Common position/priorities of the Visegrád Group countries to the preparation of the Post-Hague Programme in the area of freedom, security and justice in the perspective of the Lisbon Treaty

The Ministers of Justice of the Visegrád Group countries – Czech Republic, Hungary, Poland and Slovakia, on the meeting held in Tatranská Lomnica in the High Tatras (Slovakia) on 10th to 12th April 2008, discussed and accepted the following conclusions concerning the preparation of the Post – Hague Program in the area of freedom, security and justice in the perspective of the Lisbon Treaty:

Legislation
The coherence and consolidation of the acquis in the Area of Freedom, Security and Justice is desirable both at conceptual and legal level. Such a process should take place before further legislation is proposed and be based on the practical experience of Member States’ competent authorities in the application or implementation of the legislation. These considerations and the identified inconsistencies need to be taken into account in future debates on replacing the legislative instruments adopted under the III pillar.

Access to justice
Further strengthening the mutual trust is essential and should be primarily focused on improving knowledge and understanding of the judicial systems of other Member States through the promotion of networking among judicial authorities and legal practitioners. Common training programmes should also be envisaged. Encouraging the wider use of Information Technology by the judiciary is a good example on how to implement best practices and make use of well functioning systems with the aim to make justice easily accessible, user friendly and more cost-effective.

Judicial cooperation
We agree that the principle of mutual recognition strengthened by mutual trust between judicial authorities should remain the cornerstone of cooperation. A good example of the realization of this principle may be the reinforcement of Eurojust and European Judicial Network. At the same time, we should not restrict the cooperation to its repressive role. The challenges resulting from the Schengen area call for a new approach with regard to the proper administration of justice. Hence, a special attention should be given to those instruments which could allow to tackle more adequately problems relating to the free movement of persons. The formal adoption of the framework decision on probation as well as the proper reflection on the concept of the European Supervision Order will help to explain better to our citizens the directions of development of judicial cooperation in criminal matters.

Civil justice
The follow-up to the Hague Programme must take into account also further analysis of the fundamental issue for the common judicial area in civil matters, that is to say the abolition of exequatur. Currently the state of play is as follows. Virtually all civil law regulations, either of the first generation (Brussels I regulation or insolvency regulation) or the recent ones (establishing the European Enforcement Order, the European Payment Order or Small Claims Procedure) provide for different solutions in this regard. Differences
involve in particular the scope of their application, reasons justifying refusal of recognition of foreign decisions or references between these regulations. For this reason it is important to explore whether practitioners experience any difficulties in application of this schemes. It should also be stressed, which of the solution is the most suitable and could stand as a landmark for future works. This analytical task should involve all interested parties. The results will be very useful for upgrading the quality of adopted legislation and answering the fundamental question whether the uniform mechanism of abolition of exequatur is possible and on which conditions.

A great number of community instruments has been adopted under the Hague Programme. During the Post-Hague period training of practitioners and information campaigns for the public should be a priority, as well as consolidation in the field of civil justice to eliminate contradictions and parallelisms in legislation.

Child protection

We agree that child protection should be one of the main priorities of the cooperation between Member States. Child protection requires a multi-disciplinary approach that includes the need for exchange of information to make cooperation in this particular field more effective.

External relations

After the entry into force of the Lisbon Treaty a more coherent and more policy targeted external relations policy will be needed. Common approach will be inevitable to tackle the problems linked to terrorism, trafficking in human beings, weapons and drugs. Therefore, to maintain the high level of cooperation with third states and international organisations involved should be a priority.

More intensive cooperation should be developed within the framework of the European Neighbourhood Policy, especially with Ukraine, as well as with our most important strategic partners: the USA and Russia. There is also need to intensify judicial cooperation in various fields with most important partners like China and Japan.

Citizens rights

The entry into force of the Lisbon Treaty and making the provisions of the Charter of Fundamental rights legally binding will provide new impetus for the EU and will enable its accession to the European Convention on Human Rights

The Lisbon Treaty will provide for the possibility to set minimum common rules on procedural guarantees. A new opportunity should also be used to have a closer look on the alternative forms of protection of procedural guarantees. An examination of those alternatives could be undertaken having in mind the special significance of procedural guarantees in the area of freedom, security and justice. The result of such reflection, based on practical experience, might be a good basis to elaborate adequate measures responding to the present needs in this field.

Evaluation of application

The extension of the scope of the monitoring mechanism under Article 225 of the EC Treaty will enable the Commission to seize the European Court of Justice if a Member State does not fulfil its obligations. Nonetheless, the mechanism established
by the Joint Action 97/827/JHA has proven to be successful in the practice of
evaluation some of third pillar instruments. The “peer evaluation” aspect could be
also considered to complement the future monitoring mechanism. It would be useful
to identify the legal instruments, or issues, respectively. In the process of evaluation
of implementation, especially in the field of judicial cooperation in criminal matters, an
attention should be given to the elimination of existing differences in interpretations of
certain provisions in some Member States which gave rise to difficulties in practice.
Such difficulties, undermining the mutual trust of European citizens towards the area of
freedom, security and justice should be avoided.

Tatranská Lomnica, 11th April 2008

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