

Opening Speech, May 27th, 2024

Martine Solovieff, President of NADAL 2024, Prosecutor General, Luxembourg

Madam Minister,

Mr. President of the Superior Court of Justice and the Constitutional Court,

Representatives of the European institutions,

Distinguished guests,

Ladies and Gentlemen,

Dear colleagues,

It is a great honor and pleasure for Luxembourg to be able to host the 15th meeting of the NADAL Network, which is the network of Prosecutors General or equivalent institutions attached to Supreme Courts created by Jean-Louis NADAL, Honorary Prosecutor General attached to the Paris Cour de cassation from 2004 to 2011.

At our meetings, the younger members of the group were wondering about the origin of our network's name. That's why I had the idea of inviting the creator to our 15th meeting in Luxembourg.

Jean-Louis NADAL had accepted our invitation, but due to a personal setback he had to cancel his trip, but I didn't want to deprive you of his words, which he kindly addressed to me, and which capture the spirit of our Conference:

“Madam State Attorney General,

I'm very sorry not to be here with you. It was a great honor for me to relive all the dynamics I had deployed with the active and determined support of the European Prosecutors General to give meaning to the effective cooperation between our public prosecutors' offices.

I am deeply sorry, Madam Attorney General, and I hope that other occasions will enable us to meet and exchange views on the place of our institutions within our respective countries.

Thank you, thank you again for having thought of associating me with this event, and please accept, with deepest regret, the expression of my most respectful tributes.

Good luck with the conference, and long live the NADAL Network!

At a time when we are witnessing totalitarian excesses and a public opinion marked by anti-Semitic remarks, it is up to us as Public Prosecutors to hold high the principles of the rule of law and unite to defend them in our respective States, but above all and much more so throughout Europe.

The principle of the separation of powers, all too often invoked by those who are certainly not its best guardians, is a principle we hold dear, and one which must guarantee the independence of our judiciary in the service of our fellow citizens.

These joint meetings are important because they bring us closer together, even though we have different legal systems.

After the exchanges we had at our 2022 and 2023 Conferences on the adaptation of our statutes, which have since been filed in Paris with the Prefecture, it is now up to us to move forward and set up a more permanent structure.

We're working hard on this, but it's a long way off.

The Network is a forum where we can exchange ideas, discuss, and get closer together.

But it's not up to us to exchange ideas in a vacuum, but it's an opportunity to strengthen relations with European institutions, the ECHR, the CJEU, the European Commission, the European Public Prosecutor's Office, not forgetting EUROJUST and, of course, all our other observers and members, as well as representatives of states in the process of accession.

We will also have the honor of welcoming by videoconference our colleague Mr. Andriy KOSTIN, Prosecutor General of Ukraine, to whom we express our full solidarity. This also shows that we want to encourage and extend our cooperation with countries outside the European Union, or countries about to embark on the accession procedure.

In our first panel, we have chosen to deal with the subject of data retention, the flagship measure of our criminal investigations. In the light of the case law of the ECHR and the CJEU, it will be up to us to ascertain the legislative and case law responses given in Estonia, Ireland and France in particular, following the DIGITAL RIGHTS ruling of April 8, 2014, followed in particular by the QUADRATURE du NET ruling of October 6, 2020, if not the ruling of September 20, 2022 SpaceNet AG and Telekom Deutschland GmbH.

On February 3, 2023, Luxembourg tabled a bill largely following the example of the Belgian legislation of June 30, 2022, on the collection and retention of identification data and metadata in the electronic communications sector.

The legislative procedure is currently underway.

A visit to the Luxembourg-based CJEU was a must, given that our country is the capital of Justice for the European Union. The Court encourages exchanges that enable it, above all, to determine how its case law is perceived by our respective judicial authorities. It's up to us to open up to these discussions and assert our presence. These exchanges enable us to orientate ourselves in our respective functions, but it is this dialogue that reinforces mutual confidence and is the guarantee of our cooperation.

It is with these few words that I intend to conclude my speech.

Thank you for your attention.