



Joint Parliamentary Meeting (JPM) "Building a Citizens' Europe" 16-17 November 2009

Summary of Working Group 2

A Europe of Justice – Strengthening
democratic accountability and legal
certainty at European, national and
local level

Chair: **Alena Gajdůšková, Member of the Senate of the Parliament of the Czech Republic**

Íñigo Méndez de Vigo, Member of the European Parliament

Rapporteur: **Anti Avsan, Member of the Swedish Riksdag**

The chairs started the meeting by welcoming the delegates and presenting the theme of the working group.

Rapporteur Mr. Anti Avsan began by stating that there is a general objective of achieving a "European judicial area" in which the legal systems of all Member States should work together in a consistent and efficient manner, while showing appropriate consideration to national legal traditions.

An important step in this direction is represented by the ongoing efforts to achieve mutual recognition of judgments, which requires removing any obstacles that might be preventing this. The comprehensive mutual recognition of judicial decisions requires in its turn that citizens on a national level - in each Member State - can trust each others' legal systems and judicial decisions, which can then constitute a basis for abolishing the exequatur procedure in the civil law area. The mutual recognition of sentences can – if there is confidence in them – be extended to new areas, such as matrimonial property rights, successions and wills.

Within the framework of cooperation in the area of criminal law, the rapporteur noted that considerable progress had already been made with regard to the mutual recognition of sentences, but that it was still possible to make further progress. This can apply to various types of decision at all stages of procedures, but also to decisions of a more administrative character such as, for instance, the protection of witnesses and victims of crime, and decisions relating to the loss of rights.

To make further progress with these general ambitions it is necessary to strengthen the confidence between the Member States. In this regard the Commission has proposed a number of measures addressing those who are active within the legal system.

Another important aspect of a "European judicial area" concerns common standards. The harmonization of the national legislation of the Member States in certain parts of criminal law should therefore continue. This particularly concerns serious and frequently cross-border violations of the law such as terrorism, serious organized crime, and crimes targeting general and vital economic interests.

In conclusion the rapporteur was of the opinion that a European judicial area should also – in addition to mutual recognition of judicial decisions and common standards – contain elements facilitating the access of individuals to justice.

In view of this the rapporteur urged the members of the working group to reflect on the following three questions:

1. Are there any specific problems associated with mutual recognition of judgments?
2. What can be done to strengthen mutual trust?
3. What can we do to give individuals better access to justice?

A number of speakers made the point that the objective must be to achieve a judicial area in which legal systems can work together but still show consideration for national differences and judicial traditions.

The rapporteur noted that there was a high degree of consensus on the issue of abolishing the exequatur procedure, but that consideration should be given to the necessary guarantees of legal security for individuals. The rapporteur also noted that there are a number of issues to be resolved while moving towards the abolition of the procedure. For instance, administrative decisions look different in different Member States and there are problems with particular types of decision.

Some members of the working group demanded a more extensive harmonisation of the legal systems in relation to areas like family law, which, as the rapporteur noted, can be expected to encounter special difficulties.

In conclusion the rapporteur noted that when not only legal systems but also people come closer, is it natural to think about what the next step in the ongoing and future process of cooperation should be. The day's discussions indicated that this next step is the abolition of the exequatur procedure.