



Bundesministerium
der Justiz

Mitteilung für die Presse Press Release

Munich, 4 September 2008

Remarks by Brigitte Zypries, Federal Minister of Justice and Member of the Bundestag, at the reception for the participants of the general assembly of the European Union of *Rechtspfleger* on 4 September 2008 in Munich

Check against delivery!

Mr. Kappl,
Ladies and Gentlemen,

I would like to welcome you here to Munich and am pleased to see that so many participants of tomorrow's general assembly have come to this reception.

We very much welcome the fact that the general assembly of the European Union of *Rechtspfleger* has returned to Germany after almost 10 years. Not least, this is thanks to you, Mr Kappl, in your role as incumbent president of the EUR: I am well aware of your reputation as a dedicated and knowledgeable representative of the German *Rechtspfleger*. And all those who know you also know that you will shape the German presidency of the EUR just as actively and ambitiously.

The European Union of *Rechtspfleger* and comparable professional organisations have undergone rapid growth over the years: What initially began at the bilateral level between Austria and Germany in 1965 has now become an important association recognised throughout Europe. Such impressive growth deserves respect and recognition.

Ladies and Gentleman, this year's conference and the ambitious programme of your presidency leave little doubt that this dynamic process will continue.

Tomorrow you will begin discussions on how to further develop your profession and position within the judiciary. I am pleased to note that so many judicial officers from different countries will be participating in these talks. And I am looking forward to the opportunity of exchanging ideas with you afterwards.

I think we all agree on our goal: to contribute to the realisation of a common area of freedom, security and justice. However, this can be achieved only if citizens and social forces join politicians in their commitment to it. This is why initiatives such as those undertaken by your professional organisations are so important: they promote contact, exchange of ideas and personal relations in a way that transcends the borders of the member states. And this commitment is indispensable for European integration.

Ladies and Gentlemen, you see your task as promoting European relations through collegial dialogue on legal policy and continuing the development of the law relating to *Rechtspfleger*. This is an important responsibility, and you have become the driving force of a project that I

am happy to support. I would like to express my thanks and appreciation for the dedication you are putting into this work.

The fact that the further development of your profession is being debated throughout Europe is by no means self-evident, as the organisation of the courts is a national task not subject to Community rules. It is still strongly influenced by the tradition and culture of each respective country. Despite this, however, all member states of the EU agree on the objective: namely that we need an independent and effective judicial system, and to attain this, we need efficient structures as well as dedicated and motivated personnel. And this is the position that you stand for as well.

In order to achieve our common goal, we also need positive examples and experiences from different legal systems. Critical comparisons and constant attention to best-practice examples can give impetus to efforts to further optimise each respective judicial system.

The German judicial system is faced with the challenge of having to use scarce judicial resources as effectively as possible. I imagine that this is the case not just in Germany, but in the countries you represent as well. In Germany, outsourcing of various judicial tasks is constantly being advocated as the solution to this problem. I personally don't think much of this approach since it is not a patent remedy.

In Germany we will, therefore, give careful consideration to where outsourcing can be useful. However, despite our desire to reform and the pressure to do so, we do not intend to lapse into action for its own sake and carelessly jeopardise the quality and effectiveness of the judicial system. Even if outsourcing might lead to cost savings in the short term, in the long term thoughtless privatisation of the judicial system could cost dearly.

With regard to Germany, I can assure you that the tasks we have delegated to *Rechtspfleger* are in very good hands: you are a qualified and motivated workforce that works efficiently and to the satisfaction of all parties concerned. No other public service career in our country can boast a comparable success story. The duties assigned to *Rechtspfleger* have been extended step by step. While *Rechtspfleger* were initially intended merely to ease the burden on judges, they have meanwhile become an independent organ of the judicial system. Nowadays in Germany, they are recognised by everybody as the second pillar of the Judiciary.

It is, therefore, not surprising that the *Rechtspfleger* profession is also attracting growing interest in many other countries – both in Europe and in Asia. This is a development that the

Rechtspfleger, as well as myself, are happy to see. I am therefore always happy to use meetings with my colleagues to do some advertising for this profession. After all, why shouldn't our "*Rechtspfleger* success story" become an international model for "export"? I am very optimistic in this respect.

Ladies and Gentlemen,

European integration is presenting our judicial system with new challenges; of course, this is something that also affects *Rechtspfleger*. You will not just be faced with new tasks – you will also have to perform some of your work in more than one language and familiarise yourselves with European legislation.

Ladies and Gentleman, you understand European *Rechtspfleger* to be an "independent organ of jurisdiction according to the tasks delegated to it by law," as stated in the Model Statute for a European *Rechtspfleger*. The green light has now been given for European procedures to be transferred to the competence of *Rechtspfleger*: as of December, the new European payment order procedure will be applied. In Germany, we have almost completely delegated this payment order procedure to *Rechtspfleger*, who have autonomous responsibility for examining admissibility and substantive accuracy, and for confirming payment orders for execution abroad. This means that we have delegated almost completely the first true European court proceedings to *Rechtspfleger*.

Mr. Kappl,

the primary goal of your presidency is to introduce the office of *Rechtspfleger* at the EU level. The timing of your plan is cleverly chosen, as many countries of Central and Eastern Europe are greatly interested in the introduction of *Rechtspfleger*, particularly matters involving the land and trade registers. Poland and Estonia have already taken this step. And I also hear that France is currently in the process of considering whether to remodel the "greffier" along German or Austrian lines. In France too – like almost everywhere – the burden on the judicial system has increased considerably. This is a reason why judges' duties should be delegated to other judicial organs – to organs that can perform these duties independently and with the same decision-making competency as judges. And indeed, these organs are composed of *Rechtspfleger*.

Another important step in this direction, Mr. Kappl, will be your current project; in which one of your group's commissions is presently compiling a Green Paper on *Rechtspfleger* in Europe. You can be sure that this report on the status and tasks of *Rechtspfleger* and similar

judicial officials will be met with great interest. I eagerly await the Paper and wish your project every success. The Green Paper is bound to spur further discussion in Europe.

Ladies and Gentlemen,

it is justifiable to say that *Rechtspfleger* have an important influence on the German judicial system. For example, more *Rechtspfleger* work at German local courts than judges. They have a wide range of contact with citizens and are highly valued as judicial service providers. I would thus be delighted if our German model were to serve as a model for other countries in Europe, and I very much hope that this general assembly can help achieve this.

Mr. Kappl, I would like to thank you and your colleagues very much indeed for the great commitment with which you have organised this general assembly, as well as for your ambitious presidency programme. I assure you that *Rechtspfleger* will always be able to rely on my support – in Germany and in Europe.

Ladies and Gentleman, I wish you a pleasant evening and a successful general assembly tomorrow, and I hope you enjoy your stay in Munich.