



**COUNCIL OF
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NOTE

from:	Austrian and Lithuanian delegations
to:	Delegations
Subject:	Joint Declaration by the Ministers of Justice of Austria and Lithuania on the operation of the Framework decision on the European arrest warrant

Delegations will find attached a Joint Declaration by the Ministers of Justice of Austria and Lithuania.

Joint Declaration of the Ministers of Justice of Austria and Lithuania

The ministers of Justice of the Republic of Austria and the Republic of Lithuania consider that mutual recognition and judicial co-operation in criminal matters is an important instrument aiming at the realization of the area of freedom, security and justice. In particular, the European Arrest Warrant is one of the most powerful tools in this area and it is proved to be “a success story” in improving and strengthening co-operation among the Member States.

Due to declarations made by some Member States pursuant to Article 32 of the Framework Decision on the European Arrest Warrant 2002/584/JI, however, in certain cases the European Arrest Warrant is not applicable.

In this context, the Ministers support the proposition of the Vice-President of the European Commission Viviane Reding, expressed in the letter of 31 August 2011 addressed to the President of the Council of the European Union, that in the light of passage of time since the European Arrest Warrant has come into operation and the on-going project to produce EU instruments setting out common minimum standards for suspects and accused, it is opportune time for Member States who have made a declaration pursuant to Article 32 to consider its withdrawal.

In this regard, the Minister of Justice of Austria states her readiness to take concrete steps considering the necessity to withdraw or to limit Austria’s declaration in order to allow an application of the instrument as comprehensive as possible, to avoid future shortcomings as demonstrated in the Golovатов case.

Moreover, the Ministers note that the Golovатов case demonstrates the Schengen Information System also requires some adjustment to avoid erratic transliteration of third country national names and lack of sufficient identification characteristics of third country nationals in the SIS. This could be one of the reasons, why the person had been travelling freely across EU borders, although the European Arrest Warrant was already issued and an alert against him was entered in the Schengen Information System.

Finally, the Ministers consider that an earlier involvement of the European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes would be of sufficient assistance in the future, when cases of utmost importance would come under consideration. A regular exchange of information should take place in order to draw the attention of all EU Member States to similar cases and cases of alerts on persons in order to sharpen the awareness for such sensitive cases.
