

# The quality of criminal justice in the European Union

2005/2003(INI) - 22/02/2005 - Text adopted by Parliament, single reading

In adopting the report by António COSTA (PES, PT), the European Parliament approves a series of recommendations with an aim to achieving better standards of criminal justice in the different Member

States. These recommendations are as follows:

- immediately initiate a European Union action to enable European citizens throughout the Union, whatever the legal and constitutional set-up of the Member State in which they find themselves, to enjoy the right to justice in both comparable conditions and on the basis of ever-higher quality standards, thus acquiring greater trust in the administration of justice;
- define with the Member States a 'Quality Charter for Criminal Justice in Europe' to serve as a common reference framework for all the Member States and ensure consistent and objective evaluation; this Charter should be drawn up taking due account of the experiences acquired and work done at national level, as well as at international level by the Council of Europe and the United Nations,
- in order to strengthen mutual trust between national legal systems, while respecting their diversity, establish a mechanism for ongoing mutual evaluation, with the Quality Charter as its objective reference framework, taking account of experiences in other areas in which mutual evaluation is already operational (Schengen, terrorism, enlargement, etc);
- formally set up the mutual evaluation mechanism (procedures, structures, indicators, reports, etc.) on the basis of one or more decisions pursuant to Article 31 of the Treaty on European Union implementing the principles contained in the case law of the Strasbourg and Luxembourg Courts and the guidelines laid down by the Council of Europe's Commission for the Efficiency of Justice
- involve judges' and lawyers' associations, legal experts, users of the legal system, and the national parliaments in this evaluation, for example by setting up a monitoring committee on the quality of justice, in the spirit of Article I-42(2) of the Constitutional Treaty and in accordance with the principle of subsidiarity; this evaluation could be conducted jointly by the European Parliament and the national parliaments;
- recognise that the creation of an area of freedom, security and justice based on mutual trust is not possible without a minimum of harmonisation of national legislation; with regard to substantive criminal law, Parliament agrees with the Council that priority should be given to the offences expressly referred to in the Constitutional Treaty; with regard to procedural law, the following subjects should have priority;
- call on the Commission immediately to incorporate the "Quality Charter for Criminal Justice in Europe", the mutual evaluation mechanism and supplementary measures for the harmonisation of certain criminal provisions into the Action Plan which it is due to submit in 2005 in accordance with the Hague Programme; note, in this connection, that Parliament joins the European Council in recommending that the Commission adopt the provisions contained in the Treaty establishing a Constitution for Europe as the reference framework for the Action Plan.