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NOTE

From: Presidency
To: Delegations

Subject: Follow-up of the Council Conclusions of December 2018 (OJ C 449, 13.12.2019, p.6), in particular points 5 and 22
- Paper by the Presidency

Introduction

In December 2018, the Council adopted conclusions on mutual recognition in criminal matters – ‘Promoting mutual recognition by enhancing mutual trust’ (OJ C 449, 13.12.2018, p. 6).

In order to make the conclusions as beneficial as possible, the Presidency considers that it is appropriate to proceed to an evaluation of the follow-up of the conclusions, which were adopted by consensus.

At this stage, the Presidency considers it useful to examine two points, one conclusion addressed to the Member States (point 5), and one conclusion addressed to the Commission (point 22).

Point 5: alternative measures to detention

Point 5 of the Council conclusions read as follows:

5. *The Member States are encouraged to have legislation in place that allows, where appropriate, to make use of alternative measures to detention in order to reduce the population in their detention facilities, thereby furthering the aim of social rehabilitation and also addressing the fact that mutual trust is often hampered by poor detention conditions and the problem of overcrowded prisons;*

Question: Member States are invited to indicate whether their legislation provides for the possibility to impose alternative measures to detention.¹

Point 22: communication of notifications

Point 22 of the Council conclusions read as follows:

22. *The Commission is invited to communicate notifications by Member States on the EU mutual recognition instruments and other instruments relevant for judicial cooperation in criminal matters in at least one commonly understandable language of the EU to the EJN, so that it can publish these on its website;*

Question: the Commission is invited to describe its system of communicating notifications by Member States, as mentioned in point 22 of the Conclusions, to the EJN.

Could the Presidency, the Member States or the EJN take any measure to facilitate the task of the Commission?

¹ For example, surveillance by putting an ankle monitor, community service, etc.