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NOTE

From: European Judicial Network (EJN)
To: Working Party on Cooperation in Criminal Matters (COPEN)
Subject: Information regarding Mutual Recognition instruments on the EJN-Website

Delegations will find attached information regarding Mutual Recognition instruments on the EJN-Website, as provided by the EJN.

European Judicial Network



Information regarding Mutual Recognition instruments on the EJN website

1. The website of the European Judicial Network

The website of the European Judicial Network (EJN) was created in 2000 as a basis for the activities of the EJN and to improve the communication and knowledge among the judicial authorities about judicial cooperation in criminal matters. Since then the website has progressively become a practical and useful instrument for the day-to-day operation for all practitioners.

The website offers a range of functional tools to facilitate the work of practitioners in this area. It is administered by the EJN Secretariat and the information for the different tools is updated by the EJN Tool Correspondents.¹



¹ Articles 7 and 8 of the Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network.

2. The EJN Website Tools in Brief

In the EJN website there are several tools that facilitate direct communication between the competent judicial authorities of the Member States:

- The **Judicial Atlas** allows practitioners to find the judicial authorities in the 28 Member States with a specific competence and jurisdiction to send a requests for judicial cooperation (Mutual Legal Assistance, European Arrest aWarrant etc.).
- The **Fiches Belges** provide legal and practical information on a set of measures for judicial cooperation in criminal matters. This tool also allows practitioners to compare the measures between Member States and thus to further understand the differences among the national legal systems.
- The **Judicial Library** provides information on all relevant legal instruments for judicial cooperation in criminal matters including declarations, notifications and statements made by the Member States. In the “Status of Implementation” section information on the State of Play of the implementation of the relevant instruments in the Member States is displayed.
- The **Compendium** allows practitioners to create a request or fill a form for judicial cooperation in criminal matters by providing a step by step approach and allowing for direct translation of the static information into all EU official languages.
- The **Info about National Systems** section presents information about the organisation regarding judicial cooperation in criminal matters in the Member States.
- The **Contact Points Area** assists the judicial authorities to find a EJM Contact Point in the Member States. In the near future the website will also display this information for EU Candidate countries and other third countries. This section is password protected and is accessible for practitioners belonging to the judiciary within the EU Member States.

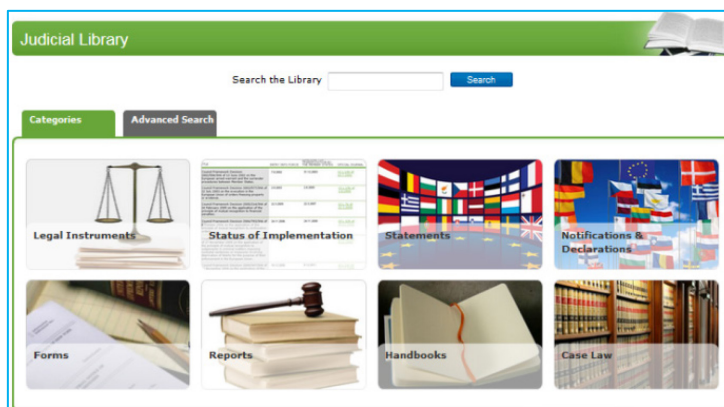
3. The Judicial Library

3.1. Background

With the adoption of the Conclusions of the Council of the EU on the follow-up of the Mutual recognition instruments² in October 2010, the EJM website was identified to be the best place to provide practitioners with information on the status of implementation of the mutual recognition instruments:

“...Though the information on the implementation of mutual recognition instruments should be produced in the Council / Commission, the European Judicial Network is better placed to present this information in a way which is the most suited to the needs of practitioners.”³

To this aim, the EJM Secretariat developed the Judicial Library, a tool that provides practitioners with relevant documents related to each legal instrument of judicial cooperation in criminal matters (legal text as well as declarations, notifications and statements where applicable) and with user-friendly tables on the status of implementation of the legal instruments in the Member States.



² Conclusions of the Council of the EU on the follow-up of the Mutual recognition instruments, Justice and Home Affairs Council meeting in Luxembourg, 7–8 October 2010.

³ See doc. 13405/1/10 REV 1, point 3 a).

3.2. Structure

The Judicial Library is divided in the following categories:

Category	Content
Legal Instruments	Three main subcategories: <ul style="list-style-type: none">• Legal instruments adopted by the European Union• Legal Instruments adopted by the Council of Europe• Legal Instruments adopted by the United Nations
Status of implementation	Tables with the status of implementation of the instruments and brief information on the national legislation applicable.
Statements	Statements provided by the Member States.
Notifications and Declarations	Notifications and declarations made by the Member States in relation to the legal instruments.
Forms	Forms (EAW, Freezing order etc.) in Word and PDF format in all available languages.
Reports	Various reports relevant to the different instruments.
Handbooks	Handbooks and manuals organised per legal instrument.
Case Law	Selection of European and national case law.

3.3. Legal Instruments - EU

Under the sub-category “Legal instruments adopted by the European Union”, the information is divided in the following manner:

- Framework Decisions
- Decisions
- Directives
- Regulations
- Treaties
- Conventions and Agreements
- Protocols
- Joint Actions

The EJM Secretariat publishes all the information related to the instruments that could facilitate the work of the practitioners or broaden their knowledge on the different subjects.

3.4. Status of Implementation

The Judicial Library in the EJM website presents the status of implementation of the legal instruments. At the moment there is updated information for 31 legal instruments, including the mutual recognition instruments.

The Status of Implementation can be reached from the top right banner of the EJM website homepage. There are status of implementation tables for each of the 31 legal instrument as well as for each of the 28 Member States.

3.5. Updating process

In order to provide the most updated and accurate information, the EJM Secretariat timely uploads in the website the official notifications and tables received from the Council Secretariat, as concluded by the Council in October 2010⁴.

⁴ See the Conclusions of the Council of the EU on the follow-up of the Mutual recognition instruments, Justice and Home Affairs Council meeting, Luxembourg, 7 and 8 October 2010 and doc. 13405/1/10 REV 1, point 3 a).

Additionally, the EJM Secretariat is assisted by the EJM Tool Correspondents for the control, follow-up and additional information. As a result, the information on the status of implementation is presented to the practitioners together with additional details on the national legislation or other useful information.

In the near future, the EJM Secretariat will also receive the relevant information from the Commission. This is particularly important as regards the Directives. For instance, the information on the status of implementation in the Judicial Library regarding Directive 2011/99/EU on the European Protection Order is for the moment solely based on information from EJM Contact Points and Tool Correspondents.

3.6. The Judicial Library Usage in Numbers

The EJM Secretariat has seen a great increase in the use of the Judicial Library. Only from the first quarter of 2015 – from January to April – the following numbers were gathered:

- **75,000** visits to the Judicial Library webpages;
- **58,000** documents downloaded; and
- **8,500** visits to the Status of Implementation section.

The most consulted legal instruments during this period have been:

- 1. MLA Convention**
- 2. EAW**
- 3. Transfer of Prisoners**
- 4. Freezing Orders**
- 5. Financial Penalties**

The most downloaded documents by the users have been:

- 1. Full text EAW**
- 2. Full text Transfer of Prisoners**
- 3. Full text MLA Convention**
- 4. Full text Freezing Order**
- 5. Full text Conflicts of Jurisdiction**

3.7. Future developments

The EJM Secretariat is considering some improvements of the Judicial Library, including the categorisation of the information and the way it is presented, e.g.

- Differentiate the display of instruments on substantive criminal law and procedural criminal law.
- Provide for more flexibility in providing specific information in the Status of Implementation tables.
- Interconnect the information on the status of implementation of the different legal instruments with other tools of the EJM website.
- Improve the information channels with the Council Secretariat and the Commission to populate the Judicial Library with more and up to date information.

However, such an improvement of the Judicial Library must be coordinated with the coming migration of the EJM website to the e-Justice Portal.