Development of an EU criminal justice area

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Pursuant to Rule 114(1) of the Rules of Procedure of the European Parliament, Panayiotis DEMETRIOU (EPP-ED, CY) proposes a proposal for a recommendation to the Council on behalf of the PPE-DE Group on the development of an EU criminal justice area.

The proposed recommendation recalls that that judicial competences fall clearly within the national domain of the EU Member States and that day-to-day judicial cooperation in criminal matters is still based on mutual assistance instruments (such as the 2000 Convention on Mutual Assistance in Criminal Matters and the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters). However, the implementation of the mutual recognition principle is far from having been completely achieved, notably as regards obtaining evidence in criminal proceedings and procedures for recognition of pre-trial and post-trial measures.

Moreover, the draft recommendation stresses that the protection of rights such as the right to a fair trial, the presumption of innocence, the right of defence, the rights of victims of crime and the *ne bis in idem* principle is primarily essential in criminal proceedings in which fundamental freedoms are at stake. It notes that effective implementation of these rights largely depends on the creation of a European judicial common culture based on common principles and on mutual judicial trust. In this context, an effective procedure for the evaluation of justice is essential. The Parliament also states that judicial training plays a key role in building mutual trust and developing a common European judicial culture.

At the same time, the proposal stresses that the role of national courts is becoming more and more relevant in fighting transnational crime as well as in protecting fundamental rights and freedoms.

In this context, members of the EPP-ED group address the following recommendations to the Council:

- that it take stock with the European Parliament of the current state of judicial cooperation in criminal matters at EU level, considering both its shortcomings and its progress;
- that it implement effectively the mutual recognition principle in the area of criminal justice by taking stock of the implementation of the European Arrest Warrant;
- that it establish, together with the Parliament, a committee of wise persons (jurists) with the object of preparing a study of the similarities and differences between the criminal law systems of all Member States and to submit proposals for the development of a real EU criminal justice area;
- that it restart work without delay on procedural safeguards in criminal proceedings;
- that it pay due attention to advantages offered by new technologies;
- that it take immediate action in order to promote the creation of a real European judicial culture in criminal matters focusing on judicial training and on procedures to evaluate the quality and efficiency of justice.