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COMMUNICATION

NOTICE OF MEETING AND PROVISIONAL AGENDA

Contact: steven.cras@consilium.europa.eu / milena.petkova@consilium.europa.eu
Tel./Fax: + 32.2-281.54.83 - 8903 / Secr.: +32.2-281.70.62

Subject: **JHA Counsellors (criminal and civil) (10H00)**
Working Party on Cooperation in Criminal Matters COPEN (11H00)

Date: 18 June 2015
Time: 10.00
Venue: COUNCIL
JUSTUS LIPSIUS BUILDING
Rue de la Loi 175, 1048 BRUSSELS

Meeting JHA Counsellors (criminal and civil) (10h00-11h00)

1. Adoption of the agenda
2. Training of legal practitioners: follow-up of 2014 Council conclusions
 - Paper presented by the European Judicial Training Network
 - = 9466/15 JAI 406 DROIPEN 56 COPEN 145 JUSTCIV 141

Note: in December 2014, the Council adopted conclusions on the issue of training of legal practitioners (2014/C 443/04). On request of the EJTN, the follow-up to these conclusions will be discussed.

3. AOB

Meeting Working Party on Cooperation in Criminal Matters (COPEN) (11h00-cob)

1. Adoption of the agenda

EU - Internal

2. State of implementation of Framework Decisions

- Information by the Commission

Note: following the expiry of the transitional period in the Lisbon Treaty, the Commission has asked the Member States to provide information regarding i.a. the implementation of Framework Decisions on mutual recognition adopted under the former third pillar. The deadline for providing this information, which was originally set at 15 March 2015 and which has later been extended to 15 May 2015, has expired. The Commission will provide information on the state of implementation of the Framework Decisions. Further, and without prejudice to points 6 and 7 of this agenda, Member States who so wish can raise any specific issue regarding the implementation of Framework Decisions under this point.

3. State of implementation of Directive 2011/99/EU of 13 December 2011 on the European protection order

- Information by the Commission

Note: the deadline for transposition of this Directive expired on 15 January 2015. The Commission will provide information on the state of implementation of this Directive.

4. Publication of information regarding EU instruments on the E-Justice Portal

- Information by the Commission

Note: the Commission will provide information on the (new) procedure of publication of information regarding EU instruments, notably Framework Decisions and Directives, on the E-Justice Portal.

5. Publication of information regarding Mutual Recognition instruments on the EJM-Website

- Information by the European Judicial Network

Note: The EJM will provide information on the publication, on its website, of texts and information concerning Mutual Recognition instruments. Member States who so wish can pose questions to the Secretary to the EJM.

= 9587/15 JAI 423 COPEN 150 EJM 55 (doc. to be distributed)

6. Implementation of Article 25 of 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 (« transfer of prisoners »)

– Paper presented by France

= ST 9486/15 JAI 414 COPEN 147 (doc. to be distributed)

Note: France wants to raise the issue of the implementation of Article 25 of Framework Decision 2008/909/JHA in connection with Articles 4(6) and 5(3) of Framework Decision 2002/584/JHA (European Arrest Warrant).

7. Mutual recognition instruments and data retention

– Paper presented by Slovakia

= ST 9561/15 JAI 419 COPEN 149 (doc. to be distributed)

Note: Slovakia wants to raise the issue of data retention and the use of evidence in connection with Mutual Recognition instruments in the light of the decision of the CJEU of 8 April 2014 in Joined Cases C-293/12 and C-594/12.

8. Conflict of Jurisdiction

– Information by Eurojust on the following points:

- a) Combined event "Strategic Seminar on Conflicts of Jurisdiction, transfer of proceedings and ne bis in idem: successes, shortcomings and solutions" and the "Meeting of the Consultative Forum", which took place in the Hague on 4-5 June 2015;
- b) Report on Eurojust's casework in the field of Prevention and Resolution of Conflicts of Jurisdiction.

= 9474/15 JAI 407 COPEN 146 EUROJUST 114

9. Implementation of Directive 2014/41/EU on the European Investigation Order

– Information by the Commission

Note: The deadline for the implementation of this Directive is (only) 22 May 2017, but it is hoped that Member States are already in the process of implementing the Directive. Member States who are encountering difficulties with this implementation are kindly requested to provide information on these difficulties.

10. Statistics

– Information by the Commission

Note: The Commission has experienced that only on the European Arrest Warrant it is possible to get good quality statistics in a short time-frame; the Commission considers that it would be very helpful to get similar statistics in other fields (e.g. transfer of prisoners, provisional detention, confiscation, etc).

11. Handbook European Arrest Warrant

- Short information point by the Commission

Note: the Commission prepares a new handbook on the EAW, and will provide information on the state of play

EU - External

12. 2003 Agreement EU - USA on Mutual Legal Assistance : questionnaire and seminar

- Information by the Commission and by Eurojust

Note: The Commission will provide information on the questionnaire that it has distributed regarding the application of the EU-US MLA Agreement (OJ L 181, 19.07.2003, p. 34) in the context of the review procedure (Article 17 of the Agreement). Eurojust will provide information on the second practitioners seminar, which it will organise on 8 October 2015 at Eurojust in The Hague.

13. EU - USA : reciprocal access to the criminal law systems

- Short information point by the Commission

Note: The Commission will provide information on the issue of "enhancing reciprocal EU-US law enforcement authorities' access to the criminal records systems", as referred to in point VIII.3 of the Renewed EU-U.S. Statement "Enhancing transatlantic cooperation in the area of Justice, Freedom and Security" (8674/15).

14. 2006 Agreement EU - Iceland / Norway on surrender procedures

- Information by the Presidency

Note: Island still has to ratify the agreement, and some Member States still have to make declarations / notifications.

15. 2009 Agreement EU - Japan on MLA

- Information by the Commission and by the Presidency

Note: The Commission will provide information on the application of the Agreement; the Presidency will provide information on the current process of the updating of the annexes.

16. AOB

NB: Council documents are available on Extranet. A limited stock of documents produced immediately prior to the meeting will be available in the meeting room. Room attendants will provide copies on request at the earliest opportunity.

NB: Delegates requiring day badges to attend meetings should consult document 14387/1/12 REV 1 on how to obtain them.