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JUSTICE

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Dear Mr Pelicarić,

Thank you for your letter dated 10 April where you express your concerns and those of the European Lawyers' and Bars' over COVID 19 measures.

I share your concerns. Maintaining the effective functioning of legal systems in this time of crisis is one of my main priorities. These exceptional circumstances call for particular vigilance to preserve an effective judicial protection as a key component of the rule of law.

It is realistic to believe that this crisis will affect justice policy and that our national justice systems are likely to be put under pressure. It is also likely that the post-pandemic situation will trigger a high level of litigation in courts in all branches of law: civil law, public law, criminal law, fight against fraud, and company law. In this context, defending the legal function of lawyers and ensuring that they can continue to operate during and after the crisis is of crucial importance.

You rightly mention the need to adopt innovative technical solutions in order to ensure that justice continues to function properly. As it happens, I had the opportunity to exchange views with the Justice Ministers of the Member States during a videoconference organised by the Council on 6 April. We have been discussing the impact of COVID-19 on the judiciary and measures taken relating to the functioning of justice system.

I am convinced that important lessons will have to be learned from this crisis for the functioning of society, in particular by adopting innovative ways of working. The current situation teaches us a lot about working efficiently, reducing unnecessary procedures and focusing on the essentials while using digital tools where relevant.

This crisis demonstrates the importance of digital justice. We need to step up our efforts to ensure full digitalisation of judicial proceedings and a secure digital channel for all judicial cooperation procedures.

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The digitisation of justice has always been one of the priorities of my mandate and the current situation only reinforces my conviction that European justice must fit in with the digital transition.

To this end, my team continues to work intensively on several priority projects in this area, such as finding a hosting structure for E-Codex. We are also making every effort to bring legislative proposals to a successful conclusion as quickly as possible, in particular by inviting the European Parliament to finalise its position on e-evidence, and by urging the co-legislators to find an agreement on the revision of the Taking of Evidence and Service of Documents regulations, which will contribute to the adaptation of judicial procedures to digital technology.

In your letter, you also express your concern about the threats to fundamental rights and the rule of law caused by the exceptional measures taken in response to the current crisis.

I wanted to inform you that the College of Commissioners has actually discussed the emergency measures taken by several EU governments in the past weeks and the Commission is closely following such developments in all Member States concerned.

I fully agree with you that while extraordinary measures may be allowed in the current circumstances, it is essential that they respect the fundamental principles and values set out in Article 2 of the Treaties, and are in line with international and European standards for the protection of human rights. Such measures should always be limited to what is necessary, strictly proportionate and limited in time to address the crisis. Governments must ensure that such measures are subject to regular scrutiny.

The Commission will closely monitor, in a spirit of cooperation, the application of emergency measures in all Member States.

Finally, you bring to my attention the economic impact of the current crisis on the situation of lawyers. I am fully aware of the essential function of lawyers, particularly in the functioning of the rule of law, and of the need to support them at this time.

I can assure you that the Commission is using all tools at its disposal to respond quickly, forcefully and in a coordinated manner to mitigate the negative socio-economic consequences of the coronavirus pandemic.

I am convinced that the independence, quality and efficiency of national justice systems will be particularly important to ensure a recovery from the COVID crisis in accordance with our fundamental values, and I am aware of the role lawyers will play in this respect.

Yours sincerely,

(e-signed)

Didier REYNDERS