



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	delegations
No. prev. doc.:	11193/1/10 REV 1 COPEN 137 EUROJUST 58 EJN 19
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 met on 2 July 2010 in order to discuss the follow-up to the Mutual recognition instrument. The discussions were carried out on the basis of 11193/10 COPEN 137 EUROJUST 58 EJN 19. This matter was also briefly discussed at the CATS meeting on 5-6 July. A revised version of the document has been prepared and distributed to the delegations (11193/1/10 REV 1 COPEN 137 EUROJUST 58 EJN 19).

In general, delegations supported the proposals made by the Presidency concerning the necessity of addressing the matter in order to set 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.

On the basis of observations made by delegations, the Presidency submits to the delegations, in the Annex to this note, draft Council conclusions on the follow-up to the implementation of instruments implementing the principle of mutual recognition of judicial decisions in criminal matters.

**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 increased power 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 EJN 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 give appropriate attention to the importance of ensuring a more effective implementation of mutual recognition instruments that have been adopted;
2. Welcomes the initiative of the Presidency to address the need for improving the effectiveness of the implementation of mutual recognition instruments;
3. Endorses the proposed methodology, set out in the annex¹, 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;
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;

¹ Doc. 11193/1/10 REV 1 COPEN 137 EUROJUST 58 EJN 19 will be provided as annex to the Draft Council Conclusions.

5. Invites future Presidencies and the Commission to provide means for discussion for Member States willing to raise 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;
6. Encourages the Commission to continue providing guidance and assistance to the Member States in their implementation work;
7. Requests the EJC 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 the Annex¹, and requests Eurojust to provide the necessary support to the EJC Secretariat in that regard in accordance with the Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust.

¹ See previous footnote.