



EUROPEAN PARLIAMENT

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Who is in Favour of Strengthening Eurojust? **INFORMARE DE PRESA**

Toulouse , July 17th , 2008 – Renate Weber, europarlamentar PNL (ALDE), participa, timp de doua zile (17-18 iulie 2008), la Toulouse, la o conferinta cu tema "Eurojust, joint investigation teams: sharing means and information" (atasat - agenda intalnirii).

"Statele membre UE sunt, de fapt, foarte reticente unele fata de altele in privinta cooperarii penale si a criminalitatii transfrontaliere. Iar aceasta lipsa de incredere se manifesta partial si in puterile limitate acordate Eurojust si in gradul de participare a Eurojust in echipele mixte de investigatie", a declarat eurodeputata liberala in cadrul unei conferinte de presa organizata azi, la pranz, in cadrul evenimentului.

D-na Weber a fost invitata la aceasta conferinta de catre ministrul justitiei din Franta, d-na Rachida Dati, in calitate de raportor al PE cu privire la initiativa Consiliului European de intarire a competentelor Eurojust (agentia europeana pentru coordonarea actiunilor de combatere a terorismului si a criminalitatii grave transfrontaliere in interiorul UE).

La conferinta - organizata in cadrul actiunilor presedintiei franceze a UE - participa vice-presedintele Comisiei Europene pentru justitie, libertate si securitate, Jacques Barrot; presedintele Eurojust, Jose Luis Lopes da Mota; coordonatorul UE pentru lupta impotriva terorismului, Gilles de Kerchove; ministrul justitiei din Franta, Rachida Dati; ministrul justitiei din Spania, Fernandes Bermejo; ministrul justitiei din Olanda, Hirsch Ballin si alte oficialitati din tarile UE.

Detalii despre activitatea europarlamentarei Renate Weber in legatura cu Eurojust gasiti si aici:

http://www.renateweber.eu/ro/detalii_media/14

http://www.renateweber.eu/ro/detalii_media/43

Iata mai jos si textul discursului tinut de d-na Weber in cadrul sesiunii de deschidere a conferintei (In engleza si franceza, asa cum a fost rostit in fata celor prezenti in sala).

*Madame La Garde des Sceaux, Ministre de la Justice
Messieurs les Ministres de la Justice
Monsieur le Commissaire Barrot,
Monsieur le Président de l'Eurojust
Mesdames et messieurs,*

Permettez moi d'abord de féliciter la Présidence française du Conseil d'avoir organisé cette conférence dont l'importance est évidente. Je tiens à remercier aussi de m'avoir invité en temps que membre du Parlement Européen, rapporteur sur le projet de décision du Conseil pour le renforcement d'Eurojust.

Je viens d'un pays membre de la Francophonie Internationale, qui a même organisé le Sommet de la Francophonie en 2007, donc je parle français. ... Et pourtant, je fais appel à votre indulgence, de me permettre m'adresser aujourd'hui en anglais, parce que j'ai travaillé sur le rapport d'Eurojust seulement en anglais. Le projet a été soumis en anglais, les négociations avec le Conseil et la Commission Européenne et les autres groupes politiques ont eu lieu dans la même langue, à cause de la pression du temps les amendements ont été faites aussi en Anglais. Quand j'ai visité Eurojust, à la Haye, les discussions avec son Président et ses collègues ont été dans la même langue. Et surtout, les documents que j'ai avec moi sont en anglais. Vous comprenez alors que c'est plus facile pour moi quand je parle sur ce sujet de m'exprimer en anglais. Et je vous remercie d'avance pour votre gentillesse.

EUROJUST

So... switching to English...When the report on Eurojust was given to me, despite of some tough signals from several colleagues belonging to different political groups regarding the time pressure imposed by the Slovenian presidency adopting the report, I was thinking that it would be relatively easy to deal with. MEPs tend to be quite suspicious when things happen in a hurry. Was it easy? Please judge yourselves thinking that the final vote in LIBE committee, the Committee on Civil Liberties, Justice and Home Affairs, when the report was, of course in the end, adopted we witnessed a very bizarre situation with the Socialist group abstaining! But I am absolutely convinced this will change in the final vote in the Plenary. Based on explanations I will offer them (in French, I promise) on the misunderstanding leading to their vote.

But the truth is that in fact the European Parliament has been very much in favour of strengthening Eurojust, granting it the powers it required in order to better fulfil its tasks, while expressing a number of concerns in relation particularly to data protection, the procedural rights of the suspects, judicial redress and the role of the European Parliament on controlling mechanisms. All these concerns have been addressed through the Report I issued and the amendments we tabled and I have to admit that several of them have already taken on board by the Council – or at least this is what the latest version of the decision shows. I cannot but hope that the others will be considered when the final form will be adopted.

At the same time I want to convey to you an idea that is widely shared within the European Parliament. Many voices have spoken about our desires / expectations? for a genuine and functional pan-European space of civil liberties, of a citizens friendly justice. I have heard many colleagues asking for a European Prosecutor, and I personally am wondering when will we have at least a Green paper on European jurisdiction in criminal matters based on which an European Prosecutor may be set up afterwards. I am not referring to the Green paper issued a couple of years ago on conflict of jurisdiction but to something more comprehensive addressing the issue of European jurisdiction, that would serve all European citizens.

I admit that in this respect I am much more in favour of harmonization, of setting up a European justice system, rather than re-re-reinforcement of cooperation. I don't want to say that steps have not been taken both in criminal and civil matters on recognition of decisions rendered by different Member States that need to be enforced in other Member states, more to be done in the interest of all European citizens.

At the same time, I am not that naïve not to see that what we think would be in the benefit of our citizens is not always perceived in the same way by the Member States. For a number of reasons. One is that – let's be honest – the legal profession, the legal system, particularly the judiciary are among the most conservative in each country. And this conservatism is reflected in the way the Council legislates. Another very important reason is simply related to the protection of the powers Member States have always had.

And here we are, facing a paradox: while the members of the European Parliament are ready to really address serious crimes, trans-border crimes including by granting more powers to Europol, Eurojust and emphasising the need for closer cooperation – our major concern being just the respect for human rights, data protection, access to fair trial, observance of procedural rights, judicial redress – the Member States are preaching one thing but legislating in a rather contradictory manner.

EUROJUST AND JOINT INVESTIGATION TEAMS

And if you think I am unfair towards the Council, let's have a look at the subject of this conference "Joint Investigation Teams" is quite an example. If we look into the Framework Decision on Joint Investigation Teams we can easily notice how many safeguard clauses are present to ensure the States that each of them is the Lord of the Ring. It is about power. In 2002 the EU was the Union of the 15 Member States so the excuse of question marks on the justice system of new Member States or lack of trust in not so experienced law enforcement did not exist. To some extent I can understand this precaution. But then I have to wonder about the effectiveness of combating trans border crime. Because, honestly, there is no terrorism or organised crime which is not cross border. Not these days. Not anymore.

And I was under the impression that we all wanted to strengthen Eurojust particularly when dealing with serious crimes. We indeed granted more powers in terms of the types of crimes it may involve, and, more important, in terms of powers to be exercised by the national members, their deputies, their assistance to make Agency functional 24 hours a day 7 days a week. The same powers that they would have in their own Member States.

But when I read about Eurojust capability to be part of Joint Investigation Teams I admit I am rather confused. In the original Eurojust Decision – which is still applicable now – 187 of 2002 it is only a mention "en passant" on the possibility of Eurojust to (iv) "setting up a joint investigation team in keeping with the relevant cooperation instruments" both when it acts through its national members (Art 6) or acting as a College (Art 7).

I can understand that in 2002 it was only the beginning of these JIT and the reluctance was acceptable.

But reading the Council latest version on the strengthening of Eurojust I am even more confused.

There are differences between the first draft – I worked on and the current version. Article 9a disappeared. It referred to the powers of the national member conferred to him at national level, including "b) preparing the setting up of and participating in joint investigation teams setup ... concerning its own Member State, including all joint investigation teams supported by Eurojust according to Article 7.5. of this Decision.

It was replaced with a more general article, 9g which provides for the "Participation of the national member [of Eurojust] in joint investigation teams". But the wording of the text is interesting not to say worrisome. It reads as follows:

"National members shall be entitled to participate in joint investigation teams, including in their setting up, in accordance with Article 13 of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union or the Framework Decision 2002/465/JHA concerning its own Member State. However, Member States may make the participation of the national member subject to the agreement of the competent national authority. National members, or deputies or assistants, shall be invited to participate in any joint investigation team involving their Member State and for which Community funding is provided under the applicable financial instruments. Each Member State shall define whether the national member participates in the Joint Investigation Team as a national competent authority or on behalf of Eurojust."

This is not the Parliament which is reluctant. It is the Council, more precisely the Member States.

I spent some time thinking what is the cause of this reticence. Maybe I thought too much and therefore my conclusions are wrong! It may happen. But my conclusion in this moment is that there is a lack of trust among Member States when undertaking investigations that imply the participation of investigators from other Member States, be them judges, prosecutors, or other types of law enforcement officials, despite all those safeguards I already mentioned.

But to see the same precaution when it is about Eurojust, through its members is bizarre. Because then I have a problem understanding why it was such a need to strengthen the powers of Eurojust, to grant to the national members the same powers they enjoy and exercise in their capacity as judges, prosecutors, police officers in their own countries if the Member States do not entrust the Agency and its members with the power to decide when and how to be part of the Joint Investigation teams.

So, here I am... advocating for Eurojust. But I am sure madame la Ministre, Ministers and Commissioner that you share my views that combating serious trans border crimes, and creating a safer environment for the European citizens require more than just the good will of the Member States. It requires at least more trust in a European Agency which so far, within the powers it has exercised, has been quite effective, with a well established system of data protection and no complains about wrongdoing. Therefore I encourage the Council will reconsider these aspects next week when the decision will be most probably adopted.

TRENDS OF THE FRENCH PRESIDENCY

One final word on how the French presidency will proceed in its relation with the European Parliament. I admit I was eager to see the Lisbon Treaty entering into force. I am optimistic enough as to consider that as President Sarkozy told us last week in Strasbourg, France will come up with a solution to save the Treaty while keeping all 27 States within the Union, but I cannot afford to believe in miracles. It is obvious that the Treaty will not enter into force by 1st of January 2009. However, we all know that a law, be it even the Lisbon Treaty, has not only the letter, which of course would be legally binding, but also a spirit. And this spirit can be respected no matter the status of the Treaty. The European Parliament lost its co-decision powers. But it is up to you to set a trend and send a message on how the consultation process can be valued by the Council. Ensuring a good cooperation with the European Parliament and its support by taking on board its recommendations would be exactly the message that many European citizens expect, namely to see that through their directly elected representatives they are part of the legislating process and of the development of the European Union which is their Union.

Merci pour votre attention."

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