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On 8 February 2002, the Chairmen of CATS and SCIFA, assisted by the General Secretariat of the Council, and the Commission met with representatives of the US Departments of Justice and State.

6. Judicial cooperation - Negotiation of EU/US Agreement on Criminal Matters

The Presidency noted that informal exploratory talks had been held in Brussels between the Presidency, the Commission, the General Secretariat and the US side. Another meeting was to take place in Brussels on 11 February with the same persons and senior officials from the Department of Justice and the State Department. It noted progress in discussions and a shared interest in rapidly reaching agreement. The EU side was seeking two sets of agreements: extradition and mutual legal assistance. The Presidency insisted the problems relating to the death penalty or special courts should not be underestimated, but shared the US view that such questions were manageable within the framework of an agreement.

The Presidency explained that it had to request a specific, formal mandate from the Council, which it would obtain as soon as possible.

While its bilateral relations with the fifteen Member States were excellent, the US side indicated that it had a particular interest in the following topics:

Extradition

1. Narrowing down the political offence exception.
2. Extradition of nationals.
3. Temporary surrender for trials and sending back to extraditing country.
4. Delays in handling of requests (on both sides), for instance because of appeals.
5. Possibly simplified extradition.
6. Possibly expedited extradition for certain categories of serious offences.
7. Possibility in cases concerning several EU countries to deal with a single contact point, such as Eurojust.
8. Ways to deal with conflicting simultaneous European arrest warrants and

extradition requests.

Mutual legal assistance

Should the EU side wish to engage in discussions, the US side indicated that it wished to consider in particular the following issues:

1. Possibility in cases concerning several EU countries to deal with a single contact point, such as Eurojust. If it could not be covered by an agreement with Eurojust, the use of Eurojust as a vehicle for cooperation.
2. Joint investigative teams.
3. Videoconferencing.
4. Cooperation in confiscation, asset forfeitures and asset sharing.
5. Preserving records in the cybercrime area.
6. Possibility of direct contacts with judicial authorities (both sides).

The US side said that potential problem areas for it might be data protection and issues concerning potential sentencing too early in the process. It considered it feasible to deal with issues such as the death penalty and special courts in any future agreement.