Judicial cooperation: mutual recognition of final decisions in criminal matters

2000/2295(COS) - 17/05/2001 - Text adopted by Parliament, single reading

The European Parliament approved the report, by 103 for, 2 against and 5 abstentions, by Mr Giuseppe DI LELLO FINUOLI (GUE/NGL, I) which is designed to improve judicial cooperation in both civil and criminal matters within the EU. The Parliament considers that the principle of mutual recognition should apply to all crimes, including those for which only pecuniary penalties are prescribed, apart from any necessary exceptions. It also requests that a decision should be seen as final if it rules on the substance of a case (even if this is following a settlement by agreement between the suspect and prosecution services) and no further ordinary appeal against the decision is possible or, where such appeal is still possible, it has no suspective effect. The Commission is called upon to determine those substantive legal and procedural areas in which minimum standards are necessary and to submit a plan for establishing a registry of pending and concluded procedures specifying, in particular, the form of the data collection, access to data and data protection. With a view to prompting awareness of the existence of the decision to be recognised, the Parliament requests that the use of two or three more widely-used languages is agreed to for translation purposes. Moreover, it is requested that a future network of national registers and mutual access to information on pending cases should be subject to clear rules on data protection. The Parliament requests that the resolution of all possible disputes between the Member States' judicial authorities concerning mutual recognition be entrusted to a central independent such as the Court of Justice of the European Communities. It also considers that final decisions in which the mental abnormality or the legal minority of the offender are recognised should be excluded from the scope of the recognition. Lastly, the Commission is called upon to involve the candidate countries in drawing up a system of mutual recognition of final decisions in criminal matters.