

Speech to be given by the President of the Senate, Mrs Y.E.M.A.

Timmerman-Buck, at the meeting of chairpersons of Justice Committees

in the EU on 3 September 2004

Colleagues, ladies and gentlemen,

It gives me very great pleasure to welcome you, chairpersons and deputy-chairpersons of the Justice Committees, to the Binnenhof. As you may know, the Binnenhof – literally the Inner Court – is the home of the Dutch parliament and therefore the political heart of the Netherlands. And it gives me particular pleasure to welcome you and the other guests to this hall. As president of the Senate, I very rarely have the opportunity to speak in the plenary assembly room of the House of Representatives, which is known to us as ‘the other side’ of the Binnenhof. As in other countries which have a bicameral system, there is a mild form of political rivalry between the Senate and the House of Representatives. You will therefore appreciate how much pleasure it gives me to address you today in this assembly room.

The theme of your conference is the European Criminal Law Space. The reason why this theme has been chosen is obvious. The importance of cooperation between the criminal justice authorities in Europe and of fighting crime was recognised as long ago as in the Treaty of Maastricht, through the introduction of the so called Third Pillar. And this topic also occupied an important place in the Tampere programme. Since 11 September 2001 and the attacks in Madrid in March of this year, we have become increasingly aware of the need for concerted, international measures to fight terrorism. Combating crime is high on the political agenda of all Member States of the European Union, the internationalisation of crime continues to demand our attention, and the fight against organised and often transnational crime is a subject that has become an ever present feature of European politics.

This conference takes place at a special moment in the history of Europe. A new European Parliament was elected in June of this year and has now started work. And a new Commission too will shortly take office. Moreover, it is hoped that a new Treaty establishing a Constitution for Europe will take effect before long. And all of this has occurred only shortly after we have

welcomed ten new Member States to the European Union. Europe is embarking on a new chapter in its history. I am convinced that three subjects will require constant attention in this new chapter. The first is, naturally, welfare and socio-economic policy. The second is the common foreign and security policy and the issue of international peace and security. And the third will, I expect, be the subject of this conference, namely the establishment of a European criminal law space.

The discussion memorandum prepared for your meeting itself points to the paradox that while the fight against crime affects the *raison d'être* of the nation State this fight cannot be successful without far-reaching international cooperation, which will necessitate the transfer of powers to the European Union. The discussion memorandum also points out that decisions are often taken in the aftermath of acute crises and tragic incidents such as terrorist attacks. Indeed, this is reflected in the proposition: *Concern about security will too often triumph over concern about freedom*. Such an approach entails the risk of incoherent policy, in which the rule of law is in danger of being relegated to a back seat.

As so often in political debates on the policy to be pursued and legislation to be adopted, it is ultimately a matter of careful appraisal and balance. It is not about transferring powers to the European Union as such, but about arranging a *sufficient degree* of transfer. It is not about the powers of the police and criminal justice authorities to investigate criminal offences as such, but about the extent of the powers necessary to fight crime in a constitutional democracy. After all, the legal system must provide for checks and balances, in other words strike a balance between the rights and liberties of individual citizens on the one hand and the need to protect society as a whole against crime on the other.

The new Constitution for Europe recognises very emphatically the place and position of the national parliaments and invites us to take part in the European cooperation. This is reflected most clearly in the role of the national parliaments in the subsidiarity and proportionality test. This is precisely the area in which national politicians can help to ensure that the checks and balances of which I have just spoken can do their work at European level too in the fight against transnational crime. This is why it is so good that this conference is being held at this moment and on this subject.

In the future you, as members of national parliaments, will be increasingly involved in the building of the 'European House', and your contribution will be all the greater if you work together in formulating your choices. It is only right that delegations from the candidate Member States should take part in this debate. After all, these choices will affect them too before long.

Today you will be addressed by speakers representing a range of views, so that all relevant aspects of the issue will receive consideration. The discussion memorandum and the propositions which the preparatory working group have drawn up undoubtedly contain sufficient substance for a lively discussion. I hope that all the ingredients for a fruitful exchange of views are therefore present, not least thanks to the presence of Mr Frits Korthals Altes, who will chair your discussions today. His record of service in Dutch politics is second to none. Mr Korthals Altes is a former minister of justice, he is one of my predecessors as president of the Senate and he was appointed as a Honorary Minister in 2001. As you will appreciate, you could not wish for a better chairman of today's session. I very much hope that you will have an agreeable and inspiring meeting today!

Thank you!