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NOTE

from:	French, German and Dutch Delegations
to:	CATS
Subject:	An additional evaluation mechanism on judicial cooperation in criminal matters - EU pilot project of France, Germany and the Netherlands

On behalf of the ministries of Justice of the Netherlands, France and Germany we want to inform you on the progress of the pilot project to evaluate the mutual trust between the Member States of the European Union in the field of judicial cooperation in criminal matters which is co-funded by the European Commission under the JPEN Criminal Justice programme of 2010.

The main aim of the pilot project is to provide the European Commission specific recommendations to enhance the current evaluation methodology to evaluate the effectiveness and efficiency of EU-instruments in the area of judicial cooperation in criminal matters. To realize the general goals related to this project two main activities are carried out by an expert group, composed of national and specific experts from France, Germany and the Netherlands: (1) the evaluation of the principle of proportionality in the application of the European Arrest Warrant and (2) the development of recommendations to enhance the system of evaluation of mutual trust in judicial cooperation of the EU Member States.

The project started with the preparation and review of existing sources of information, e.g. of the European Commission, the Council of Europe and OECD on evaluation methodology and the EAW. The national legal systems of the participating Member States have been analysed on procedural aspects on mutual trust related to the Framework Decision on the European Arrest Warrant in relation to the application of the proportionality principle. This was done on the basis of 'checklists' that were prepared by the expert group. The checklists were developed for different stages of the project and key organizations. There are checklists for the legal analysis of the national legal systems, the interviews of the different professionals and organizations during the country visits and a checklist/survey that was set out via the European Judicial Network in Criminal Matters.

One of the pillars of the methodology of the project is the peer-review visits in the participating countries France, Germany and the Netherlands. Each country was visited for one week by a team of four or five experts (the three national experts from the participating countries and one or two scientific experts). During the visits interviews were held with representatives of the judiciary, the public prosecutors office, advocates and representatives of the ministries of Justice. Working visits to field organizations in the EAW procedure like SCCOPOL, SIRENE and the Bundeskriminalamt were held to see the effectiveness of the EAW in practice. At the moment the first version of the country reports are being drafted.

In addition to the review of existing materials, the legal analysis and the country visits, a survey has been send to all Member States via the EJM network with relevant questions on the European Arrest Warrant and the mutual trust between States to compare the findings of the participating Member States. With the excellent assistance of the EJM a good response to the survey has been achieved. We received answers of almost all Member States. The outcome of these EJM questionnaires will be presented by members of the expert group or project team during the plenary meeting of the European Judicial Network in Cyprus on 29 November.

The final report of the project will be presented during a final conference that will be organized in April 2013. The invitation for this conference will be sent in January 2013.