EU/USA agreement on the judicial cooperation in criminal matters and extradition

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The committee adopted the own-initiative report by Jorge Salvador HERNANDEZ MOLLAR (EPP-ED, E) consisting of a recommendation to the Council on the imminent EU-USA agreements on extradition and judicial cooperation in criminal law matters. Under Article 24 of the EU Treaty these agreements will be concluded on the EU side by the Council acting alone. The committee called the Council's practice of excluding national parliaments and the European Parliament from the conclusion of agreements based on Article 24 ·a flagrant breach of the democratic principle on which the Union claims to be founded·. MEPs insisted that the US should cooperate by handing over evidence in individual cases. This would enable European citizens who have committed a crime on European territory to be tried in their own country instead of being extradited to the US. Moreover, MEPs said that the agreement should explicitly prohibit the extradition of a person to the USA if he or she risks being condemned to the death penalty. In the case of competing extradition demands, requests from the International Criminal Court or EU Member States must prevail over those from the US. MEPs believed that, before ratifying the agreements, a detailed study should be made of the possible impact of the US legislation. The committee also called for the establishment of an interparliamentary committee to monitor the implementation of the agreements. Lastly, MEPs called on the EU authorities to make the signing of the agreements conditional on achieving a balanced solution to the situation of European citizens held at Guantánamo Bay.