



**THE STOCKHOLM PROGRAMME (2010 TO 2014)
ON THE FURTHER DEVELOPMENT OF THE UNION'S
“AREA OF FREEDOM, SECURITY AND JUSTICE”**

CCBE RECOMMENDATIONS

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CCBE recommendations

The CCBE Manifesto

The CCBE has recently published a manifesto calling for 'The right kind of justice for Europe'. We attach a copy because we believe that it is relevant in the current drafting of the next five-year Strategic Agenda for Freedom, Security and Justice (the 'Stockholm programme'). In our Manifesto, we present our main concerns about the way that justice is currently addressed at EU level, and call on the European institutions:

- to establish at the European Commission a **DG Justice** that will be competent only for justice matters, in order to avoid a justice deficit in the balance with security concerns, and for all justice matters, to ensure coherence and consistency of legislation;
- to ensure that, when pursuing other objectives in legislation, however important, **the right of a client to consult a lawyer in full confidence** will be upheld as a cornerstone of the rule of law in a democratic society;
- to protect the **procedural rights of suspects and defendants in criminal proceedings** in all Member States, and to introduce minimum common procedural safeguards for the rights of suspects and defendants in criminal proceedings; and
- to ensure that Member States and the EU, when adopting legislation against terrorism and organised crime, comply with their European and international legal obligations to uphold **human rights**.

Obviously we would like these concerns to be considered by the drafters of the Stockholm Programme. However, there are further CCBE recommendations that are of direct relevance to the on-going discussions about what the next five-year programme should contain.

Other main CCBE recommendations

As main issues, we would like to mention:

- In developing **e-justice**, there should be proper balance between facilitating access to justice and ensuring the respect of procedural guarantees and data protection. In particular, the use of video-conferencing in cross-border criminal cases raises a number of delicate questions, as well as the linking of criminal databases. Moreover, the e-Justice portal should provide a single access point for finding a lawyer in Europe through the convergence of national bar databases of lawyers, and it should offer e-identity management in order to allow lawyers to have secure e-transactions with official registries or judicial authorities in other Member States. This requires major technical and financial resources;
- When considering ways to enhance legal security for cross-border users of legal acts, the differences in legal cultures and systems should be considered. Certainly, if the intention is to facilitate the mobility for all citizens in the EU, whether or not they come from countries which have notarial systems or which foresee acts with equivalent legal effects established by lawyers or other professionals, then the mechanisms for mutual recognition should benefit, not only the citizens or residents of some member States – as is the case in the current initiative on an **authentic act in Europe** – but also analogous legal acts (deed, legal act by a lawyer or equivalent) which exist under national law;
- Lawyers, who are essential actors of the administration of justice and indeed the first that users of justice enter into contact with, should be on an equal footing with judges and prosecutors in initiatives to provide **training to legal practitioners** in EC law and procedural law. This means that EU funding for lawyers' training in EC law should be provided entirely out of public funds, and not only partially as at present; this would avoid the current imbalance between the various actors in the justice sector. It is also important that training programmes

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for the judiciary of the accession and neighbouring countries of the European Union do not focus only on judges and prosecutors but also include lawyers.