



CONSEJO GENERAL DEL PODER JUDICIAL
ESCUELA JUDICIAL



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A VIRTUAL STROLL

CURSO VIRTUAL
COOPERACIÓN JUDICIAL PENAL EN
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Con el apoyo de la Unión Europea
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FIRST PART: JUDICIAL ASSISTANCE IN CRIMINAL MATTERS

1.1. Basic European conventions

1.1.1. COUNCIL OF EUROPE

- 1.1.1.1. European convention on mutual assistance in criminal matters, done in Strasbourg on 20 April 1959, [Convention no. 30](#) of the Council of Europe.

It is also possible to access the webpage containing the Treaties of the Council of Europe directly, <http://conventions.coe.int/>, in order to consult the list of contracting states to the Convention and the declarations made by each one when ratifying it (language, competent authorities, etc.). Click on “Full list”.

The information is available in the two languages of the Council of Europe: [English](#) and [French](#), as well as in [German](#), [Italian](#) and [Russian](#).

- 1.1.1.2. Additional Protocol of 17 March 1978 to the European convention on mutual assistance in criminal matters, [Convention no. 99](#) of the Council of Europe.

- 1.1.1.3. Second additional protocol to the European convention on mutual assistance in criminal matters, dated 8 November 2001. [Convention no. 182](#) of



the Council of Europe, **to which Spain is not a party.**

1.1.2. EUROPEAN UNION

- 1.1.2.1. **Convention** of 19 **June** 1990, **on the application of the Schengen Agreement** dated 14 June 1985 ([OJ L 239, 22.9.2000](#)).
- 1.1.2.2. Convention on mutual assistance in criminal matters between the Member States of the European Union, dated 29 May 2000 ("**2000 Convention**") ([OJ C 197/1, 12.7.2000](#)). Currently in force in all EU Member States except Greece, Ireland, Italy and Luxembourg.
- 1.1.2.3. Protocol to the Convention on mutual assistance in criminal matters between the Member States of the European Union ("**Protocol to the 2000 Convention**"), dated 16 October 2001 ([OJ C 326, 21.11.2001](#)). Currently in force in all EU Member States except Greece, Ireland, Italy and Luxembourg.
- 1.1.2.4. **Joint Action** of 29 June 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union, **on good practice** in mutual legal assistance in criminal matters ([OJ L 191, 7.7.1998](#)).



1.2. Instruments of mutual recognition: EUROPEAN UNION

- 1.2.1. Council Framework Decision 2002/584/JHA of 13 June 2002 on the **European arrest warrant** and the surrender procedures between Member States ([OJ L 190, 18.7.2002](#)).
- 1.2.2. Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of **orders freezing property** or evidence ([OJ L 196, 2.8.2003](#)).
- 1.2.3. Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to **financial penalties** ([OJ L 76, 22.3.2005](#)).
- 1.2.4. Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to **confiscation orders** ([OJ L 238, 24.11.2006](#)).
- 1.2.5. Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to **judgments in criminal matters** imposing **custodial sentences or measures involving deprivation of liberty** for the purpose of their enforcement in the European Union ([OJ L 327, 5.12.2008](#)).
- 1.2.6. Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to **judgments and probation decisions** with a view to the supervision of probation measures and alternative sanctions ([OJ L 337, 16.12.2008](#)).

- 1.2.7. Council Framework Decision 2008/978/JHA, of 18 December 2008 on the **European evidence warrant** for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters ([OJ L 350, 30.12.2008](#)).
- 1.2.8. Council Framework Decision 2009/299/JHA, of 26 February 2009 amending Framework Decisions 2002/584/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA and 2008/947/JHA, thereby enhancing the procedural rights of persons and fostering the application of the principle of mutual **recognition to decisions rendered in the absence** of the person concerned at the trial ([OJ L 81, 27.3.2009](#)).
- 1.2.9. Council Framework Decision 2009/829/JHA, of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual **recognition to decisions on supervision measures as an alternative to provisional detention** ([OJ L 294, 11.11.2009](#)).
- 1.2.10. Council Framework Decision 2009/948/JHA, of 30 November 2009 on prevention and settlement of **conflicts of exercise of jurisdiction** in criminal proceedings ([OJ L 328, 15.12.2009](#)).

1.3. Other instruments of mutual assistance in criminal matters in the European sphere.

1.3.1. EUROPEAN UNION:

1.3.1.1. Treaty on the stepping up of cross-border cooperation, particularly in combating terrorism,



cross-border crime and illegal migration, done at **Prüm** on 27 May 2005 ([Prüm Treaty](#)).

- 1.3.1.1.1. Council Decision 2008/615/JHA of 23 June 2008 on the **stepping up of cross-border cooperation**, particularly in combating terrorism and cross-border crime ([OJ L 210, 6.8.2008](#)).
- 1.3.1.2. Council Framework Decision 2009/315/JHA of 26 February 2009 on the organisation and content of the **exchange of information extracted from the criminal record** between Member States, ([OJ L 93, 7.4.2009](#)) which repeals Framework Decision 2005/876/JHA.
 - 1.3.1.2.1. Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the **European Criminal Records Information System (ECRIS)** in application of Article 11 of Framework Decision 2009/315/JHA ([OJ L 93, 7.4.2009](#)).
- 1.3.1.3. Council Framework Decision 2008/675/JHA of 24 July 2008 on **taking account of convictions** in the Member States of the European Union in the course of new criminal proceedings ([OJ L 220, 15.08.2008](#)).
- 1.3.1.4. Council Decision 2002/187/JHA, of 28 February 2002 setting up **Eurojust** with a view to reinforcing the fight against serious crime ([OJ L 63, 6.3.2002](#)).

- 1.3.1.5. Council Decision 2003/659/JHA of 18 June 2003 amending Decision 2002/187/JHA setting up **Eurojust** with a view to reinforcing the fight against serious crime ([OJ L 63, 6.3.2002](#)).
- 1.3.1.6. Council Decision 2009/426/JHA of 16 December 2008 on the **strengthening of Eurojust** and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime ([OJ L 138, 4.6.2009](#)).
- 1.3.1.7. Council Framework Decision 2002/475/JHA of 13 June 2002 on combating **terrorism**. ([OJ L 164, 22.6.2002](#)).
- 1.3.1.8. Council Framework Decision 2001/500/JHA of 26 June 2001 on **money laundering**, the identification, tracing, freezing, seizing and **confiscation of instrumentalities and the proceeds of crime** ([OJ L 182, 5.7.2001](#)).
- 1.3.1.8.1. Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime ([OJ L 332, 18.12.2007](#)).
- 1.3.1.9. Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the **prevention of the use**



of the financial system for the purpose of money laundering and terrorist financing ([OJ L 309, 25.11.2005](#)).

- 1.3.1.10. Directive 2008/20/EC of the European Parliament and of the Council of 11 March 2008 amending Directive 2005/60/EC on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing, as regards the implementing powers conferred on the Commission ([OJ L 76, 19.3.2008](#)).
- 1.3.1.11. Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims ([OJ L 261, 6.8.2004](#)).
- 1.3.1.12. Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network ([OJ L 348, 24.12.2008](#)).
- 1.3.1.13. Council Decision 2003/48/JHA of 19 December 2002 on the implementation of specific measures for police and judicial cooperation to combat terrorism in accordance with Article 4 of Common Position 2001/931/CFSP ([OJ L 16, 22.3.2003](#)).
- 1.3.1.14. Council Framework Decision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union ([OJ L 386, 29.12.2006](#)).
- 1.3.1.15. Council Framework Decision 2008/977/JHA of 27 November 2008 on

the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ([OJ L 350, 30.12.2008](#)).

1.3.2. Council of Europe: Other conventions¹

1.3.2.1. European Convention of 15 May 1972 on the **Transfer of Proceedings in Criminal Matters**, [Convention no. 73](#) of the Council of Europe.

1.3.2.2. European Convention of 27 January 1977 on the Suppression of **Terrorism**, [Convention no. 90](#) of the Council of Europe.

1.3.2.3. European Convention on the **Compensation of Victims of Violent Crimes**, done at Strasbourg on 24 November 1983, [Convention no. 116](#) of the Council of Europe.

1.3.2.4. European Convention **on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime**, done at Strasbourg on 8 November 1990, [Convention no. 141](#) of the Council of Europe.

1.3.2.5. Council of Europe Convention on the **Prevention of Terrorism**, done at Warsaw on 16 May 2006, [Convention no. 196](#).

¹ As indicated above, the webpage containing the Treaties of the Council of Europe, <http://conventions.coe.int/>, publishes all information related to these and the other conventions (signatory countries, entry into force, declarations or reservations, etc.) in the official languages of the Council of Europe: English and French; as well as in German, Italian and Russian.



- 1.3.2.6. Council of Europe Convention on **Action against Trafficking in Human Beings**, done at Warsaw on 16 May 2005, [Convention no. 197](#).
- 1.3.2.7. European Convention on **Information on Foreign Law** of 7 June 1968, [Convention no. 62](#) of the Council of Europe.
 - 1.3.2.7.1. Additional **Protocol** to the European Convention on **Information on Foreign Law** of 15 March 1979, [Convention no. 97](#) of the Council of Europe.

1.4 Multilateral conventions: UNITED NATIONS

- 1.4.1 [United Nations Convention Against Transnational Organized Crime](#), done at New York on 15 November 2000.
- 1.4.2 [Protocol against the smuggling of migrants](#) by land, sea and air, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000.
- 1.4.3 [Protocol to prevent, suppress and punish trafficking in persons](#), especially women and children, supplementing the United Nations Convention against Transnational Organized Crime, done at New York on 15 November 2000.
- 1.4.4 [Protocol against the illicit manufacturing of and trafficking in firearms](#), their parts and components and ammunition supplementing the United Nations

Convention against Transnational Organized Crime, done at New York on 31 May 2001.

- 1.4.5 [United Nations Convention against corruption](#), done at New York on 31 October 2003.
- 1.4.6 [United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances](#), done at Vienna on 20 December 1998.
- 1.4.7 [International Convention for the Suppression of the Financing of Terrorism](#), done in New York on 9 December 1999.

Eliminado:

2. PART TWO: EXTRADITION

2.1. European Conventions on extradition

NB: This section does not include instruments such as the Convention on the Application of the Schengen Agreement, the Donostia Agreement of 26 May 1989 between the Member States on the Simplification and Modernisation of Methods of Transmitting Extradition Requests, the Brussels Convention of 10 March 1995 on the simplified extradition procedure between Member States, and the Dublin Convention of 27 November 1996, on extradition between Member States, as they were repealed by the application of the European Arrest Warrant and Surrender procedures between the Member States of the EU.

- 2.1.1. [European Convention on Extradition](#), done at Paris on 13 December 1957, [Convention no. 24](#) of the Council of Europe.
- 2.1.2. [First additional protocol to the European Convention on Extradition](#), of 15 October 1975, [Convention no. 86](#) of the Council of Europe.



- 2.1.3. Second additional protocol to the European Convention on Extradition, of 17 March 1978, [Convention no. 98](#) of the Council of Europe.

3. PART THREE: ENFORCEMENT OF DECISIONS AND TRANSFER OF SENTENCED PERSONS

3.1. European conventions on the enforcement of judgments and the transfer of sentenced persons

- 3.1.1. European Convention on the [International Validity of Criminal Judgments](#), done at The Hague on 28 May 1970, [Convention no. 70](#) of the Council of Europe.
- 3.1.2. Convention on the [transfer of sentenced persons](#) of 21 March 1983, [Convention no. 112](#) of the Council of Europe.

NB: The following are also contracting states to this Convention: Australia, The Bahamas, Bolivia, Canada, Chile, Korea, Costa Rica, Ecuador, the USA, Honduras, Israel, Japan, Mauricio, Mexico, Panama, Tonga, Trinidad and Tobago and Venezuela.