



**COUNCIL OF
THE EUROPEAN UNION**

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“I/A” ITEM NOTE

from: General Secretariat
to: COREPER/Council

No. prev. doc.: 15815/1/11 REV 1 CRIMORG 190 COPEN 283 EJN 138 EUROJUST 164

Subject: Follow-up to the evaluation reports on the fourth round of mutual evaluations:
practical application of the European arrest warrant and the relevant surrender
procedures between Member States
- Presidency Report

1. Following the adoption of the Joint Action of 5 December 1997, a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime was established. On 11 July 2005, the Multidisciplinary group on organised crime adopted the topic of the fourth round of mutual evaluations¹, namely "the practical application of the European Arrest Warrant and corresponding surrender procedures between Member States".

¹ 9602/05 - Orientation debate on a proposed Mutual Evaluation exercise.

2. The evaluation process itself was conducted from March 2006 to April 2009. Following each Member State evaluation visit, a report was drafted. Each report gave a factual description of the relevant organisational structures and legal practices of the evaluated Member State in its role both as issuing and as executing Member State. At the end of this fourth round, a Final Report on the fourth round of mutual evaluations with recommendations (hereinafter referred to as the Final Report) was adopted by the Council on 4–5 June 2009¹. Recommendation No 20 of the Final Report indicates that in response to the letter from the Presidency, the Member States will transmit to the Council information on the actions and measures taken or planned in response to recommendations addressed to them in that report as well as in the countries' reports by mid-2011. The recommendation states that the outcome could then be passed on to the Council by means of a Presidency report to be submitted by the end of 2011, containing, where appropriate, recommendations either general in nature or addressed to specific Member States.

3. 23 Member States (BE/BG/CZ/DE/DK/EE/ES/ FR/LV/LT/LU/HU/NL/AT/PL/ PT/SI/FI/SE/IE/RO/SK/IT) responded to the Presidency letter requesting updated information with regard to recommendations. On the basis of this information received from the Member States, the Presidency prepared a report, which was discussed at the Working Party on Co-operation in Criminal Matters on 4 November 2011. A revised version was presented at the CATS meeting of 25 November 2011.

4. *In view of the above Coreper is requested to invite the Council to take note of the Presidency report set out in 15815/1/11 REV 1 CRIMORG 190 COPEN 283 EJM 138 EUROJUST 164.*

¹ 8302/4/09 REV 4 CRIMORG 55 COPEN 68 EJM 24 EUROJUST 20.