

# Council Conclusions on Future of EU Criminal Law

**Thomas Wahl**

## News

At its meeting on 13/14 June 2024, the Justice and Home Affairs Council approved conclusions on "The future of EU criminal law: recommendations on the way forward". The conclusions address the quality of EU criminal legislation and how it can be enhanced. They clarify that EU criminal legislation should be guided by the following three considerations:

- Respecting the commonly agreed principles of criminal law, such as the principle of legality and the principle that criminal law should only be used as a last resort (*ultima ratio*), and the protection of fundamental rights in general;
- Ensuring consistency of the EU criminal law acquis;
- Providing sufficient flexibility for the Member States in the implementation of criminal law instruments, thus respecting the different legal systems and traditions of the Member States.

Against this background, the Council will initiate work on the establishment of modernised model provisions for EU criminal law, in particular as regards minimum rules on penalties for natural and legal persons, liability of legal persons, aggravating and mitigating circumstances, incitement, aiding and abetting and attempt, jurisdiction, limitation periods, the availability at national level of effective and proportionate investigative tools, and statistical data. These model provisions should be included in future European legislation, to the extent it is considered necessary to address each individual subject-matter covered by them in a specific legislative instrument.

As regards institutional aspects, the Commission is called on to ensure the *ultima ratio* principle in its proposals and to draw up thoroughly prepared and detailed impact assessments. The Member States' need to ensure consistency and maintain the basic principles of their national legal orders must be taken into account by the Union legislature in future legislative negotiations.

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