



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Presidency

to : Delegations

Subject : Review of the application of the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Network for legislative cooperation between the Ministries of Justice of the European Union

1. The Network for legislative cooperation between the Ministries of Justice of the European Union was established through a Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council ¹. At the Council meeting where the Resolution was adopted, on 28 November 2008, the Commission pledged to give full support to the Network, also financially where possible.
2. In accordance with point 16 of the said Resolution, the Council has to review the application of this Resolution at the latest three years after its adoption.
3. The Presidency has prepared a draft report (see [Annex](#)), in cooperation with the French Ministry of Justice, which acts as the Network's administrator.

¹ OJ C 326, 20.12.2008, p. 1

4. Delegations are invited to submit any written comments on the text before 11 October 2011 to the following two e-mail addresses:

- steven.cras@consilium.europa.eu
- zdunek@ms.gov.pl.

Subject to a possible examination by preparatory bodies, the final text will be submitted to Coreper/Council for approval.

(draft)

REPORT

on the application of the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Network for legislative cooperation between the Ministries of Justice of the European Union

Overview

1. On 28 November 2008, the Council and the Representatives of the Governments of the Member States, meeting within the Council, adopted a Resolution establishing the Network for legislative cooperation between the Ministries of Justice of the European Union ¹.
2. The objective of the Network is to promote better understanding of the laws of the other Member States, which in its turn is one of the ways to enhance mutual trust and promote the application of the principle of mutual recognition.
3. The goal of the Network is to improve the exchange of information on legislation in force, on judicial and legal systems, and on major legal reform projects, particularly in the fields of civil and criminal law. The Network would also enable comparative law studies on topical legislative or legal matters to be carried out jointly by the Ministries of Justice, in order to obtain a better overview of the implementation of European Union law.

¹ OJ C 326, 20.12.2008, p. 1

4. Twenty-five Member States have designated national correspondents in application of point 4 of the Resolution, and provided the administrator with the required contact information in accordance with point 5 of the Resolution ¹. During the Network's last meeting of correspondents, in June 2011, Germany announced its intention to join the Network ² as from 1 January 2012.
5. Three meetings of correspondents have been organized: on 19 June 2009 in Paris, on 28 June 2010 in Madrid and on 27 June 2011 in Budapest.
6. Internal guidelines on practical arrangements for the operation of the Network, including on linguistic matters, were adopted by the correspondents representing the Ministries of Justice of the Member States of the European Union at the Network's founding meeting held in Paris on 19 June 2009. The guidelines entered into force on the date on which they were adopted. On that occasion France was designated as the Network's administrator.
7. Since the second meeting of the Network's correspondents, in June 2010 in Madrid, the European Commission has been participating in correspondent meetings as an observer.
8. The Network's website was set up by the French Ministry of Justice and became operational on 28 June 2010. The Network is preparing the website's second release under the address <http://legicoop.eu>.

¹ The required contact information comprises the following: a) the surname, first name and position of the correspondent(s); (b) the language knowledge of each correspondent; and (c) the communication facilities available to the correspondent(s), with the exact (telephone) numbers, (dedicated e-mail) addresses, etc.

² 11170/11 JAI 400 COPEN 148 JUSTCIV 157

9. The annual activity reports by the Administrator of the Network show a steady increase in the exchange of information. In the first year (June 2009 – June 2010) of the Network’s activity, 113 requests for information were made by 17 countries. These requests generated 634 answers.
10. This number increased in the following year (July 2010 – June 2011), with 129 requests for information and 797 answers. 242 requests were made between the opening of the network in June 2009 and 23 June 2011. These requests generated 1 431 answers. Those numbers confirm the reasons underlying the 2008 Council Resolution. There was clearly an unsatisfied need for better mutual knowledge of the Member States' judicial and legal systems and their legislation, as well as for an exchange of information about law reform projects and transposition of the European provisions into national legal systems. The Network has filled this gap, at least to a certain extent, thus contributing in establishing the European area of freedom, security and justice.
11. The Network has no legal personality. It is managed by the administrator from the French Ministry of Justice who has been ensuring the Network’s practical functioning, administrative and technical operation, maintenance and rapid development since his designation.

Conclusions

12. The Network has proved to be a useful tool for the exchange of information on legal systems and contributed to improvement of the transposition of European legal instruments into national systems and to major legal reforms in Member States.
13. New internal guidelines on practical arrangements would be necessary in order to ensure the Network’s consolidation and evolution, for the best exploitation of the content and also for the Network’s constant adjustment to modern communication and information technology. Important improvements have already been suggested.

14. Good operation of the Network is based on the participation of the national correspondents, providing answers to requests for information. Monitoring of this activity and regular (automated) statistical reports from Network's the administrator to national correspondents might help the Network to maintain a steady level of activity.
15. It would be useful to develop a differentiated procedure for requests depending on whether they concern the national legislation of the requesting correspondent or European law and legal instruments. Questions concerning European law deserve special treatment in order to carry out forward-looking legislative cooperation. It would then be possible to consider aligning joint comparative law studies with the Commission's calendar of legislation. Such cooperation would facilitate both the drafting of legislative initiatives and adoption of EU legal instruments by the Council and European Parliament.
16. The Network's activities, at the stage of law drafting, mirror to a certain extent N-Lex's task of publication of the texts of national laws implementing Union instruments. It might be considered how those two stages of legislative activity and publication might be coordinated for mutual benefit. To that end, a partnership between the Network and the Publications Office of the EU has already been launched.
17. The Network needs stability. In this context, a new legal form of its organization entailing legal personality for the Network might be considered. Member States, in particular the participating ministries of Justice, are invited to reflect on this.
18. Stable financing for the network may make it easier to maintain proper operation. In this context legal personality and financing seem to be connected issues. Nevertheless, the Network should preserve its flexible and easy administration which has led to its success and will contribute to it in the future.

19. Within three years the Network has become an indispensable European instrument thanks to its specificities. In addition to using the most recent technology for legal information, the Network's strength also lies in the fact that it leans upon experienced legal experts from the Member States' public administration, often in charge of and well accustomed to the negotiation, transposition and implementation of European law and instruments. The review of the resolution could lead to the drafting of a preamble underlining the specificities of the Network and emphasising its uniqueness.

20. Future resources and guidelines for further Network development remain to be decided. The Union and its Member States need a flexible and available source of information on national legal systems and implementation of European law. The Network is perfectly tailored to fulfil the relating tasks.

21. The Network should be given appropriate resources to carry out its tasks. The Commission and the Member States are invited to reflect on the financial needs of the Network and on the way in which these can best be addressed.
