

Council Conclusions on Mutual Recognition

Thomas Wahl

News

At their meeting of 7 December 2018, the EU Member States' Ministers for Justice adopted [Council conclusions on mutual recognition in criminal matters](#). The conclusions contain several calls on the Member States, including the following:

- To implement the procedural rights Directives in a timely and correct manner and to ensure independence and impartiality of the courts and judges;
- To restrictively apply the fundamental rights exception for non-execution of requests in accordance with CJEU case law;
- To make use of alternative measures to detention in order to reduce the population in detention facilities;
- To promote training of practitioners (e.g., judges, prosecutors) and exchanges between practitioners from different Member States;
- To establish (non-binding) guidelines on the application of the EU mutual recognition instruments;
- To make better use of the EJM's possibilities and platforms;
- To encourage executing authorities to enter into dialogue and direct consultations with the issuing authorities, in particular before considering the non-execution of a decision or judgement;
- To consider the withdrawal of reservations on MLA instruments;
- To set up, as a matter of priority, the e-Evidence Digital Exchange System to ensure the effective exchange of European Investigation Orders and MLA requests.

The Commission has, *inter alia*, been invited to provide practical guidance on the recent CJEU case law, notably regarding the *Aranyosi* case and to give reliable and updated information on penitentiary establishments and prison conditions in the Member States. The latter includes translations of the CoE's fact sheets on detention conditions and treatment of prisoners.

Furthermore, the Commission has been invited to further develop the handbook on the European arrest warrant (see [eu crim 4/2017, p. 177](#)) and to communicate notifications by Member States on EU mutual recognition instruments to the EJM, so that they can be published on the EJM website.

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