



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	delegations
No. prev. doc.:	12203/10 COPEN 158 EJN 25 EUROJUST 69
Subject:	Follow-up of the Mutual recognition instruments - Draft Council Conclusions on the follow-up of the implementation of instruments implementing the principle of mutual recognition of judicial decisions in criminal matters.

The Working Party on Cooperation in Criminal Matters discussed in July the follow-up to the Mutual recognition instrument on the basis of a document prepared by the Presidency. This document sets out a methodology consisting of a set of practical measures to be taken at European Union level with a view to facilitating and improving the implementation of these instruments by ensuring exchange of information on their follow-up in the Member States and by providing judicial authorities with relevant information for their day-to-day application.

The last version of this document is to be found in doc. 13405/1/10 REV 1 COPEN 184 EJN 35 EUROJUST 86.

During its meeting of 28 July 2010, the Working Party also discussed draft conclusions of the Council on the same issue. The draft conclusions were presented to CATS at its meeting on 23-24 September 2010. CATS reiterates its support for the objectives pursued by the Presidency. Delegations will find in Annex a revised version of the draft conclusions.

In view of the above, COREPER is invited to examine the draft Council conclusions on the follow-up of the implementation of instruments implementing the principle of mutual recognition of judicial decisions in criminal matters and submit it to the Council for adoption, together with document on the methodology (see doc. 13405/1/10 REV 1 COPEN 184 EJM 35 EUROJUST 86).

**Draft Council Conclusions on the follow-up of the implementation of
instruments implementing the principle of mutual recognition of judicial
decisions in criminal matters**

The Council,

RECALLING that the Stockholm programme emphasizes the need to pay increased attention in the coming years to full and effective implementation, enforcement and evaluation of existing instruments, and that legal transposition should be ensured using, to its fullest extent, wherever necessary, existing institutional tools;

RECALLING that, as also provided for in the Stockholm programme, a priority of the Union should be the implementation of decisions which have already been taken and that this should be done in several ways: by accompanying the implementation of Union legislation more closely, through the better use of the financing instruments, by increasing training of judges and others professionals and by enhancing evaluation mechanisms and practical measures;

BEARING IN MIND that the Stockholm programme also stresses that, without prejudice to the role of the Commission and the Court of Justice, implementation is primarily a matter for the Member States, but as mutual recognition instruments are common tools, the Union should better accompany implementation of them by enabling the sharing of experiences and best practices;

TAKING INTO ACCOUNT the new competences of the Commission, according to the Lisbon Treaty, for overseeing the proper implementation and application of future instruments in the area of Criminal Justice (and from 1 December 2014 at the latest, existing Framework Decisions);

CONSIDERING that successful implementation of mutual recognition instruments relies on a clear methodology established in order to ensure a systematic exchange of information on the follow up of implementation and on practical measures to facilitate the application of these instruments;

ENCOURAGING the competent authorities of the Member States to make every effort to improve legal transposition and effective implementation of mutual recognition instruments and wishing to provide the Member States full support in this regard;

NOTING that the Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network provides that the European Judicial Network should constantly provide a certain amount of up-to-date background information. Article 7 of the Decision further describes information relating to judicial cooperation that should be made available to contact points and competent judicial authorities;

Adopts the following conclusions:

The Council:

1. Reiterates its request to the Member States to intensify their efforts and give appropriate attention to the importance of ensuring an effective implementation of mutual recognition instruments that have been adopted;
2. Welcomes the initiative of the Presidency to address the need for ensuring the effectiveness of the implementation of mutual recognition instruments;
3. Endorses the proposed methodology, set out in doc. 13405/1/10 REV 1 COPEN 184 EJM 35 EUROJUST 86 consisting of a set of practical measures to be taken at European Union level with a view to facilitating and ensuring the implementation of these instruments by ensuring exchange of information on their follow-up in the Member States and by providing judicial authorities with relevant information for their day-to-day application;
4. Insists on the need for Member States to systematically notify the implementation of mutual recognition instruments to the General Secretariat of the Council and, for future instruments, to the Commission;

5. Invites future Presidencies and the Commission to provide means for discussion for Member States allowing them to debate specific questions related to the implementation, practical application or evaluation of the instruments, for instance in the appropriate Working Parties of the Council or by organising seminars and expert meetings or by making use of the Network for legislative cooperation between the Ministries of Justice of the Member States of the European Union;
6. Encourages the Commission to continue providing, where appropriate, (...) assistance to the Member States in their implementation work;
7. Requests the European Judicial Network to implement as a matter of priority the tasks conferred to its Secretariat, in accordance with Decision 2008/976/JHA, in the methodology set out in document 13405/1/10 REV 1 COPEN 184 EJM 35 EUROJUST 86, and requests Eurojust to provide the necessary support to the European Judicial Network Secretariat in that regard in accordance with the Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust.
8. Acknowledges the need, in the future legislative work at EU level, to take into account the capacities available at national level to implement the successive instruments concerned.
