

# Table of contents

Foreword .....	7
<b>Introduction</b>	
Gisèle VERNIMMEN-VAN TIGGELEN et Laura SURANO.....	9
1. L'émergence de la reconnaissance mutuelle .....	9
2. Le concept de reconnaissance mutuelle : ce qu'il signifie et ce qu'il implique..	11
3. L'état des lieux .....	12
4. L'étude sur l'avenir de la reconnaissance mutuelle en matière pénale .....	14
<b>The implementation and application of mutual recognition instruments in Austria</b>	
Robert KERT.....	17
1. Introduction.....	17
2. Perception of the principle of mutual recognition in Austrian doctrine and practice .....	18
A. The principle of mutual recognition .....	18
B. Criticisms of the principle of mutual recognition .....	19
C. Evaluation of the principle of mutual recognition .....	21
D. Limits of the principle of mutual recognition.....	22
E. Mutual recognition of final judgements and pre-trial decisions.....	23
F. Reasons not to recognise and execute a decision .....	23
G. Consistency between the existing instruments of legal assistance .....	27
H. Necessity of flanking measures.....	27
3. Transposition of mutual recognition instruments .....	28
A. Mutual recognition instruments transposed in Austrian law .....	28
B. Reasons for late transposition .....	29

C. Difficulties during the transposition process.....	31
D. Specific issues related to transposition .....	32
E. Decentralised procedure .....	38
<b>4. Practical implementation of mutual recognition and other judicial cooperation instruments .....</b>	<b>38</b>
A. General opinion of practitioners on mutual recognition instruments .....	39
B. Cooperation between different Member States on the basis of the mutual recognition instruments .....	39
C. Information of practitioners on new mutual recognition instruments.....	43
D. Role of practitioners at the stage of implementation .....	44
E. Record of single cases and feedback mechanisms .....	44
F. Application of the Framework Decision on mutual recognition of freezing orders in practice.....	44
<b>5. Conclusions.....</b>	<b>45</b>
 <b>La reconnaissance mutuelle en matière pénale en Belgique</b>	
Anne WEYEMBERGH et Veronica SANTAMARIA .....	47
<b>1. Introduction.....</b>	<b>47</b>
<b>2. Perception générale de la reconnaissance mutuelle .....</b>	<b>48</b>
A. Un concept dont il ne faut pas surestimer l'originalité .....	49
B. Une coopération qui n'est ni automatique ni sans limites .....	50
C. Un principe qui ne se suffit pas à lui-même : de la nécessité de mesures d'accompagnement .....	51
D. La reconnaissance mutuelle en matière pénale au sein de l'UE : un principe cohérent ? .....	53
<b>3. Considérations générales sur la transposition du principe de la reconnaissance mutuelle en Belgique .....</b>	<b>56</b>
A. Bilan général .....	56
B. Difficultés particulières rencontrées.....	58
C. Le choix de la décentralisation .....	60
<b>4. Considérations générales sur la mise en œuvre pratique .....</b>	<b>61</b>
A. Bilan général .....	61
B. Difficultés particulières rencontrées.....	62
C. L'implication et l'information des praticiens .....	69
<b>5. Considérations transversales relatives à quelques motifs de refus .....</b>	<b>70</b>
A. L'exigence de la double incrimination.....	70
B. La clause de territorialité.....	72
C. La nationalité et la résidence.....	73
D. Le respect des droits fondamentaux.....	74
<b>6. Conclusion .....</b>	<b>76</b>
 <b>L'application du principe de la reconnaissance mutuelle en matière pénale en Bulgarie.....</b>	
Margarita CHINOVA et Mila ASSENOVA .....	79
<b>1. Introduction .....</b>	<b>79</b>
<b>2. Perception générale du principe de reconnaissance mutuelle.....</b>	<b>80</b>

A. L'absence de définition du principe de reconnaissance mutuelle .....	80
B. Le mécanisme d'élaboration de la position nationale dans le cadre des négociations .....	82
C. La transposition des instruments de l'UE relatifs à la reconnaissance mutuelle.....	83
3. La mise en œuvre pratique du principe de reconnaissance mutuelle.....	91
A. L'application de la décision-cadre sur le MAE.....	91
B. L'application de la décision-cadre sur le gel.....	96
4. Conclusions et perspectives .....	96
<b>Criminal law and mutual recognition in the Czech Republic</b>	
Ivo ŠLOSARČÍK .....	99
1. Introduction: Czech Republic, Presidency and mutual recognition .....	99
2. EU law in the Czech Republic .....	100
3. The <i>EAW</i> judgment of the Czech Constitutional Court .....	105
4. Problems of mutual recognition in criminal matters in the Czech Republic ....	108
A. The legality of penal sanctions and the double criminality test .....	108
B. Territoriality .....	109
C. Language accessibility .....	111
D. Special protection of Czech citizens (and residents) .....	112
5. Conclusion: Awaiting case law? .....	113
<b>The perception of the principle of mutual recognition of judicial decisions in criminal matters in Germany</b>	
Thomas WAHL .....	115
1. Introduction.....	115
2. The current application of mutual recognition instruments.....	119
A. Implementation .....	119
B. General perception of the principle of mutual recognition in criminal matters .....	121
C. Mutual recognition and harmonisation of substantive law .....	122
D. Mutual recognition and approximation of procedural law .....	122
E. Grounds for refusal (I): the absence of double criminality .....	124
F. Grounds for refusal (II): the territoriality clause .....	127
G. Treatment of nationals and residents .....	128
H. The defence lawyers' position .....	131
3. Areas for other EU instruments.....	135
A. The rights of defence .....	135
B. Collection of evidence .....	136
C. Coordination of prosecutions .....	137
4. Methodology. Horizontal problems .....	138
A. Negotiations .....	138
B. Transposition .....	139
C. Application in practice .....	139
5. Mutual trust. Practical flanking measures.....	142
A. Mutual trust: myth or reality? .....	142

B. Flanking measures.....	142
6. Conclusions.....	144
<b>Mutual recognition in criminal matters: the Danish experience</b>	
Jørn VESTERGAARD and Silvia ADAMO .....	147
1. Introduction.....	147
2. The two major acts implementing mutual recognition in Denmark .....	148
A. The 1967 Extradition Act, as amended in 2003 and subsequently .....	148
B. The 2004 Act on Execution of Decisions in Criminal Matters in the EU .....	157
3. Transposition of mutual recognition instruments .....	159
A. Constitutional setting and parliamentary tradition .....	159
B. The transposition of mutual recognition instruments .....	160
C. Problems encountered concerning transposition.....	161
D. Reciprocity and territoriality issues .....	162
E. Procedures for executing a decision issued in another Member State ....	162
F. Issues regarding fundamental rights .....	163
4. Involvement of practitioners, their assessment of MR and practical application .....	164
A. Involvement of practitioners in negotiations and transposition.....	164
B. Practitioners' general assessment of the mutual recognition instruments.....	164
C. Practical application.....	166
5. Conclusions.....	172
<b>The reception of the principle of mutual recognition in the criminal justice systems of EU Member States. The case of Greece</b>	
Valsamis MITSILEGAS .....	175
1. Introduction.....	175
2. Mutual recognition in criminal matters and the Greek authorities .....	176
3. The Greek Law on the European Arrest Warrant.....	178
A. Negotiations and issues.....	178
B. The text.....	179
4. Mutual recognition in the Greek Courts .....	182
A. Methodology and issues.....	182
B. The surrender of own nationals and the Greek Constitution.....	184
5. Conclusion .....	185
<b>Mutual recognition in criminal matters in Spain.....</b>	
Ángeles G. ZARZA .....	189
1. Introduction.....	189
2. Negotiation of mutual recognition instruments .....	190
A. General remarks .....	190
B. Concept and scope of mutual recognition.....	193
C. Concrete examples of the Spanish approach .....	196
D. Complementary measures to mutual recognition .....	197

3. Transposition of European instruments into the Spanish legal system .....	198
A. The transposition process.....	198
B. The instruments implemented .....	201
C. Instruments not yet implemented. Some issues .....	205
4. Interpretation and application of mutual recognition instruments by Spanish judicial authorities .....	206
A. Judicial interpretation of the mutual recognition principle .....	206
B. Fundamental rights and mutual recognition principle .....	212
C. Useful tools and training on mutual recognition instruments for practitioners.....	214
D. Databases and statistical information .....	215
5. Conclusion .....	216

### **The Finnish approach to mutual recognition in criminal matters and its implementation**

Annika SUOMINEN .....	219
1. Introduction.....	219
2. Legislation and national implementation of the mutual recognition instruments.....	220
A. The mutual recognition legislation in Finland .....	220
B. Terminology, especially relating to the Extradition Act.....	221
C. The system of recognition.....	222
3. Specific implementation of certain provisions.....	223
A. The requirement of double criminality .....	223
B. Provisions on human rights.....	224
C. Provisions on territoriality .....	226
D. Special conditions with regard to citizens and residents .....	227
E. Additional amendments of the refusal grounds .....	228
F. Conclusion on the implementation .....	229
4. The concept of mutual recognition .....	229
A. How mutual recognition is understood .....	229
B. Practitioners' understanding and use of mutual recognition .....	231
5. Problems encountered .....	231
A. Confronted problems .....	231
B. Conclusion on the problems .....	237
6. Concluding remarks .....	237

### **Bilan et perspectives du principe de reconnaissance mutuelle en matière pénale en France**

Maiténa POELMANS .....	239
1. Introduction. Définition et perception du principe de reconnaissance mutuelle .....	239
2. Un bilan en demi-teinte de la mise en œuvre du principe de reconnaissance mutuelle .....	241
A. Une copie « en dégradés » des actes législatifs européens .....	241
B. Une mise en œuvre « en rangs serrés » des dispositions législatives ....	247

<b>3. Les perspectives en clair-obscur de la mise en œuvre du principe de reconnaissance mutuelle.....</b>	<b>252</b>
A. Une similarité des textes pour des résultats inégaux .....	252
B. Un renforcement obligé de la confiance mutuelle .....	254
<b>4. Conclusion .....</b>	<b>257</b>
 <b>The principle of mutual recognition in criminal matters in Hungary</b>	
<b>Katalin LIGETI .....</b>	<b>259</b>
<b>1. Introduction.....</b>	<b>259</b>
<b>2. The principle of mutual recognition and the Hungarian Constitution .....</b>	<b>260</b>
A. The principle of mutual recognition and the legality principle .....	260
B. Surrender of Hungarian nationals .....	263
<b>3. The implementation of the mutual recognition principle in Hungary .....</b>	<b>264</b>
A. The limits of the principle of mutual recognition .....	266
B. Mutual recognition of final judgments and of pre-trial decisions.....	269
C. The principle of mutual recognition and double criminality .....	270
D. The application of mutual recognition and procedural safeguards.....	272
E. The principle of mutual recognition and human rights standards.....	274
F. The principle of mutual recognition and reciprocity .....	275
<b>4. Practical aspects of the application of the mutual recognition principle .....</b>	<b>276</b>
A. The Hungarian Ministry of Justice and Law Enforcement as central authority .....	276
B. The training of practitioners.....	277
C. Information for the general public .....	277
<b>5. The relationship between mutual recognition and harmonisation .....</b>	<b>278</b>
<b>6. Conclusions.....</b>	<b>280</b>
 <b>Irish practice on mutual recognition of European Union criminal law</b>	
<b>Gerard CONWAY.....</b>	<b>283</b>
<b>1. Introduction.....</b>	<b>283</b>
<b>2. Method and data.....</b>	<b>284</b>
<b>3. Context of Irish criminal law and procedure .....</b>	<b>285</b>
<b>4. Background to extradition and mutual legal assistance in criminal         matters in Irish law.....</b>	<b>286</b>
<b>5. Irish statutory implementation of the European Arrest Warrant .....</b>	<b>289</b>
A. General.....	289
B. Interpreting the declaration in Irish law .....	291
C. Interpreting the declaration in EU law .....	294
D. Amendments to the European Arrest Warrant 2003 Act made by the Criminal Justice (Terrorist Offences) Act 2005.....	295
<b>6. Irish caselaw on the European Arrest Warrant .....</b>	<b>296</b>
<b>7. The European Evidence Warrant from an Irish perspective .....</b>	<b>299</b>
A. Background .....	299
B. Changes involved in EEW .....	299
C. Broader significance of the EEW .....	300

8. Ireland and more recent Third Pillar measures – Criminal Justice (Mutual Assistance) Act 2008.....	302
9. Ireland, the Treaty on a Constitution for Europe and the Lisbon Treaty .....	304
10. Conclusions – A summary of challenges and successes of the principle of mutual recognition from an Irish perspective.....	305
 <b>La reconnaissance mutuelle et la mise en œuvre du mandat d'arrêt européen dans l'ordre juridique italien</b>	
Gaetano DE AMICIS .....	309
1. Le principe de reconnaissance mutuelle dans la perspective de la coopération judiciaire pénale .....	309
2. La mise en œuvre des instruments de reconnaissance mutuelle dans l'ordre juridique italien : la loi du 22 avril 2005, n° 69, relative au mandat d'arrêt européen .....	310
3. La « compatibilité » constitutionnelle du MAE.....	311
4. Les points « critiques » de la législation italienne relative au MAE : l'extension de la liste des motifs de refus .....	312
A. Considérations générales .....	312
B. L'évaluation des circonstances aggravantes.....	314
C. La documentation « complémentaire ».....	314
D. L'évaluation des « graves indices de culpabilité ».....	315
E. La « résurgence » de la double incrimination .....	315
F. Les dispositions transitoires.....	317
G. Le rôle de l'autorité centrale .....	317
5. Le fonctionnement de la procédure « passive » de remise : fondements et conditions .....	318
A. Considérations générales .....	318
B. Les délais de la procédure d'exécution .....	319
C. La validation de l'arrestation et l'application des mesures coercitives ....	320
D. Les délais des mesures provisoires personnelles .....	322
E. La décision sur l'exécution du MAE.....	323
F. Les voies de recours.....	324
6. Le fonctionnement de la procédure « active » de remise.....	324
A. La compétence pour l'émission du MAE .....	325
B. Le MAE fondé sur la mesure coercitive de la détention domiciliaire ....	326
C. L'émission du MAE par rapport aux procédures d'exécution de la peine .....	326
7. Les principales orientations jurisprudentielles : l'interprétation « corrective » de la Grande Chambre (Sezioni Unite) de la Cour de Cassation.....	327
A. Les indices graves de culpabilité .....	328
B. La question des limites maximales de la détention provisoire.....	328
C. Les délais pour l'acquisition de la documentation complémentaire .....	330
D. La question des garanties du « procès équitable ».....	332
E. La remise du citoyen italien .....	333

F. Vers un principe de proportionnalité dans l'exécution des demandes de remise ? .....	336
8. Perspectives de <i>iure condendo</i> .....	337
<b>Future of mutual recognition in criminal matters in the European Union:</b>	
<b>Lithuania</b>	
Gintaras ŠVEDAS and Darius MICKEVIČIUS .....	339
1. Introduction.....	339
2. Grounds for refusal, conditions and other limitations restricting the scope of MR.....	343
A. Double criminality .....	343
B. Nationality of the culprit .....	346
C. Territoriality clause .....	347
D. Grounds related to procedural differences .....	348
E. Human rights clause.....	349
F. Other "new" grounds for refusal.....	351
3. Procedure .....	351
4. Future prospects .....	353
A. Issue of proportionality .....	354
B. Attention to the identity of a suspect.....	355
C. Approximation of laws .....	355
D. Codification.....	356
E. Non-legislative initiatives .....	358
F. Principle of MR in the area of administrative offences .....	358
5. Conclusions.....	358
<b>Les apports de la reconnaissance mutuelle à la coopération judiciaire pénale et ses déficits. Bilan de l'expérience luxembourgeoise</b>	
Stefan BRAUM .....	361
1. Introduction.....	361
2. La mise en œuvre du principe de reconnaissance mutuelle en droit luxembourgeois .....	362
A. Réalisation et implications des actes législatifs européens .....	362
B. Inquiétudes de la pratique malgré l'efficacité affichée .....	364
3. L'impact du principe de RM sur le système national de justice pénale .....	365
A. La reconnaissance mutuelle des décisions judiciaires face à l'examen de la double incrimination .....	365
B. Un principe confronté à l'harmonisation des législations nationales ....	367
4. Les difficultés rencontrées dans la pratique de la coopération pénale .....	370
A. Pour le développement de <i>bonnes pratiques</i> en réponse aux défis actuels .....	370
B. Le mandat d'obtention des preuves, un exemple d'application future de la reconnaissance mutuelle en procédure pénale .....	372
5. D'une protection européenne des droits fondamentaux.....	377
6. L'ambivalence de la clause de territorialité : motif de refus et source de conflit de juridiction .....	379

7. Cohérence des instruments de reconnaissance mutuelle .....	381
8. Conclusions et perspectives .....	382
<b>Judicial cooperation and mutual recognition in criminal matters in Malta</b>	
Stefano FILLETTI and Alison GATT .....	385
1. State of play .....	385
2. Double criminality and territoriality clause .....	386
A. Double criminality .....	386
B. Territoriality clause .....	387
3. Other grounds for refusal .....	388
A. Mandatory grounds under Maltese law .....	388
B. Optional grounds .....	389
C. Additional grounds .....	390
4. Competent judicial authorities .....	391
5. Content and form .....	392
6. Time limits, postponement of execution or temporary surrender.....	393
A. Time limits .....	393
B. Postponement of execution or temporary surrender .....	394
7. Protection of human rights .....	396
8. Some specific issues related to EAW .....	397
A. Multiple requests.....	397
B. Rule of speciality .....	397
C. Accessory surrender .....	399
D. Subsequent extradition .....	399
9. Conclusion .....	400
<b>The Netherlands and mutual recognition: between proportionality and the rule of law</b>	
Wouter VAN BALLEGOOIJ .....	401
1. Introduction.....	401
2. General approach towards mutual recognition in the Netherlands.....	404
A. Ministry .....	404
B. Prosecutors .....	405
C. District Court of Amsterdam .....	406
D. Lawyers.....	407
3. Limits .....	407
A. Compliance with the rule of law .....	408
B. Proportionality .....	411
4. Harmonisation and practical measures .....	415
5. Conclusion .....	416
<b>From EU with trust: the potential and limits of the mutual recognition in the Third Pillar from the Polish perspective</b>	
Adam ŁAZOWSKI .....	419
1. Introduction .....	419
2. The European Arrest Warrant and the transposition of the Framework Decision.....	422

A. From pre-accession approximation to implementation – the first transposition effort .....	422
B. The constitutional drama.....	426
C. The revision of Art. 55 Polish Constitution and Criminal Procedure Code 1997 .....	432
3. Testing the potential and limits of mutual recognition – the European Arrest Warrant in practice .....	434
A. General perception of the European Arrest Warrant.....	434
B. Do we like it too much? The (over)use of the EAW by Polish Authorities.....	434
C. Overview of case-law of the Supreme Court and ordinary courts .....	436
D. Conclusions.....	439
4. Beyond the European Arrest Warrant: <i>quo vadis?</i> .....	440
A. Introduction.....	440
B. The transposition of other Framework Decisions dealing with the mutual recognition .....	440
C. The general perception of the principle of mutual recognition in criminal matters.....	441
5. Conclusions.....	444

**The Portuguese experience of mutual recognition in criminal matters:  
five years of European Arrest Warrant**

Pedro CAEIRO and Sónia FIDALGO .....	445
1. Introduction.....	445
2. The legislative level .....	446
A. National legal framework: the Portuguese Constitution and Law no. 65/2003 of 23 August 2003 .....	446
B. Compliance of Portuguese law with the FD EAW.....	447
3. The judicial level.....	456
A. Mutual recognition as a topic and a ground for judicial decisions .....	456
B. Case-law on other issues raised by the EAW .....	457
4. Conclusion .....	463

**Le principe de reconnaissance mutuelle des décisions judiciaires dans l’Union  
européenne devant les juridictions roumaines. Présent et perspectives**

Florin STRETEANU et Diana IONESCU.....	465
1. Le cadre législatif national .....	465
2. L’interprétation du principe de RM en droit interne .....	468
A. La réglementation du principe de RM dans la loi .....	468
B. L’approche des magistrats sur le principe de RM .....	468
C. L’interprétation du principe par la jurisprudence.....	469
3. L’application des dispositions sur le MAE en Roumanie .....	471
A. La compatibilité du MAE avec les dispositions constitutionnelles relatives à l’extradition des citoyens roumains .....	471
B. L’application dans le temps des normes relatives au MAE .....	472
C. L’autorité judiciaire compétente.....	473

D. La double incrimination du fait .....	475
E. La clause de territorialité.....	477
F. Les motifs de non-exécution du MAE .....	477
G. Le respect des droits fondamentaux .....	479
H. Le respect des droits de la défense .....	482
4. L'application des dispositions concernant les décisions de gel de biens ou d'éléments de preuve .....	483
5. L'application des dispositions sur la reconnaissance mutuelle des sanctions pécuniaires .....	484
6. L'application des dispositions sur la reconnaissance mutuelle des décisions de confiscation .....	485
7. Conclusions.....	486
<b>The approach of Swedish practitioners to the principle of mutual recognition in criminal matters</b>	
Laura SURANO .....	487
1. Introduction.....	487
2. State of play regarding mutual recognition in criminal matters in Sweden.....	488
A. Legislation implementing EU instruments .....	488
B. Mutual recognition and mutual trust: the Nordic cooperation model ....	489
3. Transposition of mutual recognition instruments .....	490
A. Transposition procedure and competent authorities .....	490
B. Specific issues related to the EAW.....	492
4. Practical application of the EAW and other judicial cooperation instruments ....	494
A. EAW: grounds for refusal, dual criminality and supervision instead of detention .....	494
B. Fundamental rights and procedural guarantees.....	495
C. Transfer of proceedings and conflicts of jurisdiction.....	496
D. Transfer of enforcement of sentence.....	497
E. Admissibility of evidence and approximation of rules regarding evidence gathering. The Swedish experience on Joint Investigation Teams .....	497
F. Training for practitioners and feedback on application of the EAW .....	498
5. Conclusions.....	499
<b>Mutual recognition in the context of Slovenian criminal law</b>	
Katja ŠUGMAN STUBBS and Mojca MIHELJ PLESNIČAR .....	501
1. Introduction.....	501
2. Transposition of mutual recognition instruments .....	502
A. State of implementation .....	502
B. Principal problems in transposing the EU instruments.....	507
3. Limits to the principle of mutual recognition, harmonisation and human rights issues .....	509
A. Final decisions v. pre-trial decisions.....	509
B. Harmonisation of laws .....	509
C. Criminal law principles and human rights issues.....	511

4. Codification or consolidation of the various instruments based on the mutual recognition principle .....	513
5. Practical experience with mutual recognition instruments .....	514
A. The EAW as a model procedure .....	515
B. Practitioners' point of view .....	517
C. Practical difficulties .....	519
D. Limits to the principle and grounds for refusal in practice.....	521
6. Conclusion .....	522
<b>Mutual recognition of decisions in criminal justice and the United Kingdom</b>	
John R. SPENCER .....	523
1. Popular attitudes in Britain towards Europe and European criminal law .....	523
A. The moral superiority of the “common law” .....	524
B. “Euromyths” .....	525
C. “Popular punitivism” .....	525
D. Euroscepticism, authoritarianism, and the attack on the European Convention.....	526
2. The public reaction in the UK to the <i>Corpus Juris</i> project, and the birth of “mutual recognition” .....	527
3. The UK’s official position in response to EU “mutual recognition” instruments, actual and proposed.....	528
4. The implementation in the United Kingdom of the first four EU “mutual recognition” measures adopted after Tampere .....	530
A. Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States .....	531
B. Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence .....	536
C. Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.....	537
D. Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties .....	539
5. The UK’s policy towards mutual recognition in criminal proceedings: a brief evaluation.....	540
6. How well, in practice, is mutual recognition working in the UK? .....	541
7. The current state of informed opinion in the UK on the future of mutual recognition .....	543
A. Is “mutual recognition” a good thing, or a bad thing?.....	543
B. “Mutual trust” .....	543
C. The “dual criminality” issue.....	544
D. The attitude towards possible new “mutual recognition” instruments .....	545
E. The need for “flanking measures” .....	547
F. Has mutual recognition reached its limits? .....	547

G. Would it be desirable to put all the different “mutual recognition” instruments together into one single instrument? .....	548
<b>Quel futur pour la reconnaissance mutuelle en matière pénale ?</b>	
<b>Analyse transversale</b>	
Gisèle VERNIMMEN-VAN TIGGELEN et Laura SURANO .....	549
1. Introduction.....	549
2. Bilan de l’acquis .....	549
A. Où en est-on de la réalisation du programme de reconnaissance mutuelle ? .....	549
B. Reconnaissance mutuelle et différences de droit substantiel .....	553
C. Reconnaissance mutuelle et différences de droit procédural .....	557
D. Reconnaissance mutuelle et différences entre systèmes judiciaires .....	561
E. Reconnaissance mutuelle et compétence juridictionnelle.....	562
F. Reconnaissance mutuelle et traitement des nationaux.....	565
G. Questions méthodologiques.....	566
3. Conclusions et propositions pour l’avenir de la reconnaissance mutuelle en matière pénale dans l’UE .....	569
A. Rapprochement du droit matériel et politique pénale de l’UE .....	569
B. Droits individuels et garanties procédurales .....	570
C. Recueil de la preuve : assistance mutuelle et admissibilité .....	573
D. Conflits de juridiction, <i>non bis in idem</i> et transfert de procédures .....	575
E. Méthodes de négociation, de transposition, de mise en œuvre et d’évaluation .....	577
F. Mesures pratiques d’accompagnement : formation et mise en réseau.....	580
<b>List of abbreviations .....</b>	583
<b>List of contributors .....</b>	589
<b>Table of contents.....</b>	591