



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from :	Presidency
to :	Coreper/Council
Prev. doc. :	15430/11 JAI 728 JUSTCIV 266 COPEN 270
Subject :	Review of the application of the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Network for legislative cooperation between the Ministries of Justice of the European Union

1. The Network for legislative cooperation between the Ministries of Justice of the European Union was established through a Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council ¹. At the Council meeting where the Resolution was adopted, on 28 November 2008, the Commission pledged to give full support to the Network, also financially where possible.
2. In accordance with point 16 of the said Resolution, the Council has to review the application of this Resolution at the latest three years after its adoption.
3. The Presidency has prepared a draft report, in cooperation with the French Ministry of Justice, which currently acts as the Network's administrator.

¹ OJ C 326, 20.12.2008, p. 1

4. JHA Counsellors have revised the text of the draft report at their meeting 17 October 2011. The text as it results from this meeting, containing some Presidency suggestions, is set out in the Annex.

 5. Coreper is invited to examine this text with a view to allowing the JHA Council to adopt the report at its meeting on 27/28 October 2011.
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(draft)
REPORT

on the application of the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the establishment of a Network for legislative cooperation between the Ministries of Justice of the European Union

Overview

1. On 28 November 2008, the Council and the Representatives of the Governments of the Member States, meeting within the Council, adopted a Resolution establishing the Network for legislative cooperation between the Ministries of Justice of the European Union ¹.
2. The objective of the Network is to promote better understanding of the laws of the other Member States, which in its turn is one of the ways to enhance mutual trust and promote the application of the principle of mutual recognition.
3. The goal of the Network is to improve the exchange of information on legislation in force, on judicial and legal systems, and on major legal reform projects, particularly in the fields of civil and criminal law. The Network also enables comparative law studies on topical legislative or legal matters to be carried out jointly by the Ministries of Justice, in order **inter alia** to obtain a better overview of the implementation of European Union law.

¹ OJ C 326, 20.12.2008, p. 1

4. Twenty-five Member States have designated national correspondents in application of point 4 of the Resolution, and provided the administrator with the required contact information in accordance with point 5 of the Resolution ¹. During the Network's last meeting of correspondents, in June 2011, Germany announced its intention to join the Network ² as from 1 January 2012.
5. Three meetings of correspondents have been organized: on 19 June 2009 in Paris, on 28 June 2010 in Madrid and on 27 June 2011 in Budapest.
6. Internal guidelines on practical arrangements for the operation of the Network, including on linguistic matters, were adopted by the correspondents representing the Ministries of Justice of the Member States of the European Union at the Network's founding meeting held in Paris on 19 June 2009. The guidelines entered into force on the date on which they were adopted. On that occasion France was designated as the Network's administrator.
7. Since the second meeting of the Network's correspondents, in June 2010 in Madrid, the European Commission has been participating in correspondent meetings as an observer.
8. The Network's website was set up by the French Ministry of Justice and became operational on 28 June 2010. The Network is preparing the website's second release under the address <http://legicoop.eu>.

¹ The required contact information comprises the following: a) the surname, first name and position of the correspondent(s); (b) the language knowledge of each correspondent; and (c) the communication facilities available to the correspondent(s), with the exact (telephone) numbers, (dedicated e-mail) addresses, etc.

² 11170/11 JAI 400 COPEN 148 JUSTCIV 157

9. The annual activity reports by the Administrator of the Network show a steady increase in the exchange of information. In the first year (June 2009 – June 2010) of the Network's activity, 113 requests for information were made by 17 countries. These requests generated 634 replies.
10. This number increased in the following year (July 2010 – June 2011), with 129 requests for information and 797 replies. 242 requests were made between the start of the network in June 2009 and 23 June 2011. These requests generated 1 431 replies. These numbers confirm the reasons underlying the 2008 Council Resolution, **although it would be desirable if more Member States would provide replies to requests.**
11. There was clearly an unsatisfied need for better mutual knowledge of the Member States' judicial and legal systems and their legislation, as well as for an exchange of information about law reform projects and transposition of the European provisions into national legal systems. The Network has filled this gap, at least to a certain extent, thus contributing in establishing the European area of freedom, security and justice.
12. The Network has no legal personality. It is **currently** managed by an administrator from the French Ministry of Justice who has been ensuring the Network's practical functioning, administrative and technical operation, maintenance and rapid development since his designation.

Conclusions

13. The Network has proved to be a useful tool for the exchange of information on legal systems and contributed to improvement of the transposition of European legal instruments into national systems and to major legal reforms in Member States.

14. In order to ensure the Network's consolidation and evolution (...), new internal guidelines on practical arrangements **might be considered, or, if necessary, a new Council Resolution or other instrument.** Important improvements have already been suggested, **inter alia to seek to ensure**
- **that requests will be drafted in a clearer and more specific way;**
 - **that reasonable timeframes will be set for providing replies, whilst serious consideration should be given to cases of urgency in which Member States are asked to provide a reply within a tight timeframe;**
 - **that more Member States provide a reply to a request, it being understood that replies are provided on a voluntary basis;**
 - **that the content of the available information will be better exploited,** and
 - that the Network's communication and information technology will be constantly adjusted to modern standards.
15. Good operation of the Network is based on the participation of the national correspondents who provide replies to requests for information. **It is therefore important to reflect on ways to facilitate the work of national correspondents.** Monitoring of the activity in the Network and regular (automated) statistical reports from the Network's administrator to national correspondents **might be of help in this respect.**
16. The Network's activities, at the stage of law drafting, mirror to a certain extent N-Lex's task of publication of the texts of national laws implementing Union instruments. It might be considered how those two stages of legislative activity and publication might be coordinated for mutual benefit, **taking into account that the core information exchanged within the Network is not aimed at the broad public. Publication could however be envisaged for comparative law studies.** To that end, a partnership between the Network and the Publications Office of the EU has already been launched.

17. **In order to make the Network and its activities better known, and the information collected by the Network better accessible, it would be desirable that the Network's website be integrated into the European e-Justice portal.**

18. Within three years **after its foundation**, the Network has become a **highly valued** European instrument thanks to its specificities. In addition to using the most recent technology for legal information, the Network's strength also lies in the fact that it leans upon experienced legal experts from the Member States' public administration, often in charge of and well accustomed to the negotiation, transposition and implementation of **instruments of** European law.

19. **In order to be able to continue to carry out its useful tasks, the Network needs stability. Solid financing for the day-to-day operation of the network would notably enhance the stability of the Network and its efficient operation. A new legal form of the organization entailing legal personality for the Network could also be considered, in particular if this would be beneficial for attracting financing from other sources than contributions by Member States, which should remain voluntary. In any case, the Network should preserve its flexible and easy administration which has led to its success and will contribute to it in the future.**

(ex 15, 20 and 21 have been deleted)
