



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 6 December 2013**

**17472/13**

**COPEN 233  
EJN 77  
EUROJUST 140**

**NOTE**

---

from: Presidency

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

---

Subject: Follow up of the mutual recognition instruments  
- Practical implementation and operation of the Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties

---

In the context of the follow up of the mutual recognition instruments, in December 2010 the Working Party on Cooperation in Criminal Matters (EAW and mutual recognition Experts) had a first in-depth discussion on the implementation of the Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties. The discussions were based on the information provided by 11 Member States in response of a detailed questionnaire. Questions and answers were annexed to doc. 17205/10 COPEN 276 EJN 75 EUROJUST 144.

A summary of the outcome of the discussions within the Working Party can be found in doc. 17998/10 COPEN 295 EJN 81 EUROJUST 153.

In the meanwhile most of the Member States have transposed the Framework Decision 2005/214/JHA and gained some practical experience in its implementation. The Presidency is of the opinion that it is an appropriate time to take a step further in the follow up of this instrument, and would therefore like to invite the delegations to express their views on the questions below.

- Need to recirculate / up date of the questionnaire on implementation

It is suggested to submit again the questionnaire to Member States, to allow for a first reply or an update of the answers which were previously made.

In this perspective should the questionnaire be amended and in which way?

- Need for statistics

In 2010 the Working Party, although considering the setting up of a questionnaire on statistics as premature, concluded that the collect of statistical data would be unavoidable in order to allow a proper evaluation of the application of the Framework Decision 2005/214/JHA.

- Do delegations agree that further work should be engaged in this direction?

- Need for a handbook / for factsheets

As provided for in the Stockholm Programme, at least a handbook or either national fact-sheets should be available for all mutual recognition instruments that have been adopted over a five year period.

According to the follow up methodology adopted in 2010<sup>1</sup>, for each mutual recognition instrument, it should be evaluated whether a handbook would be useful and such handbook should, where appropriate, be elaborated. Practitioners should be involved in the elaboration of such handbooks in order to ensure that they will be easy to use and serve the needs of them.

- Delegations are requested to present their opinion and preliminary suggestions as regards the Framework Decision 2005/214/JHA.

---

<sup>1</sup> The last version of this document, endorsed by the JHA Council in October 2010, is to be found in doc. 13405/1/10 REV 1 COPEN 184 EJA 35 EUROJUST 8.

- Need for a standard form for providing information under Art. 14 of the FD

Views were expressed in favour of the setting up of a standard form in order to simplify and improve the information on the outcome of the case to be provided by the executing authorities to the issuing authorities under Article 14.

- Delegations are welcome to submit comments and suggestions on this subject.

- Other suggestions

- Delegations are invited to make any additional suggestion or comment they would deem appropriate.

---