

Council: The Way Forward in the Field of Mutual Recognition in Criminal Matters

News

Thomas Wahl

The [Austrian Council Presidency triggered a debate](#) in 2018 on how mutual trust – as underlying element of mutual recognition – can be put back on a solid basis. The Romanian Council Presidency continued the debate on the future of mutual recognition in criminal matters. Following the Council conclusions on mutual recognition in December 2018 (see [eucriM 4/2018](#), pp. 202-203), it compiled a [report giving an overview of the current challenges](#) in EU judicial cooperation in criminal matters. In the light of this report, a policy debate was held at the [JHA Council meeting on 6 June 2019](#).

The report summarises the answers provided by the EU Member States in response to the [discussion paper](#) “the way forward in the field of mutual recognition of judicial decisions in criminal matters, responding to the necessity of avoiding impunity and observing procedural safeguards,” which was launched in February 2019. The discussion paper and report deal with the following four points of discussion:

- Challenges encountered in application of the criteria set out in the *Aranyosi* judgment or when applying grounds for non-recognition in mutual recognition instruments;
- Training and guidance on mutual recognition instruments;
- Identification of gaps in the application of mutual recognition instruments and possible ways to fill these gaps;
- Enhancing the institutional framework, allowing for proper functioning of judicial cooperation in criminal matters at the EU level and making comprehensive use of this institutional framework.

The Romanian Presidency included several recommendations on each discussion issue. Regarding challenges, for instance, the creation of a common working methodology/common guidelines is suggested that looks at the application of the two-step approach established by the *Aranyosi* judgment in practice, and, in particular, the request for information about prison conditions.

As regards the identification of gaps in the application of mutual recognition instruments, the report concludes that most practitioners are of the view that the EU’s judicial cooperation instruments are comprehensive enough, but it is necessary to enhance the application of existing instruments and to improve practitioners’ knowledge through continuous training and awareness raising.

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