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MISSION REPORT

following the mission to Utrecht and The Hague on 8 and 9 February 2016

Committee on Legal Affairs

Members of the mission:

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Introduction

The mission of the Committee on Legal Affairs to Utrecht and The Hague took place over two days, 8 and 9 February 2016. It was mainly focused on the committee's competence for international law, both private and public. The mission also comprised specific meetings on the topics of better law-making, gender equality and judicial cooperation.

The three participating Members were accompanied by a team composed of secretariat staff, political advisors and interpreters.

Summary account of meetings

The participants held a total of seven meetings during the mission:

1. Meeting with representatives of the European Equality Law Network

At Utrecht University, the participants held an exchange of views on gender equality law with Dr Susanne Burri, specialist coordinator for gender equality, Professor Linda Senden, senior expert for gender equality and member of the executive committee, Marcel Zwamborn, general coordinator, and Dr Alexandra Timmer, acting coordinator for gender equality law.

Members were particularly interested to hear the network's views on the need for legislation on female representation on company boards, as well as on the importance of the Istanbul Convention.

The exchange of views was followed by lunch in the Faculty Club of Utrecht University, which allowed the discussion to continue on a less formal basis.

2. Visit to the International Court of Justice

In the Peace Palace in The Hague, Members met Philippe Couvreur, Registrar of the International Court of Justice, and Andrey Poskakukhin, First Secretary of the court and Head of its Information Department, for an exchange of views on international law.

Members heard about the creation, history and role of the International Court of Justice, and were able to ask some questions about the court's current work.

3. Visit to Eurojust

The Parliament representatives then visited Eurojust for an exchange of views on judicial cooperation. They were received by Michèle Coninsx, President of Eurojust, Klaus Meyer-Cabri, National Member for Germany and Chair of Eurojust's Brussels Team, Piia Vottonen, National Member for Finland, and Cyril Lacombe, Assistant to the National Member for France.

Following a presentation about the importance of Eurojust's work in the fight against transnational crime, Members were informed of the budgetary consequences which

need to be drawn from the increase in judicial cooperation in this field.

4. Visit to the Academie voor wetgeving

At the Academy for wetgeving, a Dutch public institution providing training for government and legislative lawyers, the committee representatives held an exchange of views on better law-making with Professor Niemeijer, Dean of the Academy, and Nico Florijn, programme manager.

The representatives of the Committee on Legal Affairs were particularly interested to hear the academy's views on the meaning of the concept of better law-making, and on the role of civil servants (whether national or European) in the process.

5. Visit to the Permanent Court of Arbitration

The Members then returned to the Peace Palace for an exchange of views on international arbitration with Hugo Siblesz, Secretary-General of the Permanent Court of Arbitration, which was preceded by a very informative presentation on international arbitration by Dirk Pulkowski, Senior Legal Counsel.

As the Permanent Court of Arbitration is also active in the field of Investor-State Dispute Resolution, Members were particularly interested to hear about the importance of providing for an appropriate legal framework for decisions when providing for recourse to arbitration. In fact, controversy in this area is rarely caused by recourse to arbitration in itself, but rather by disagreement regarding the principles on which arbitral awards are based. Those principles are of course at the disposal of the parties which enter an arbitration agreement.

6. Private meeting with Ard van der Steur, Minister for Security and Justice

The mission participants met Ard van der Steur for an exchange of views on the Dutch Council Presidency, and other matters of current interest.

In particular, Members heard about the progress made in Council on enhanced cooperation on matrimonial regimes and the property consequences of registered partnerships. The minister expressed interest in the committee's proposal for an administrative law for the European Union.

The ministry then provided lunch for the mission participants, which allowed discussion to continue with the minister's staff.

7. Visit to the Permanent Bureau of the Hague Conference on Private International Law

In view of the committee's core competence for civil law and private international law, Members were keenly awaiting the exchange of views on those topic with the Permanent Bureau of the Hague Conference on Private International Law. The Bureau was represented by Dr Christophe Bernasconi, Secretary General, Dr Marta Pertegás, First Secretary, Philippe Lortie, First Secretary, Laura Martínez-Mora, Principal Legal Officer, John Thomas, Principal Legal Officer, Kerstin Bartsch, Senior Legal Officer, and Maja Groff, Senior Legal Officer

The Members were particularly interested to hear the Permanent Bureau's views on the question of the protection of vulnerable adults, on which Joëlle Bergeron was drawing up a legislative initiative report, and on using private international law to solve some of the issues surrounding parentage and surrogacy.

This final meeting was followed by a visit to the Escher Museum in The Hague.

Conclusions

The meetings in Utrecht and The Hague were of considerable use to the committee for the formulation of future policy in its areas of competence. Apart from realising the importance of further contacts with the various stakeholders the mission participants had the opportunity to meet, the following, more specific conclusions could be drawn:

- work should continue on legislative options to further female appointments to company boards;
- owing to the complex interplay of European and Member State legislation as well as societal factors, the concept of indirect discrimination could manifest itself in different areas of legislation and hence needed to be acknowledged and taken into consideration to a greater extent;
- EU accession to the 2011 Istanbul Convention should be promoted;
- statutory flexibility was required for international organisations to flourish over time;
- criminal justice cooperation, including through Eurojust, was key to combating cross-border crime and terrorism;
- the development of counter-terrorism activities over the last fifteen years had largely been event-driven, whereas an evidence-based analysis of the effectiveness of measures introduced over that time period would be desirable;
- the budgetary means of Eurojust should be looked into, with a view to their possible increase;
- the meaning of better law-making or better regulation required further reflection, particularly at European level;
- in an academic context, better law-making referred to the precise translation of political ideas and decisions into transparent, effective and efficient legislation, and not to the substantive content of policies;
- in the context of the ongoing controversies on investor-state dispute settlement by arbitration, greater regard should be had to providing substantive content, and not just procedural rules, for the legal framework within which arbiters issue decisions;
- the committee should cooperate closely with the Council and Council Presidency on enhanced cooperation for the proposed decisions on matrimonial regimes and the

property consequences of registered partnerships, as well as on the committee's legislative initiative on an administrative law for the European Union;

- the committee should intensify its cooperation with the Permanent Bureau of the Hague Conference on Private International Law;
- the peace-building role of private international law should not be forgotten, both internationally and within the European Union;
- the European Union should support the efforts of the Hague Conference to provide for consistency in the application of family law to individual cases, especially to those with a cross-border dimension;
- the European Union should support the Hague Conference's work on the proposed Judgments Convention.