



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 3 October 2012**

**14497/12**

**COPEN 219**

**OUTCOME OF PROCEEDINGS**

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of: Working Party on Cooperation in Criminal Matters (EAW and mutual recognition experts)

on: 1 October 2012

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Subject: Summary of discussions

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**1. Adoption of the agenda**

The agenda as set out in CM 4265/2/12 REV 2 was adopted

**2. Revised EAW questionnaire following Study "Making better use of statistical data relating to the European Arrest Warrant"**

12951/1/12 REV 1 COPEN 185 EJM 55 EUROJUST 71

12955/12 COPEN 186 EJM 56 EUROJUST 72

DS 1163/12

Delegations commented on the Presidency proposal for a revised EAW statistics questionnaire set out in 12955/12 COPEN 186 EJM 56 EUROJUST 72. Whilst delegations generally welcomed this initiative, some expressed concerns regarding the length and level of detail of the proposed questionnaire. Several delegations emphasised that, taking into account inter alia the administrative burden flowing from this questionnaire, only information which was essential should be requested. The need for clarity and avoidance of ambiguous wording was also highlighted.

Delegations engaged in a detailed discussion of the wording of the proposed questions. The Presidency concluded that it would endeavour to take the remarks made as much as possible into account and present a further revised draft questionnaire at a future meeting.

**3. EU-Russia cooperation in criminal matters**

11461/09 COPEN 123 EUROJUST 37

12059/09 COPEN 138 EUROJUST 43 JAIEX 54

13424/12 COPEN 189 COEST 293 JAIEX 63

14316/12 COPEN 215 COEST 327 JAIEX 75 (to be issued)

The Eurojust representative explained the background to the EU-Russia Working group and the work that had been accomplished so far. He emphasised that the Working Group offers a platform for the discussion of general issues relating to mutual legal assistance and extradition with Russia, but does not discuss individual cases. The questionnaire was meant to provide factual background to the EU-Russia seminar which Eurojust intended to host in 2013. Eurojust also presented an overview of the replies received so far.

Several delegations intervened to express their concerns on the activities of the EU-Russia Working group. They deplored the perceived lack of mandate of Eurojust in this regard and warned against institutionalising this kind of dialogue, which - according to these Member States - could never cover individual cases. It was also mentioned that the Council of Europe PC-OC Committee already offered a platform for discussing practical co-operation difficulties.

**4. Strategic Project on: “Enhancing the work of Eurojust in drug trafficking cases”  
-Final Results and Eurojust’s key recommendations - Presentation by Eurojust**

11483/12 COSI 45 ENFOPOL 193 CORDROGUE 45 COPEN 143 CRIMORG 77

11487/12 COSI 46 ENFOPOL 194 CORDROGUE 46 COPEN 144 CRIMORG 78

Eurojust provided an overview of this project and in particular of the key recommendations made by Eurojust following this project.

5. **2003 EU-US Agreements on extradition and mutual legal assistance - Eurojust questionnaire**  
13425/12 COPEN 190 USA 26 JAIEX 64  
14253/12 COPEN 210 USA 27 JAIEX 72

Eurojust presented the outlines of the seminar which it is hosting in The Hague on 25-26 October 2012 on the application of the 2003 EU-US Agreements on mutual legal assistance and extradition. It also presented an overview of the replies received to the questionnaire that it had issued with a view to the preparation of this seminar.

6. **Agreement of 28 June 2006 between the European Union and the Republic of Iceland and the Kingdom of Norway on the surrender procedure between the Member States of the European Union and Iceland and Norway - Notifications and declarations**  
7454/12 JAI 159 COPEN 51  
CM 4266/12

The General Secretariat of the Council presented an overview of the notifications and declarations received so far and invited delegations to check whether their notifications and declarations were up-to-date and complete.

7. **State of play of the implementation – follow-up of the Mutual recognition instruments:**

- **Framework decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of freezing property or evidence**  
16921/1/10 REV 1 COPEN 268 EJM 69 EUROJUST 136
- **Framework decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders**  
9006/12 COPEN 94 EJM 28 EUROJUST 35
- **Framework decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties**  
9015/1/12 REV 1 COPEN 95 EJM 29 EUROJUST 36

- **Council Framework Decision 2008/675/JHA of 24 July 2008 on taking account of convictions in the Member States of the European Union in the course of new criminal proceedings**  
14292/12 DROIPEN 130 COPEN 214 EJM 74 EUROJUST 91
- **Framework decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union**  
6345/2/12 REV 2 COPEN 34 EJM 10 EUROJUST 13
- **Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions**  
7334/12 COPEN 48 EJM 14 EUROJUST 19
- **Implementation of the Framework Decision of the Council of the European Union of 26 February 2009 (2009/299/JHA) amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual recognition to decisions rendered in the absence of the person concerned at the trial**  
14283/1/12 REV 1 DROIPEN 129 COPEN 213 EJM 73 EUROJUST 90

Several delegations indicated that they would send in updates regarding their transposition of the Framework Decisions mentioned above.

**8. Any other business**

**- Future entry into force of the 2003 Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on mutual assistance in criminal matters**

The General Secretariat of the Council presented state of play in this regard.

**- 2009 EU-JAPAN mutual legal assistance agreement - Fact-sheets**

The General Secretariat of the Council presented an overview of the fact sheets received so far.

**- Cross-border enforcement of costs of criminal proceedings - Information by Germany**  
14225/12 COPEN 208 EUROJUST 86 EJM 69

The German delegation presented its note.