

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

2001/0825(CNS) - 28/11/2002

The Council, on the basis of a Presidency compromise text, held a debate on the main outstanding questions of the draft Framework Decision on the application of the principle of mutual recognition to financial penalties. The Council mainly focused its debate on the question of the application or otherwise of the principle of double criminality. According to this principle, the competent authority in a Member State for executing a decision might oppose the recognition and execution of such a decision if it could be established that the behaviour which led to the imposition of the financial penalty had not been committed in the State issuing the penalty and was not considered as an offence in the State which was requested to execute the penalty. In the light of the discussions, the Council instructed its relevant bodies to further examine the proposal on the basis of the Presidency text which was considered, by the majority of delegations, as a good basis for reaching an agreement in the near future.