Judicial cooperation: financial penalties, mutual recognition. Framework Decision. Initiative France, Sweden and United Kingdom

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PURPOSE : to present the initiative of the United Kingdom, France and Sweden with a view to adopting a Council Framework Decision on the application of the principle of mutual recognition to financial penalties. CONTENT : the European Council meeting in Tampere on 15 and 16 October 1999 endorsed the principle of mutual recognition, which should become the cornerstone of judicial cooperation in both civil and criminal matters within the Union. The principle of mutual recognition should apply to financial penalties imposed by judicial or administrative authorities. On 29 November 2000 the Council adopted a programme of measures to implement the principle of mutual recognition, giving priority to the adoption of an instrument applying the principle of mutual recognition to financial penalties. Decisions requiring financial penalties to be paid have to be taken in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. The proposed Framework Decision deals with issues such as: - definitions of "judgement" and "financial penalty"; - transmission of judgements; - recognition and enforcement of judgements; - reasons for non-enforcement; - determination of the amount to be paid; - laws governing enforcement; - imprisonment by way of substitution for non-recovery of the financial penalty; - amnesty, pardon, commutation and review of sentence; - termination of enforcement; - accrual of monies obtained from enforcement of judgements; - consequences of transmission of a judgement; - relationship with other agreements and arrangements.