

EU Commission: The driving force behind legislation

Overview of the numerous legislative projects at the legislative projects at EU level

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One has to keep in mind: The EU Commission has the right of initiative for legislation in the EU. And it uses it, as the work programme for 2022 shows. From the perspective of the legal profession, there are some new projects, but at the same time the to-do list from this year remains long. What will eventually reach lawyers in Germany from the European level?

One thing that will be new in 2022 is that the EU Commission, in its third report on the rule of law, will make recommendations to the member states. This is welcomed by the DAV, as it is likely that it will help the report to be more effective. Even though Germany is not in the focus here: the rule of law in Europe is an issue for all of us.

Let's move on to the many practical projects: In criminal law, a legislative initiative on the efficient transfer of criminal proceedings between member states is announced. In addition, recommendations on pre-trial detention and detention conditions are to be published (a previous demand of the DAV). A revision of the Victim Protection Directive is pending with the aim of improving victims' access to justice. Finally, in the wake of the pandemic, substantive insolvency law is to be further harmonised. In family law, the issue will be the mutual recognition of parenthood among member states.

The list of legislative projects that already started: The money laundering package published in summer foresees the creation of a European Money Laundering Authority and numerous new reporting obligations that interfere with the independence of lawyers and make the handling of mandates disproportionately difficult. Negotiations also continue on the Artificial Intelligence Act. From the DAV's point of view, the need to preserve the primacy of human decision-making in the judiciary and public authorities is of central importance here. The so-called E-Evidence Regulation on cross-border access to electronic evidence in criminal proceedings also remains of great importance. The DAV is vehemently committed to

the protection of professional confidentiality. In addition, the six legislative proposals of the new Migration and Asylum Package 2022 will be further discussed. The DAV demands for the improvement of the legal remedies and legal recourses provided. In December 2021, the EU Commission will add two more initiatives: A European supply chain law is to regulate due diligence in supply chains in a binding manner. The DAV will stand up for the core area of lawyers' activities to be excluded from the scope of obligations. The communication on the digitalisation of cross-border judicial cooperation promises to be interesting. Finally, the Commission is adheres to its 2012 proposal for a directive on the quota of women on supervisory boards for 2022. The previous German government had blocked this proposal – will the new government give in?