.

On the basis of the mutual recognition the member states regulate enforcement of criminal decisions, adopted in absence of a person charged in different ways. This practice hinders an efficient cooperation between them. Unification of reasons for refusing the enforcement of criminal decisions could contribute to a better implementation of existing instruments and at the same time set the guidelines for regulation of this issue also in further instruments from this field.

In the area of judicial cooperation in criminal matters Slovenian presidency has in an effort to provide a greater legal certainty and implement the rights of citizens given a proposal of a Framework Decision on the enforcement of *in absentia* judgements. The document is an initiative of Slovenia, Germany, France, United Kingdom, Check republic, Slovakia and Sweden.

The contents of the proposal for a framework decision is limited to definition of rulings, adopted in absence, in the framework of mutual recognition instruments. The proposal does not provide for harmonization of procedural provisions between the member states.

Individual articles from the proposal shall substitute the existing provisions from the Framework Decision on the European Arrest Warrant and the surrender procedures between Member States, Framework Decision on the application of the principle of mutual recognition to financial penalties, Framework Decision on the application of the principle of mutual recognition to confiscation orders and from the Framework Decision on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

With intensive work Slovenia wants to achieve a certain progress and in this manner contribute to a more efficient judicial cooperation in criminal matters between the member states.

I am certain that these measures will enable citizens of the European Union to have a better understanding and a more consistent protection of their rights, at the same time these provisions shall allow a better and more efficient cooperation of judicial authorities in fight against crime.

The future of Eurojust is closely connected to the progress of the judicial cooperation. Eurojust has to keep its key role in implementation of the European judicial cooperation in criminal matters and with practical measures influence the further structuring of the European policy in criminal matters. In the framework of international cooperation in criminal matters it is necessary to mention the role of the European judicial network, which has in nine years of its existence and Eurojust in 5, substantially helped to improve cooperation between the member states.

According to experiences on the performance of both institutions the presidency concludes that it is necessary to strengthen the structures of Eurojust and European judicial network to make further cooperation in criminal matters more solid. For this purpose we shall propose introduction of mechanisms to ensure greater response of Eurojust. On one hand we would like to standardize minimal range of competences which the national representatives of Eurojust as a domestic authority can implement in their countries and on the other hand we want to achieve a better transmission of information to enable Eurojust a more effective performance.

Effective improvement of judicial cooperation between the member states requires immediate adoption of structural measures on the level of the EU. In such manner it will be possible by considering fundamental rights and freedoms to establish optimal coordination in investigations and prosecution of criminal acts with cross border elements. It will be necessary to upbuild operational function of Eurojust.

The presidency intends during its mandate together with other member states to highlight these issues because it establishes that effective performance of Eurojust is vital for good coordination and efficient fight against severe forms of criminal acts with international elements.

Presidency shall continue the work on European supervision order, which permits to foreign citizens to return to their home country and allows the enforcement country to take over supervising measures in pre-trial procedures.

Presidency supports the proposed amendments of the proposals to the Framework Decision on combating terrorism. The decision is an appropriate response of the European Union to the exploitation of modern communication means for enforcement of criminal acts of terrorism.

In achieving this goal we have to as much as possible follow the text which was harmonized in the framework of Convention of the Council of Europe. At the same time we have to pay attention to some technical aspects in achieving this goal and perform adequate discussion on relation between the proposed incrimination and fundamental rights of the citizens. Anyway the solutions have to be such that they do not endanger the ratification process of the Convention of the Council of Europe.

Dear members of the committee, the Slovenian presidency shall promote the practical use of modern information and communication technologies and services to ensure a greater legal

certainty and implementation of the rights of citizens. With its political neutrality, positive influence on the economic development and also with its cross border operation e-justice is a Slovenian priority and a field where the judicial system of European Union can have the greatest added value according to the present state.

The presidency shall promote development of following services: single European portal, clustering of registers (for example register of bankruptcy, judicial register and land register), it shall support the final implementation of modern technologies in judicial practice, for example the use of video conference systems and computerizing of European payment orders. In the framework of e-justice we shall pay a special attention and support to the project of clustering criminal records.

In the beginning of June 2008 the presidency shall organize a conference on how to use the information technology in justice and law »International conference e-justice and e-law 2008«. And I am already kindly inviting you to assist this conference.

Slovenian presidency shall also set as a priority a progress in the field of civil law. Those are the issues which directly affect the life of citizens.

Main topics are in the field of family law. Slovenia shall strive to achieve a greater progress especially in the field of a regulation on maintenance obligations. I am aware that it is necessary to improve the enforcement of maintenance claims in cross border cases. In November 2007 the adoption of Haag Convention on maintenance obligation and protocol on law applicable, successfully concluded a Haag diplomatic conference.

This allows an excellent starting point to accelerate the work during the Slovenian presidency. With abolition of measures for recognition and enforcement of maintenance decisions from other member states we could facilitate lives of citizens, especially children. On the basis of the regulation Brussels I also children have to enforce the maintenance claims in the same way as this is done for any other civil or economic claim and this is not appropriate.

We hope that the member states shall agree that it is necessary to abolish all intermediary measures for enforcement of maintenance for all maintenance beneficiaries. We shall open the question in few days on an informal council in Brdo pri Kranju. We shall as well try to attest a political will and adopt rapid measures for a quick ratification of both Haag's instruments.

In implementing the wide range of use of the regulation on maintenance obligations the opinion of your committee is of great help. It will surely have a positive influence on a new impetus of the discussion in the Council.

Slovenian presidency shall strive to achieve the greatest progress as possible concerning the proposal for the regulation Rome III, but we are aware that this is a politically sensitive file especially the chapter on applicable law. Member states have very different views and some of the countries have filed reservation concerning the proposal for the regulation. For this reason we will need as a presiding country a strong support and help from the European Parliament. After the Committee on Legal Affairs adopts his opinion the presidency expects that your committee gives his opinion as soon as possible. I am positive that all the proposed amendments shall have a good influence on the discussion in the council.

During our Presidency we shall spend a lot of time concentrating on the future. In 2009 the Hague programme from 2004, which gave guidelines for the operation of the Union in the field of justice and internal affairs for a period of five years, shall come to an end. It is already necessary to start thinking about the main challenges, tasks and goals which must be met in the field of providing a space of freedom, security and justice after the Hague programme has come to an end. During the presidency we shall devote time to this topic first at an informal meeting of the Council of Ministers, and later in other meetings as well.

Ladies and gentlemen, I tried to give you a concise overview of the priorities of the Slovenian presidency and your support is vital for their implementation. I am aware of technical and political role of decisions of this committee so I hope to a fruitful and successful cooperation with you in reaching our common goal, which is to ensure better life for European citizens.