

## **CHECK AGAINST DELIVERY**

### **Speech by Minister of Justice dr. Lovro Šturm, prepared for the Parliamentary Committee for Civil Liberties, Justice and Home Affairs (LIBE)**

Dear Mr President Deprez, dear Members of the National Assembly, dear ladies and gentlemen, thank you for the opportunity to present you the work of the Slovenian Presidency in the field of justice.

As the key task in the field of justice, Slovenia set itself to ensure greater security for the EU citizens, provide more rights for the citizens and achieve efficient realisation thereof, better and more effective operation of the judicial system, and to achieve better cooperation of judicial bodies in practice.

The end of the Slovenian Presidency of the Council of the EU represents the end of the work of the first trio. Under the leadership of Germany, Portugal and Slovenia, many important documents were completed, for which we have to thank the German and Portuguese Presidencies as well as you, members of the LIBE Committee.

Ladies and gentlemen, at the end of the Presidency, allow me to present the progress of the Slovenian Presidency in the field of justice within the competency of your Committee. One of the priorities of the Slovenian Presidency in the field of justice was to achieve as much progress as possible in the field of e-justice during the Presidency, in which we also succeeded.

The priority project of the working group is to build an e-justice portal, which shall represent a common access point in the World Wide Web and connect all existing solutions from the field of e-justice. At the end of April 2008, the prototype was opened for the states that participate in the project to connect insolvent registries, which was also the main objective of the Slovenian Presidency. The portal will be open to the public in 2010.

To ensure a beneficial discussion on the future of e-justice the Presidency organised the International Conference on e-Justice and e-Law in the beginning of June, at which the topics of e-justice at the EU and a national level and e-law were discussed. On this occasion, a pamphlet on the use and promotion of videoconferences in justice was published. Numerous experts from all over the world presented the latest achievements of e-justice and e-law.

For further quality work in the field of e-justice, it is necessary to provide appropriate financial assets within the framework of the civilian and criminal programme. Here, we count on your help and the help of the European Commission.

Ladies and gentlemen, let me continue with the work of the Presidency in the field of cooperation in criminal matters:

Slovenian Presidency was very successful in the fight against environmental crime. It took over the proposal for the Directive on the protection of the environment through criminal law, which otherwise belongs under the competence of the Committee on Legal Affairs, for further consideration after the initial German and continuing Portuguese consideration and intensified the work. Therefore, the Presidency with your help as the Members of the Parliament

achieved an agreement on the Directive on the protection of the environment through criminal law during the first reading. This is an exceptional success with regard to the complexity of the treated issue as well as its broader significance and sensitive field of environmental protection.

In March this year, the Slovenian Presidency began to consider the proposal for the Directive of the European Parliament and of the Council on the prevention of pollution from ships.

In relation to an effective prevention and fight against terrorism, last year the European Commission prepared the proposal for the amendment of the Framework Decision on combating terrorism.

The Council believes that the implementation of new criminal offences (public incitement to commit terrorist criminal offences, recruitment and training for terrorist activities) shall contribute to the general political objective to prevent terrorist activities especially by reducing the propagation of the material, which encourages individuals to commit terrorist attacks.

With intensive work, the Slovenian Presidency was able to find a well-balanced compromise between the fight against terrorism on the one hand, and the safeguard measures to ensure human rights and liberties on the other hand. In April this year at the Justice and Home Affairs Council, the Presidency succeeded in reaching a general approach concerning the previously mentioned proposal, which is still the subject of national parliamentary reservations in some states and regarding which we are waiting on your esteemed opinion. By adopting the framework decision, the fight against world terrorism shall become more effective. In addition, on the basis of this act Europol and Eurojust shall conduct investigation procedures more efficiently.

In January 2008, the group of fourteen Member States presented the initiative with the proposal of the Council Decision on the strengthening of Eurojust.

The purpose of the Decision is to make uniform and strengthen the competencies of national members of Eurojust and to implement structural changes in the operation of the European Judicial Network and upgrade the mechanisms for information exchange.

At the April meeting, the Presidency achieved a general approach concerning the Article determining the structure of Eurojust, competencies of the national members, the Rules of Procedure of the collegiate body and the status of personnel. At the June Council, the ministers reached a broad consent regarding a further bundle of provisions in the proposal for this Decision. The planned amendments shall considerably improve the implementing capability of Eurojust. The text may still be the subject of additional individual urgent amendments. Thus, consent on the main part of the document's content shall be reached during the Slovenian Presidency.

In March 2008, the working group for the cooperation in criminal matters also studied the proposal of the Council Decision on the European Judicial Network proposed in January 2008 by a group of states, including Slovenia.

The purpose of the mentioned proposal is to improve the judicial cooperation among the European Union Member States, especially in consideration of serious criminal offences by

promoting and encouraging judicial cooperation, providing legal and other useful information to local authorities, and providing assistance in the execution of requests.

Regarding the initiative of Slovenia and a few other states for the Framework Decision on recognition of court decisions issued in absence with the main objective to raise the consideration of human rights in criminal proceedings at the European Union level, it is my pleasure to announce that at the June meeting of the Council of Ministers of Justice and Home Affairs the Presidency reached a general approach to the text of the Framework Decision, which is an exceptional success.

The proposal does not harmonise internal law rules, it determines the circumstances that have to be provided in order that a state can execute a court decision issued in absence. The defendant has to be ensured appropriate procedural rights. If these demands are not met, the state, in which the defendant is located, may reject the state that demands his extradition. All this will enable Member States to conduct the procedures to recognise and execute such court decisions easier and faster. In addition to greater protection of the citizens' rights, the Framework Decision shall also enable better and more effective judicial cooperation among the Member States and the application of the framework decisions on the European arrest warrant, confiscation order, fines, and transfer of prisoners. We are still expecting the opinion of the European Parliament concerning this document.

Ladies and gentlemen, allow me to shortly present the achievements of the Slovenian Presidency in the field of cooperation in civil matters:

The document, which brings more rights for the maintenance creditors, is the proposal of the Regulation on maintenance obligations. At the last meeting on 6 June, the Council adopted political guidelines and an agreement on key chapters of the Regulation.

We are pleased to share this success with you, for which the European Parliament strived as well. We were successful in achieving consent on the Regulation's main objective, namely to eliminate all intermediate procedures to recognise and execute foreign court decisions for all maintenance creditors. At the beginning of the Presidency, a complete elimination of the recognition and enforcement for all maintenance creditors seemed an almost impossible objective, which is why we are especially happy that we achieved it.

The Presidency also kept its promise that it gave to the European Parliament and discussed the Regulation's legal basis. Most of the Member States were of the opinion that maintenance obligations belonged into family law and that the legal basis, proposed by the Commission, was appropriate. This conclusion was confirmed at the June Council. At the same time we also adopted a special clause, which binds the Commission to provide the Council and the European Parliament with occasional reports on implementation of the Regulation.

In addition, at the June Council we reached consent on the content of key chapters of the Regulation, referring to the scope of the Regulation, the competences, applicable law, recognition and enforcement, and execution. Therefore, it was decided that the Regulation would regulate all forms of maintenance obligation, and on the basis of harmonised provisions of the applicable law the recognition and enforcement would be fully eliminated for all maintenance creditors. The rules of the applicable law should be like those included in the Hague Protocol as of November 2007, to which the European Community shall accede on the basis of a Council Decision. In the end, we set the legal framework, which shall enable that the United Kingdom will also accede to the Regulation.

Let me introduce the Presidency's achievements regarding the proposal of the Rome III Regulation. The general objective of the proposal is to ensure a clear and integrated framework in the legal disputes in the European Union.

The Slovenian Presidency paid a lot of attention to this file and put a lot of effort into finding a solution that would be acceptable for all Member States. Most of the Member States agreed on the significance of the Regulation, especially from the viewpoint of greater legal predictability and security. Nevertheless, some Member States were of the opinion that harmonised European rules on the applicability of law were not needed. Therefore, the Presidency created a compromise text of the Regulation's proposal, which is now acceptable to almost all Member States.

Ladies and gentlemen, the Slovenian Presidency performed a successful work in the field of external relations.

It represented the Council of the EU at the ministerial meetings held in the USA, Russia, and Ukraine. At the ministerial meetings, the Presidency pointed out the importance of human rights protection and establishment of norms and institutions of rule of law. This was especially evident at the meeting between the EU and Ukraine, at which the Presidency especially pointed out a steep increase in xenophobia and racism.

At the ministerial meetings with Russia and Ukraine, the Presidency pointed to the issues that occur during mutual legal assistance in criminal matters. In the case of Russia and Ukraine, we emphasised the need to respect the standards of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. The meetings with Russia and Ukraine considerably contributed to the progress of the process of conclusion of the mentioned agreements.

Negotiations on the content of agreements on the cooperation between Eurojust and Macedonia, Eurojust and Switzerland, and Eurojust and the European Anti-Fraud Office were also concluded during the Slovenian Presidency. On the basis of the agreement at the ministerial meeting with the USA, Eurojust will organise educational courses for practitioners who will be implementing the agreements between the EU and the USA on mutual legal assistance and extradition, when they enter into force.

During the Slovenian Presidency, the EU common positions regarding technical assistance, control mechanism, and return of illegally seized property were represented at the second conference of the Member States of the United Nations Convention against Corruption on Bali. The Slovenian Presidency also represented the common interests of the Member States, which were harmonised at preparatory meetings in Vienna, at the 17<sup>th</sup> meeting of the United Nations Commission on Crime Prevention and Criminal Justice.

Ladies and gentlemen, the first trio finished its work. I am convinced that the next trio will be successful as well and that it will continue the programme, which brings more rights for our citizens and better cooperation in justice. Many matters, which began their legislative path with the German Presidency, arrived to their final destination at the end of the Slovenian Presidency, also with your help.

I hope that you obtained a full overview of the work of the Presidency of the last months, and I thank you for your professional and successful cooperation and today's attention.