

# Last Justice Council under German Presidency Focused on Justice Aspects of Countering Terrorism



**euclid**

European Law Forum: Prevention • Investigation • Prosecution

News

Thomas Wahl

At the [videoconference of the Ministers of Justice](#) of the EU Member States on 2 December 2020 – the last Justice Council meeting that was chaired by the German Presidency – participants above all discussed justice-related aspects in the fight against terrorism and the development of the rule of law in the field of justice. The state of play of the European Public Prosecutor's Office (EPPO) was also on the agenda. The conference reached, *inter alia*, the following outcome:

- *Hate speech*: binding EU rules are needed on how online platforms deal with hate speech. Voluntary commitments are not sufficient. Incitement of violence must be prosecuted more robustly and at an earlier stage throughout Europe. EU rules may not only regulate the deletion of hatred content online, but also include the obligation for online platforms to report criminal offences related to hate crime and hate speech to the competent authority if they become aware of them.
- *Digital cooperation*: ministers discussed ways to strengthen the digitalisation of cross-border judicial cooperation, based on the studies on cross-border digital criminal justice presented by the Commission in September 2020 (→ [related link](#); see also the new Commission Communication “Digitalisation of justice in the European Union – A toolbox of opportunities” that was released on 2 December 2020 → separate news item under “Area of Freedom, Security and Justice”).
- *E-evidence*: In the context of digitalisation of cooperation, the Justice ministers stressed the importance of progressing with the legislative proposal on e-evidence (→ [euclid 1/2018, 35-36](#)), where the European Parliament has still not entered into trilogue negotiations. They stressed that the regulation on an EU production and preservation order should be subject to mandatory judicial review, not least because of the recent CJEU case law on the independence of public prosecution services.
- *Victims of terrorism*: the Presidency presented a [comprehensive report](#) on the matter. Support of persons who felt victim of terrorism is advancing, however coordination in cases with cross-border implications must be improved;
- *European Arrest Warrant*: ministers endorsed Council conclusions on the way forward of the instrument (→ separate news item under “Cooperation” > “European Arrest Warrant”);
- Cumulative prosecution of foreign terrorist fighters: ministers considered a respective [report](#) by Eurojust and the Genocide Network. The report concluded that better justice for victims could be done if the prosecution of terrorism offences committed by the ISIS is combined with the prosecution of acts of war crimes and other core international crimes.

## AUTHOR

Thomas Wahl

Senior Researcher  
Max Planck Institute for the  
Study of Crime, Security and  
Law

---

ISSN: 1862-6947

<https://euclid.eu>

---



As far as rule of law developments are concerned, the conference followed up the Commission's annual rule of law report of September 2020 (--> separate news item), thereby targeting justice-specific matters. Ministers shared views on key elements of judicial independence, efficiency and the fight against corruption. They broadly support the creation of a discussion forum for judges with the aim to reinforce common ground in terms of legal culture.

The Commission informed the Justice ministers of the state of play of the recent progresses on the implementation of the EPPO Regulation. The German Presidency informed that it prepared a comprehensive guidance report on EPPO's relations with third countries and with the Member States not participating in the enhanced cooperation (not public yet).

---

## About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and "criministrative" law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to [eucrim-subscribe@csl.mpg.de](mailto:eucrim-subscribe@csl.mpg.de) to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by  
the European Union**