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PROPOSAL FOR A RECOMMENDATION TO THE COUNCIL

pursuant to Rule 114(1) of the Rules of Procedure

by António Costa

on behalf of the PSE Group

on the quality of criminal justice in the European Union

European Parliament recommendation to the Council on the quality of criminal justice in the European Union

The European Parliament,

- having regard to Rule 114(1) of its Rules of Procedure,
 - whereas Articles 47 to 50 of the Charter of Fundamental Rights and Articles 6 to 13 of the European Convention on Human Rights define the scope of the 'right to justice' which the Union and its Member States, each within its jurisdiction, must guarantee EU citizens,
 - whereas this 'right to justice' includes, in particular, the right to an effective remedy, the right of access to an impartial tribunal, the right to a fair trial, the right to be tried within a reasonable time and the right of access to legal aid, and whereas protection of these rights is all the more important in respect of criminal proceedings,
 - convinced that responsibility for protecting these rights lies first and foremost with each Member State which does so in accordance with its own constitutional set-up and legal traditions, but that membership of the Union means that European citizens should be guaranteed comparable treatment throughout the Union and that there should be greater trust between Member States with a view to mutual recognition of judicial decisions, including even the surrender of their own citizens to the courts of another Member State,
 - recalling that the draft Constitutional Treaty (Article III-260) and the Hague programme (paragraph 3.2) recognise the importance of mutual evaluation between Member States in order to strengthen mutual trust, and that more appropriate tools and procedures need to be defined for the purposes of this evaluation and in order to step up exchanges of information and training opportunities in support of the quality of criminal justice in Europe,
1. Addresses the following recommendation to the Council:
 - that it define indicators and procedures, taking due account of mutual evaluations already existing as part of measures to combat terrorism and in connection with Schengen cooperation, for the establishment of a mutual evaluation system on the quality of criminal justice in the Member States;
 - that it transpose these procedures and indicators in one or more decisions based on Article 31 of the Treaty on European Union implementing the principles contained in the case law of the Strasbourg and Luxembourg Courts and the guidelines laid down by the Commission in relation to the effectiveness of justice in Europe;
 2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission.