Basic information

2001/0825(CNS) CNS - Consultation procedure Decision	Procedure completed
Judicial cooperation: financial penalties, mutual recognition. Framework Decision. Initiative France, Sweden and United Kingdom Amended by 2008/0803(CNS) Amended by 2021/0395(COD) **Subject** 7.40 Judicial cooperation	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	CERDEIRA MORTERERO Carmen (PSE)	10/10/2001

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2455	2002-10-14
Justice and Home Affairs (JHA)	2469	2002-11-28
Justice and Home Affairs (JHA)	2504	2003-05-08
Justice and Home Affairs (JHA)	2477	2002-12-19
Justice and Home Affairs (JHA)	2489	2003-02-27
Justice and Home Affairs (JHA)	2642	2005-02-24

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
12/09/2001	Legislative proposal published	11178/2001	Summary
01/10/2001	Committee referral announced in Parliament		
04/12/2001	Vote in committee		Summary
04/12/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0444/2001	
17/01/2002	Decision by Parliament	T5-0019/2002	Summary
14/10/2002	Debate in Council		Summary

28/11/2002	Debate in Council		Summary
19/12/2002	Debate in Council		Summary
27/02/2003	Debate in Council		Summary
08/05/2003	Debate in Council		Summary
24/02/2005	Act adopted by Council after consultation of Parliament		
24/02/2005	End of procedure in Parliament		
22/03/2005	Final act published in Official Journal		

Technical information

Procedure reference	2001/0825(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Amended by 2008/0803(CNS) Amended by 2021/0395(COD)
Legal basis	Treaty on European Union (after Amsterdam) M 034-p2 Treaty on European Union (after Amsterdam) M 031
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/15202

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0444/2001	04/12/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0019/2002 OJ C 271 07.11.2002, p. 0072-0425 E	17/01/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary legislative basic document	10710/2001	12/07/2001	Summary
Legislative proposal	11178/2001 OJ C 278 02.10.2001, p. 0004	12/09/2001	Summary

European Commission

Document type	Reference	Date	Summary
Follow-up document	COM(2008)0888	22/12/2008	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Justice and Home Affairs act 2005/0214 OJ L 076 22.03.2005, p. 0016	Summary

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

2001/0825(CNS) - 17/01/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the initiative by Mrs Carmen CERDEIRA MORTERERO (PES,E). (Please refer to the decision of the committee responsible 04/12/01). Moreover, Parliament adopted an amendment which states that if a Member State has several contact points of the European judicial network, it should nominate one as coordinator, in the case where the Issuing State needs to make inquiries.

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

2001/0825(CNS) - 19/12/2002

The Council agreed that the Presidency's text on the draft Framework decision on the application of the principle of mutual recognition to financial penalties should be considered as a good basis for reaching an agreement on this issue in the near future. It is recalled that, at its meeting on 14 and 15 October 2002, the Council agreed on the definitions of the proposal (Article 1): "decision", "financial penalty", "issuing State" and "executing State". This established a clear reference point for the purpose of the further examination of a number of key Articles. The Council, at that meeting, also confirmed that the Framework Decision would not have the effect of amending the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.

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

2001/0825(CNS) - 27/02/2003

The Council, on the basis of a Presidency compromise text, examined the proposal on the Framework Decision on the application of the principle of mutual recognition to financial penalties. Delegations commented mainly on the list of offences for which double criminality will not apply. As the original compromise text which was discussed at the Justice and Home Affairs Council on 19 December 2002, the new Presidency text follows the approach that the Framework Decision should cover all offences and that, as regards the offences listed in the Framework Decision as well as road traffic offences, the principle of double criminality will not apply. The Council instructed its relevant bodies to pursue work on the draft Framework Decision with a view to reaching an agreement at one of its forthcoming meetings.

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

2001/0825(CNS) - 08/05/2003

The Council, subject to parliamentary scrutiny reservations by some delegations and the opinion of the European Parliament, reached a general approach on the draft Framework Decision on the application of the principle of mutual recognition to financial penalties. To recall, the aim of this Framework Decision is to apply the principle of mutual recognition to financial penalties imposed by judicial or administrative authorities. In doing so, the list of offences included in the Framework Decision will give rise to recognition and enforcement without verification of the double criminality, if they

are punishable in the issuing State and when the financial penalty is above 70 euros. The list of offences include the offences appearing on the corresponding list in the Framework Decision on the European arrest warrant. Other offences such as road traffic offences are also covered by the Framework Decision. The Council will formally adopt the Framework Decision at one of its next forthcoming meetings, once some outstanding details have been examined and the text has been revised by the legal-linguistic Working Party.

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

2001/0825(CNS) - 12/09/2001 - Legislative proposal

PURPOSE : to present the initiative of the United Kingdom, France and Sweden with a view to adopting a Council Framework Decision on the application of the principle of mutual recognition to financial penalties. CONTENT : the European Council meeting in Tampere on 15 and 16 October 1999 endorsed the principle of mutual recognition, which should become the cornerstone of judicial cooperation in both civil and criminal matters within the Union. The principle of mutual recognition should apply to financial penalties imposed by judicial or administrative authorities. On 29 November 2000 the Council adopted a programme of measures to implement the principle of mutual recognition, giving priority to the adoption of an instrument applying the principle of mutual recognition to financial penalties. Decisions requiring financial penalties to be paid have to be taken in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950. The proposed Framework Decision deals with issues such as: - definitions of "judgement" and "financial penalty"; - transmission of judgements; - recognition and enforcement of judgements; - reasons for non-enforcement; - determination of the amount to be paid; - laws governing enforcement; - imprisonment by way of substitution for non-recovery of the financial penalty; - amnesty, pardon, commutation and review of sentence; - termination of enforcement; - accrual of monies obtained from enforcement of judgements; - consequences of transmission of a judgement; - relationship with other agreements and arrangements.

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

2001/0825(CNS) - 12/07/2001 - Supplementary legislative basic document

This document consists of the note from the Permanent Representative of France, Sweden and the United Kingdom to the Secretary General of the Council of the European Union concerning a proposal from the respective countries for the adoption by the Council of a draft fraemwork Decision on the application of the principle of mutual recognition to financial penalties. (Please refer to the initial proposal).

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 consider, by the majority of delegations, as a good basis for reaching an agreement in the near future.

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

2001/0825(CNS) - 14/10/2002

The Council held an orientation debate on certain key questions identified by the Presidency concerning the draft Council Framework Decision on the application of the principle of mutual recognition to financial penalties. The debate focused on definitions, fundamental rights, the principle of double criminality and time limitation, as well as the level of the financial penalty. Following the debate, the Council agreed on the definitions of the proposal (Article 1): "decision", "financial penalty", "issuing State" and "executing State". The Council also confirmed that the Framework Decision would not have the effect of amending the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union. Concerning the principle of double criminality, the Council, while expressing support for the Presidency's text, was of the view that further clarification was needed before reaching an agreement on this issue. Finally, the Council instructed its relevant bodies to continue work on the draft Framework Decision, with a view to reaching political agreement in a forthcoming session of the Council.

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

2001/0825(CNS) - 22/12/2008 - Follow-up document

Framework Decision 2005/214/JHA applies the principle of mutual recognition to financial penalties imposed by judicial or administrative authorities for the purpose of facilitating enforcement of such penalties in a Member State other than the one in which the penalties were imposed. The Council of the European Union agreed on 29 November 2000, in accordance with the Tampere conclusions, that adopting such an instrument should be given priority within the programme of measures to implement the principle of mutual recognition to decisions in criminal matters.

The Framework Decision applies to all offences in relation to which financial penalties can be imposed. Dual criminality checks were abolished in relation to 39 offences listed in the Framework Decision.

The degree of implementation in the national legislation of the Member States of the EU of Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties cannot be fully assessed at this stage. The transposition is not satisfactory as only eleven notifications have been provided by Member States (AT, CZ, DK, EE, FI, FR, HU, LT, LV, NL and SI).

The national implementing provisions generally are in line with the Framework Decision, especially regarding the most important issues such as abolishing dual criminality checks and the recognition of decisions without further formality. Unfortunately the analysis of grounds for refusal of recognition or execution proved once again that, whereas almost all Member States transposed them, they were implemented mostly as obligatory grounds. Furthermore, some additional grounds were added. This practice in clearly not in line with the Framework Decision.

The Commission invites all Member States to consider this Report and to take the opportunity to provide all further relevant information to the Commission and to the Council Secretariat, in order to fulfil their obligations under Article 20 of the Framework Decision. In addition, the Commission encourages those Member State that have signalled that they are preparing relevant legislation to enact and notify these national measures as soon as possible.

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

2001/0825(CNS) - 24/02/2005 - Final act

PURPOSE: the application of the principle of mutual recognition to financial penalties.

LEGISLATIVE ACT: Council Framework Decision 2005/214/JHA.

CONTENT: The Council adopted a Framework Decision on the application of the principle of mutual recognition to financial penalties.

The objective of this Framework Decision is to apply the principle of mutual recognition to financial penalties imposed by judicial or administrative authorities for the purpose of facilitating the enforcement of such penalties in a Member State other than the State in which the penalties are imposed.

The Framework Decision lists the offences giving rise to recognition and enforcement of decisions without verification of the double criminality of the act. It also covers financial penalties imposed in respect of road traffic offences.

ENTRY INTO FORCE: 22/03/2005.