

Brussels, 16 November 2009

Joint Parliamentary Meeting

"Building a Citizens' Europe"

**The "Stockholm Programme" 2010-2014
 The Parliamentary dimension of a European
 Area of Freedom, Security and Justice**

Summary of Working Groups

**WG I: Promoting Citizens' Rights - A Europe of
 values and rights**

Co-chairs:

- Ms Sophia in 't VELD, MEP
- Mr Pierre LEQUILLER MP, French National Assembly

Rapporteur:

- Mr Juan Fernando LÓPEZ AGUILAR, MEP

Mr Lequiller, co-chair of the working group, opened the debate by highlighting that values are rarely at the centre of the discussions, but that the European Union is built on values, such as the abolition of the death penalty, for example.

Ms in't Veld, the co-chair, listed some controversial issues, such as the freedom of religion, the freedom of speech or minority rights and highlighted that the issue of values should be addressed in order to be able to achieve common policies. She also mentioned Articles 6 and 7 of the Treaty which define the principles on which the EU is based and the legal instrument to ensure that member States comply with them.

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Participants wondered whether a consensus on values could be found, because many factors such as party politics, cultural or religious backgrounds influenced the debate. But some common values were underlined, such as the fight against discrimination, racism and homophobia.

The issue of the Charter on Fundamental Rights was mentioned in the debate, and notably the opt-out negotiated by 3 Member States and the participants highlighted that all EU citizens should have equal rights.

The link between religion and values was also discussed, notably the question of a reference to Christian values in the Treaties.

Part of the debate focused on the balance between freedoms and security. Participants agreed to the need for data exchange to fight cross-border crime and terrorism but underlined in parallel the need to protect privacy, personal data and fundamental freedoms in general.

Immigration and asylum policies were also debated, notably the need to cooperate with countries of origin so as to support their development and fight against the reasons why their nationals come to the EU (climate change, war, poverty...).

The distinction between the rights of EU citizens and those of third-country nationals was also examined.

The rights of some specific groups were also discussed. The rights of children were defended by many participants, who highlighted that violence against children should be combated. The need for gender equality was stressed as well, especially as regards political participation and pay gap. The need to fight against human trafficking was also underlined and it was pointed out that some Member States have criminalised the purchase of sexual services so as to deter trafficking.

Mr López Aguilar, the rapporteur, summarised the debate by highlighting that the entry into force of the Lisbon Treaty would allow for a multiplication of the rights and their levels of protection, but that it would not replace the ones existing at

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Member States' level. The Charter of Fundamental Rights will be legally binding and will ensure that rights of all citizens are protected in the same way. He also highlighted that the action at EU level is needed as no individual State can face the current challenges by itself.

He also mentioned that national systems need to cooperate, notably as regards criminal procedures, and it should be based on trust and mutual recognition.

Finally, he highlighted the importance of the respect of diversity in the EU and the need for Members of Parliament to serve their citizens.

The two co-chairs closed the debate by highlighting the need for more cooperation between the European Parliament and national Parliaments, notably to share information on those issues ahead of the legislative process.

WG II: A Europe of Justice - Strengthening democratic accountability and legal certainty at European, national and local level

Co-chairs:

- Ms Alena GAJDŮŠKOVÁ, MP, Senate of the Parliament of the Czech Republic
- Mr Íñigo MÉNDEZ DE VIGO, MEP

Rapporteur:

- Anti AVSAN, MP, Swedish Riksdag

The meeting opened with the observation that the establishment of a common European judicial area is the overarching objective of both the Stockholm programme and the Joint Parliamentary Meeting (JPM). It was stressed that this objective has to be tackled with due respect for long-standing legal traditions in the member states, particularly those having a common law system. These traditions refer not only to the substance of case law but also to procedures and procedural rights. The essential means to arrive at a functioning and legitimate common system despite this diversity is increasing mutual trust and confidence. This principle should guide us, for instance, when common (and

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minimum) standards in both civil and criminal law are beginning to be developed.

The *rapporteur* questioned members of the working group on several issues:

- Are we still facing problems with mutual recognition of judgments and legal acts, and which?
- How can we improve mutual confidence in the decisions taken by national authorities and courts?
- How can we enable citizens to have better access to the judicial system and provide them with adequate procedural rights and guarantees?

He also stressed the importance of abolishing the *exequatur* procedure in civil law in order to provide answers to these questions.

The debate focused on a number of issues: the diversity that exists between national legal systems, based on traditions which have evolved over hundreds of years and are seen by many citizens as individual guarantees in critical situations such as a criminal proceeding.

The question was also raised whether a common market and intensive trade between EU member states really require harmonisation of civil and criminal law, e.g. in the form of a single European contract law.

And, finally, the discussion attempted to clarify to what extent we can now move towards tackling the specifics of a common judicial area. Some of those were considered extremely useful, even in the short term, for instance a European succession certificate, the pragmatic definition of civil law collision rules, or the recognition of authentic instruments. On the other hand, there are clearly issues which are extremely difficult to tackle, such as marital property regimes.

During the debate it was stressed that in many member states citizens' access to justice was still unsatisfactory and had to be improved. Certain individual rights and guarantees such as the right to interpretation are necessary components of any attempt to achieve coordination and mutual recognition because they

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form the basis for citizens' trust in other countries' legal proceedings.

Several speakers underlined the importance of a more effective protection against international organised crime. This was seen as an essential component of any system meant to convince citizens of the added value of EU programmes in the field of Freedom, Justice and Security. It was suggested to improve the structures coordinating the work of investigative services. For instance, deepened networking with Eurojust and national authorities was considered useful. The harmonisation of criminal responsibility rules, including parents' responsibility, was seen as an important area of future work in criminal law.

MEPs valued greatly the competent input from national MPs and recalled that in the EP's committees there is sometimes clearly a lack of detailed knowledge of national, regional or local circumstances. On the other hand, there were several excellent examples where EP committees arrived at stable compromise solutions in very difficult domains such as the definition of cross-border crimes. It was underlined how important parliamentary participation was in times of increased powers for both the EP and the national chambers brought by the Lisbon Treaty.

A few critical questions were also raised: is total mutual recognition or the abolition of *exequatur* really useful in the field of administrative law, where decisions are often standardised and rapid? Is a common European judicial area useful here? Should the EU really strive to harmonise member states' legal and treaty relations with third countries or should we allow for some variable geometry as a function of different geographical interests and priorities?

On the procedure, a clear consensus emerged that meetings such as this JPM did not suffice as such. It was suggested that structures analogue to COSAC could be envisaged for the work related to the Stockholm programme.

The debate resulted in some strong consensual conclusions, summarised by the *rapporteur* towards the end of the working group:



- The great majority of speakers called for the abolition of the exequatur procedure in civil law and stressed the crucial importance of mutual confidence across borders.
- The need for a more institutionalised approach to follow up on the Stockholm proposals was emphasised.
- There were some cautious words on complete harmonisation or mutual recognition for some fields of law (e.g., family or administrative law).
- Legal security for all parties of judicial proceedings was considered an essential guideline for future work.

WG III: Protecting Citizens - A European domestic security strategy

Co-chairs:

- Mr Simon BUSUTTIL, MEP
- Ms Inger DAVIDSON, MP, Swedish Riksdag

Rapporteur:

- Ms Carmen HERMOSÍN BONO, MP, Spanish Congress of Deputies

Participants in Working Group III stressed the importance of striking the right balance between enhancing security and safeguarding fundamental rights. No inherent contradiction exists between security and the respect for human rights, which are also enshrined in the EU Charter of Fundamental Rights and in the European Convention on Human Rights. The rights to privacy and to data protection are a manifestation of these. This was recognised by the Members of the European Parliament and of national parliaments, as well as by the Council of Europe Parliamentary Assembly.

As regards anti-terrorism measures, it was pointed out that before putting forward any policy option, a thorough assessment of their effectiveness and proportionality should be carried out.

The participants agreed on the need to improve current police cooperation mechanisms, especially with regard to the exchange of information, and to the possibilities offered by new

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detection technologies. In this context, the exchange of DNA and the use of other biometric data could offer interesting opportunities to better combat transnational organised crime and terrorism. Concern for delay with the implementation of the Schengen Information System (SIS) II was expressed.

EUROPOL and EUROJUST should be strengthened. Member States should provide more information to these bodies, which have no coercive powers. The Lisbon Treaty foresees new powers for both national parliaments and the European Parliament, such as a scrutiny over Europol and the evaluation of Eurojust activities. EUROPOL and EUROJUST should also improve cooperation amongst themselves.

More attention will have to be devoted to the following: victims' rights, rights of defendants in criminal proceedings, trafficking of human beings, the fight against organised crime, racism, piracy, cybercrime. However, as regards the internet, it is important to safeguard the freedom of speech and expression. On the other hand, illegal internet use, such as child pornography and bank data theft, must always be monitored and persecuted.

As regards immigration, there was a debate on the need for integrating legal immigrants while fighting the phenomenon of irregular migration. The repatriation of irregular immigrants was also discussed, especially regarding the Returns Directive. As regards asylum, participants expressed their wish for more solidarity, including the setting up of a possible burden sharing mechanism, such as the reinstallation schemes.

FRONTEX should be strengthened: more human and financial resources should be allocated, and new regional offices could be set up, particularly in the Mediterranean, in line with the conclusions adopted by the European Council on 29-30 October 2009. An agreement with Libya may be concluded.

The Lisbon Treaty will provide for more legitimacy, transparency and accountability, while also improving the decision-making process and offering new opportunities for the national parliaments and the European Parliament.



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Overall, participants welcomed the Stockholm Programme, while also calling for a consequent implementation, taking into account the lessons learnt from the past Hague Programme. The presentation by the European Commission of an Action Plan in the first semester of 2010 will be an interesting opportunity for both national parliaments and the European Parliament to monitor. All of these issues are at the very heart of European citizens, who deserve an "open and secure Europe", as the Stockholm Programme indicates.

DG IPOL
DG PRES

For further information:

WGI: **Hélène Calers** (assisted by Malin Sennevall)
WGII: **Wilhelm Lehmann** (assisted by Agata Wojciechowska)
WG III: **Alessandro Davoli** (assisted by Patrick Bellemann)

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