

Discussion items

EU

Relationship EU-CEEC/candidate ms

Transatlantic dialogue (EU-US)

EU

Speedy implementation UN/coe/EU legal framework

Future EU legal framework

Stick to « eu core crimes concept »

Common denominator between approximation criminal law & competence *ratione materiae* europol & eurojust


No undeliberate further extension of europol mandate

deliberate approximation of criminal law

approximation needed to the extent that non-approximation would prevent mutual recognition

Output europol not dependant on approximation

proper legal basis for approximation procedural criminal law lacking



Give a fair chance to legal instruments that have been negotiated on intergovernmental (3rd pillar) basis

Designed to drastically improve current cooperation mechanisms

effective/speedy implementation required

participation « Eurocops » in joint investigation teams

revision Europol Convention required

coordination investigations

limitation (regional universal) extra-territorial jurisdiction claims (opposite to current trend)

adoption of new EU convention on improved application ne bis in idem

reinforcing Schengen provisions concerned

applying ne bis in idem principle to final decisions that prevent prosecution, following penal mediation or granting of immunity to persons co-operating with the judicial system, ...

implementing mutual recognition with regard to pending investigations/ongoing prosecutions in other MS

aiming at settlement of conflicting claims of jurisdiction and avoiding multiple prosecutions for the same facts

principal coordinating role for Eurojust (1)

judicial counterpart for Europol

rationale establishment Eurojust: structural measures needed to facilitate coordination of investigations and proceedings covering the territory of several MS by improving & facilitating co-operation between their investigating/prosecuting authorities

ask MS to undertake investigation, to prosecute or to allow that another MS may be in a better position to do so

Ghent, 24 January 2001

Legal framework – G Vermeulen & T. vander beken

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principal coordinating role for Eurojust (2)

ensure that MS' competent authorities are informed reciprocally on interrelated investigations and prosecutions under way

must be informed of requests to set up joint investigation team

in close co-operation with Europol

Adoption of criteria for deciding where to prosecute (improved application *ne bis in idem*, *ne lex severior*, choice in favour of perpetrator & victim in case of equally fair law enforcement possibilities in various MS)

Eurojust to be adopted on the basis of a « 3rd pillar « convention » instead of « decision »

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Ceec/candidate ms

Speedy Implementation coe/UN legal framework

Further and intensified technical assistance and information on EU legal framework

Preparation for accession (chapter 24)

EU assistance projects

Twinning projects by EU ms

Anticipation of future eu requirements

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Transatlantic dialogue

Speedy implementation UN legal framework

Step up Acquaintance with EU/coe legal framework

Accession to

1959 COE mutual assistance convention

Future (2001) 2nd additional protocol to 1959 convention

Technically allowed for

2nd protocol resembles new 2000 EU mutual assistance convention

Shift from regional (EU-CEEC) to international legal framework (EU-CEEC-US)

Other relevant coe conventions

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EU-CEEC-US

Largest common denominator concept

Un level

DECEMBER 2000 convention against TOC

3 protocols supplementing convention

Coe level

Intensification EU-US transatlantic dialogue on JHA matters

Important for (enlarged) EU

To further adopt and stick to common positions with regard to negotiations in other legal frameworks (UN, COE, OECD)

Eu level as a laboratory for coe