



European
Commission



EU Criminal Law

Trier, 12 March 2010 – Vice President Viviane Reding outlined the «future of European Criminal Justice». Three years later, **words** have been translated into **action**. (See [SPEECH/10/89](#))

1. The fight against cross-border crime

"I firmly intend to make a proposal for establishing the European Public Prosecutor in the course of my mandate."

"We will consider further new rules to regulate [Eurojust's] internal structure."

- ✓ European Public Prosecutor's Office
proposed July 2013
- ✓ Reform of Eurojust
proposed July 2013

2. Helping the victims of crime

"I will propose solutions, including new legislation for the millions of citizens who, every year, fall victim of crime."

- ✓ Directive on rights of victims of crime
proposed 2011, adopted 2012
- ✓ European Protection Order
proposed 2011, adopted 2012

3. Strong procedural rights

"Over the next four years I hope that we will give citizens rights that will accompany them throughout the EU."

- ✓ Directive on right to interpretation and translation
proposed 2010, adopted 2010
- ✓ Directive on right to information
proposed 2010, adopted 2012
- ✓ Directive on access to a Lawyer
proposed 2011, adopted 2013
- ✓ Green Paper on Detention Conditions
adopted 2011

4. Coherent approach to criminal sanctions

"I am strongly convinced that Europe needs a balanced and coherent concept of criminal policy."

- ✓ Anti-Fraud Directive
proposed 2012
- ✓ Anti- euro counterfeiting Directive
proposed 2013
- ✓ Market Abuse Directive
proposed 2011
- ✓ Drugs Trafficking Directive
proposed 2013



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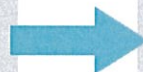


Rule of Law

4 September 2013 – In a speech at the Centre for European Policy Studies, Vice-President Viviane Reding drew up a blueprint for a future rule of law mechanism for the European Union. (See [SPEECH/13/977](#))

1. Rule of Law Crises in Europe

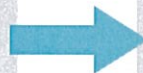
"In all these cases, the Commission intervened after reflection and sometimes intense internal discussions, partly with strong words, sometimes with letters, and sometimes with Treaty infringement proceedings."



- The Hungarian crisis that started at the end of 2011;
- The Romanian rule of law crisis in the summer of 2012.

2. Drawing on Experience

"The EU Justice Scoreboard [...] is a first tool to provide comparative data assessing the quality, independence and efficiency of national justice systems. This could become the basis for a more comprehensive tool in the future."



- European Semester / Justice Scoreboard
- Cooperation and Verification Mechanism

3. Respecting certain principles

LEGITIMACY

"European Council conclusions and European Parliament resolutions endorsing with very broad majorities a new rule of law mechanism are from my perspective the absolute minimum required if we want to go further."

EXPERTISE

"A deep comparative knowledge of [Member States] systems is required to be able to pass judgment on what lies outside constitutional norms on the rule of law."

THE EQUALITY OF MEMBER STATES

"Any new tool to safeguard the rule of law has to be applicable in the same way – on the same threshold of a serious and systematic threat to the rule of law – to all Member States, big or small, North or South, East or West."

4. A two part plan

1. *"I see the best way forward as a two-step approach. The first step would be to exploit the potential offered already by the existing Treaties, in order to develop an improved mechanism for handling a future rule of law crisis."*
2. *"A second step could be to anchor a strong basis for a more far-reaching rule of law mechanism, which would include more detailed monitoring and sanctioning powers for the Commission, in an amendment of the Treaty."*



1. Giving "formal notice" to a Member State where we have reason to believe that a systemic rule of law crisis is on the way to developing.
2. Several Options, including infringement proceedings to uphold EU values; or a rule of law mechanism applicable to all Member States.



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Fundamental Rights

31 May 2012 – In a speech at the European Law Academy, Vice-President Viviane Reding explained how the Charter of Fundamental Rights has become a compass guiding all of the Union's activities. (See [SPEECH/12/403](#))

1. The Charter as our Compass

"Today, Commission proposals systematically (...) undergo a detailed fundamental rights assessment."

"It was a political commitment to take fundamental rights more seriously in the EU institutions."

- ✓ All Commissioners take an oath to respect the EU Charter
- ✓ Communication on a 'Charter Strategy' adopted 2010
- ✓ Introduction of fundamental rights impact assessments for all Commission proposals

2. Increasing Judicial application of the Charter

"In the Test Achats ruling, the Court made crystal clear that not only do we have a legally binding Charter of Fundamental Rights for the EU, but that we also have a constitutional Court at EU level that stands ready to apply and enforce [it]."

- ✓ The number of Court of Justice decisions quoting the Charter almost doubled, from 43 in 2011 to 87 in 2012
- ✓ References to the Charter in National courts' questions to the Court of Justice rose by over 50% as compared to 2011, from 27 to 41

3. Monitoring progress and improving information for citizens

"The first and primary addressees of the Charter are the Union institutions themselves."

"National fundamental rights law and the EU Charter complement one another."

- ✓ Annual Report on the application of the Charter
- ✓ Annual exchange of views with the European Parliament and the Council of the EU
- ✓ European Year of Citizens 2013

4. Towards a Federal Bill of Rights for the EU?

"It took the United States 100 years – and a very bloody civil war – [for] the U.S. bill of Rights [to apply] not only to the federal level, but also [...] to the individual States. To all those who are not satisfied with the current State of Union law as regards fundamental rights, I thus say: Be patient."

"I would hope the 'Austrian model of Charter incorporation' might also be taken up by other constitutional courts. [...] For citizens in Austria, this means they can invoke the Charter directly."

- ✓ Austria incorporates Charter into its Constitutional Order 2012