

Recognition and enforcement of decisions of Member States and forwarding decisions to other Member States

ABSTRACT

This thesis deals with international judicial cooperation in criminal matters, specifically the judicial cooperation of the Member States of the European Union. In the first chapter, it deals with the purpose and basis of legislation, historical development of European cooperation. It also describes the specific entities acting in the field of international judicial cooperation at European and national level, and also names the reasons why cooperation between Member States in criminal matters is necessary and sets out the European Parliament's intentions to further enhance the cooperation between Member States.

The second chapter focuses on the mutual recognition and enforcement of decisions of another Member State imposing financial penalties, the legal basis of which is the Council Framework Decision 2005/214/JHA, which was implemented into the national law by Part Five, Chapter VI of Act No. 104. / 2013 Coll., On international judicial cooperation in criminal matters. Special attention is given to the grounds for non-recognition of decisions of other Member States; their further analysis points out individual application problems that lead or have led to non-recognition of such decisions in the Czech Republic or differences in the legal cultures of Member States. Conversely, the thesis deals with ensuring the recognition and enforcement of decisions of general courts of the Czech Republic imposing financial sanctions in other member states of the European Union.

In the third chapter the thesis analyzes the regulation and proceedings on the recognition of decisions imposing custodial sentence or measures involving deprivation of liberty, which is based on Council Framework Decision 2008/909/JHA. Similarly to the previous chapter, author of the thesis deals with the interpretation of basic concepts, conditions for forwarding such decisions and reasons for non-recognition of decisions of another Member State, especially taking into account the current case law of the Court of Justice of the European Union. This chapter also describes how to enforce decisions imposing this type of sentence or a measure in another Member State.

The conclusion contains an evaluation of the achieved level of judicial cooperation of the Member States of the European Union and considerations or proposals to enhance and improve efficiency of such cooperation in the future.

Key words: Judicial cooperation in criminal matters, Mutual recognition and enforcement of decisions, Council Framework Decision 2005/214/JHA Council Framework Decision 2008/909/JHA