Judicial cooperation: mutual recognition of final decisions in criminal matters

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PURPOSE : to reinforce mutual recognition of judicial decisions and judgements. CONTENT : the present communication presents the Commission's thinking on the subject of mutual decisions in criminal matters. This is a new and complex subject. The communication does not attempt to give final answers to the questions that arise, but tries to identify possible ways forward without establishing deadlines for the measures proposed below. According to the Commission, work concerning mutual recognition of final decisions in criminal matters could be undertaken in packages dealing with matters that will create a need to answer the same or similar questions. When discussing the packages, a number of basic questions regarding mutual recognition will have to be borne in mind, notably relating to double criminality, total or only partial recognition, the validation procedure, and the procedural conditions that have to be met in the issuing Member State in order for the decision to be recognisable in the recognising Member State. The packages are as follows: - mutual recognition of decisions imposing monetary fines in general (beyond road traffic offences); - measures dealing with the criminal history of a person, with the possibility of creating a European Criminal Registry; - EU rules on exclusive jurisdiction for final decisions in criminal matters (e.g. clarification of the ne bis in dem principle; coordination of prosecutions); - disqualifications, alternative sanctions, judicial control of individuals; - confiscation following freezing of assets; - execution of prison sentences passed in other Member States (in the context of measures regarding the transfer of persons). The Commission invites the interested parties to comment on this communication no later than 31/10/2000.