

Informal meeting of justice ministers : eu2018.at Austrian Presidency of the Council of the European Union

Informal meeting of justice ministers - Group photo

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BKA/Michael Gruber

Press release

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Innsbruck – As part of the informal meeting of justice and home affairs ministers, Austrian Federal Minister of Justice Josef Moser invited his European counterparts to Innsbruck on 13 July 2018. The day’s agenda included a number of future-oriented topics which will lead to even better collaboration between the EU member states and thus ultimately to noticeable improvements for citizens.

During today’s first working session, EU justice ministers discussed current questions regarding the topic of e-evidence. Providers within the EU face unclear legislation regarding the provision of data.

The core question of the discussion was how to facilitate the cross-border gathering of evidence in the future. Until now, there has been no uniform legal basis governing the response of providers who receive data provision requests from foreign judicial authorities. “Providers currently face inconsistent legal obligations. It is important to reach clarification. At the same time we have to protect the high EU standards in the area of fundamental rights”, the Federal Minister said. It is a central concern to alleviate the challenging situation for the providers who are obliged to help prosecution authorities by providing essential information while at the same time protecting personal data.

In order to achieve this goal, the participants discussed the introduction of a European regulation on European production and preservation orders for electronic evidence in criminal matters. The benefit lies in the direct motivation of internet service providers to disclose electronic evidence such as e-mails or telephone protocols cross-border, thus enabling a more efficient prosecution.

The second working session on today’s agenda addressed enhanced cross-border judicial cooperation in civil and commercial matters. In particular, the European Service of Documents Regulation and the European Taking of Evidence Regulation shall be amended in order to meet the newest technical developments. In the spirit of digitalisation, it is necessary to promote the use of modern technology for the cross-border exchange of documents as well as the gathering of evidence while maintaining the highest procedural standards.

With regard to the Service of Documents Regulation, the participants discussed the EU Commission's proposals to extend electronic communication between authorities and agencies and to introduce the direct electronic service of documents in order to further accelerate cross-border proceedings. EU Commissioner Věra Jourová stressed...electronic communication between authorities and agencies and to introduce the direct electronic service of documents in order to further accelerate cross-border proceedings.

Furthermore, the new elements of the Taking of Evidence Regulation shall allow for the creation of an EU-wide system for fast and direct referral of requests for the taking of evidence between courts. They also aim at speeding up proceedings and making them more efficient. Video conferences should, for example, be more often the method of choice for cross-border taking of evidence.

Federal Minister Moser was pleased to note that the attending ministers appreciated the modernisation and digitalisation measures planned for judicial cooperation. "We agree that the planned digitalisation will not only benefit the judiciary but also the individual citizens. It will make cross-border proceedings in civil and commercial matters faster, more efficient and cost-effective", the Austrian Minister of Justice emphasised.

The day was concluded with a working lunch, which was dedicated to mutual recognition in criminal matters and the enhancement of mutual trust. Mutual recognition is an essential element of mutual trust between member states and was originally introduced to protect the free flow of goods and services. In the meantime, mutual recognition serves to protect and enforce the private rights of citizens across borders and to advance judicial cooperation among the member states.

At the working-level meeting the justice ministers agreed that this mutual trust has to be fostered also in the future.

Since 2002, numerous instruments have been adopted in the European Union that facilitate cross-border cooperation between the European judicial authorities. Amongst others, the introduction of the European arrest warrant as well as the four framework decisions, making it possible to transfer the execution of a judgment to another member state, have already led to a significant acceleration of criminal proceedings.

The discussed proposals aim at enhancing mutual trust. EU Commissioner for Justice Věra Jourová stressed that EU member states must regain the mutual trust which has disappeared in recent years. The Austrian Minister of Justice Josef Moser also considers the judiciary as one of the most important cornerstones of democracy and the rule of law. "We therefore have to assume our responsibility and put our cooperation on solid footing", the Federal Minister said in conclusion.

Official photos of this event will be published on the [official Flickr channel](#).

More information about the event can be found on the [event page](#).