



Press release

Informal meeting of Justice and Home Affairs ministers from the EU member states

The informal meeting of justice and home affairs ministers from the EU member states took place in Bucharest, at the Palace of the Parliament, on February 7th and 8th 2019, under the Romanian Presidency of the Council of the European Union.

On February 8th 2019, the informal meeting of justice ministers was presided by the Romanian Minister of Justice, Tudorel TOADER.

WAYS FOR THE FURTHER DEVELOPMENT OF THE JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS

The further development of judicial cooperation in civil and commercial matters was discussed in the first working session.

The debates marked the twentieth anniversary of the Amsterdam Treaty and of the adoption of the Tampere Programme. Officials reaffirmed the need to maintain the essential principles of judicial cooperation in civil and commercial matters: focusing on the citizen; facilitating access to justice; respect of the EU common values, of the rule of law and of the fundamental human rights and freedoms, the protection of judicial traditions and of the member states' various legal systems; the strengthening of mutual trust in the member states' judicial systems.

The main objective of this working session was to start a reflection process about the further development of judicial cooperation in civil and commercial matters after the end of the European Parliament term in May 2019 and the end of the European Commission term in October 2019. The ministers assessed two possible ways of future action: (a) – analyzing how the existing legal framework can be improved; (b) – new topics to which European law can be applied.

The participants concluded that, considering the complexity of the already existing legislation, a special emphasis should be put on improving and implementing it. Proposals were made to extend regulation into new domains – either originating from existing provisions, or concerning topical issues such as digitalization. In this regard, Romanian Minister of Justice Tudorel TOADER highlighted that ”the future of EU policies must centre on the citizen”.

THE FUTURE OF JUDICIAL COOPERATION IN CRIMINAL MATTERS WITHIN THE COMMON JUDICIAL AREA OF THE EUROPEAN UNION

The second working session was dedicated to the future of judicial cooperation in criminal matters within the common judicial area of the European Union.

Today, the EU is based on a strong and comprehensive legal framework for judicial cooperation in criminal matters. Moreover, the legal instruments that implement the mutual recognition of the judicial decisions principle are at the core of this legal framework.

A reflection process is needed so that action can be taken to improve and add more efficiency to the judicial cooperation in criminal matters, based on the aforementioned principle.

In this context, ministers discussed: the legal inconsistencies within the actual framework for mutual recognition instruments, the actions to be taken under the European Court of Justice jurisprudence, digitalization. To reach the aforementioned result, the ministers concluded that the present framework should be analysed. Furthermore, other domains that need regulation should be identified – among them, the transfer of proceedings in criminal matters.

On the other hand, an accent should be placed on enhancing mutual recognition instruments –by intensifying efforts to train judges and prosecutors, as well as by introducing new technologies in the co-operation mechanisms for criminal matters. In this regard, minister Toader affirmed that “in the 20 years since the Tampere European Council, some judicial instruments such as the European Arrest Warrant proved to be a success story, while others have been less used. New challenges have also appeared. At

EU level we will continue to focus on enhancing existing instruments by judicial training and by introducing digitalization in judicial cooperation. Eurojust and the European Judicial Network have an important role in facilitating cooperation in criminal matters. Concurrently, new measures may be considered –some of them, concerning the transfer of proceedings in criminal matters”.

GATHERING ELECTRONIC EVIDENCE IN CRIMINAL MATTERS

The informal meeting programme was completed by a working lunch with talks on gathering electronic evidence in criminal matters.

The discussions focused on the way criminal justice can be provided in the cyberspace by gathering electronic evidence more efficiently, in line with the rule of law and with the fundamental human rights.

The Presidency offered justice ministers the opportunity to exchange views and a way to increase, at national levels (in the private sector as well as in the civil society), the public awareness of the proposed solutions’ arguments – namely the actual protection of individuals and their rights. The ministers agreed that the proposals advanced aim to ensure that appropriate authorities can obtain electronic evidence in a cross-border context. The majority of ministers welcomed the legislative proposals on electronic evidence.

In the future, they must be completed by other international instruments, considering that the issues of gathering electronic evidence cannot be solved at the EU level only. The European Commission presented the main elements of its two recommendations – for the mandates to negotiate an EU-US accord and, respectively, for the participation in the negotiations of the second Additional Protocol of the Budapest Convention on Cybercrime, published on 5 February 2019. The Romanian Minister of Justice welcomed these evolutions and announced that the Presidency will propose a calendar to negotiate the two mandates –and as such, will offer the Member States the opportunity to debate these documents.