Basic information

2000/2295(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Judicial cooperation: mutual recognition of final decisions in criminal matters **Subject** 7.40.04 Judicial cooperation in criminal matters	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	DI LELLO FINUOLI Giuseppe (GUE/NGL)	10/10/2000
	Committee for opinion	**Rapporteur for opinion**	**Appointed**
	JURI Legal Affairs and Internal Market	WUERMELING Joachim (PPE-DE)	25/01/2001
Council of the European Union			

Key events

Date	Event	Reference	Summary
28/07/2000	Non-legislative basic document published	COM(2000)0495	Summary
29/11/2000	Committee referral announced in Parliament		
25/04/2001	Vote in committee		
25/04/2001	Committee report tabled for plenary	A5-0145/2001	
17/05/2001	Decision by Parliament	T5-0285/2001	Summary
17/05/2001	Debate in Parliament		
17/05/2001	End of procedure in Parliament		
07/02/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/2295(COS)

Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/13516

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0145/2001	25/04/2001	
Text adopted by Parliament, single reading		T5-0285/2001 OJ C 034 07.02.2002, p. 0265-0385 E	17/05/2001	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2000)0495	28/07/2000	Summary

Judicial cooperation: mutual recognition of final decisions in criminal matters

2000/2295(COS) - 28/07/2000 - Non-legislative basic document

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.

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.