NOTE

from: Presidency

to: Collective Evaluation Group

Subject: Collective Evaluation of the implementation of the acquis of EU in the field of Police and Judicial Cooperation in the Czech Republic, Estonia, Slovenia and Slovakia - Questionnaire

Delegations will find attached, for their information, the questionnaire sent out by the Presidency to its embassies in the Czech Republic, Estonia, Slovakia and Slovenia regarding Police and Judicial Cooperation, with a deadline for replies on May 14, 1999.
I. Police Cooperation

THE CZECH REPUBLIC

1. Real situation:

- Could you provide non statistical information about the general crime situation, including information on the current crime situation as it is reflected in the media?

- Could you give your own assessment about the crime trends of last year, e.g. in the field of property offences, offences of violence etc.

- Could you give your own general assessment about the impact of organised crime on the state and society, including comments about money laundering. Which do you consider the most urgent problems in these fields?

2. Legislation

- Could you provide detailed information about the legal basis for the action of law enforcement agencies, especially
  
  - texts of the current Penal and Procedural codes, including the legislation on the fight against organised crime and money laundering

  - information about latest developments and envisaged legislative changes concerning the Penal and Procedural codes and the legislation on the fight against organised crime and money laundering
How do you assess the effectiveness of the current legislation in the above-mentioned fields? Which are its main weaknesses? Do the eventual legislative changes seem to tackle these problems effectively?

3. Institutional/administrative settings

- Could you provide available information on

  • Strategies/Priority Plans of Government in the fight against organised crime
  
  • the current and planned structure, organisation and competencies of the law enforcement services, and customs services, including information on the specialised law enforcement services (organised crime, money laundering, anti-corruption)
  
  • information on the recruitment and training, the staffing, the budgets, wages, conditions of living, equipment (also IT-systems) etc. of law enforcement services and customs services. Is there a major corruption problem?

- What is your assessment of the efficiency of co-operation between different law enforcement agencies? Could you describe the main problems related to the specific structure and organisation of the law enforcement services and related to the general administrative settings (see bullet point 2)?

- What is your assessment of the ability and competencies of police forces concerning international cooperation?

- Which are the responsibilities and powers of the Czech Bureau of Investigation? Which is the role of intelligence service in criminal investigations?
1. Real situation:

- Could you provide non statistical information about the general crime situation, including information on the current crime situation as it is reflected in the media?

- Could you give your own assessment about the crime trends of last year, e.g. in the field of property offences, offences of violence etc.

- Could you give your own general assessment about the impact of organised crime on the state and society, including comments about money laundering. Which do you consider the most urgent problems in these fields?

2. Legislation

- Could you provide detailed information about the legal basis for the action of law enforcement agencies, especially

  - texts of the current Penal and Procedural codes, including the legislation on the fight against organised crime and money laundering

  - information about latest developments and envisaged legislative changes concerning the Penal and Procedural codes and the legislation on the fight against organised crime and money laundering
    - Which is the current position of the new draft Penal Code?

- How do you assess the effectiveness of the current legislation in the above-mentioned fields? Which are its main weaknesses? Do the eventual legislative changes seem to tackle these problems effectively?
3. Institutional / administrative settings

- Could you provide available information on

- Strategies/Priority Plans of Government in the fight against organised crime

  - the current and planned structure, organisation and competencies of the law enforcement services, and customs services, including information on the specialised law enforcement services (organised crime, money laundering, anti-corruption)

  - information on the recruitment and training, the staffing, the budgets, wages, conditions of living equipment (also IT-systems) etc. of law enforcement services and customs services. Is there a major corruption problem?

  - Which role does the Intelligence Service play in criminal investigations?

  - Which specialised units exist within the Estonian police (O.C., drugs), what are their structures, powers and successes?

- What is your assessment of the efficiency of co-operation between different law enforcement agencies? Could you describe the main problems related to the specific structure and organisation of the law enforcement services and related to the general administrative settings (see bullet point 2)?

- What is your assessment of the ability and competencies of police forces concerning international cooperation?
1. **Real situation:**

- Could you provide non statistical information about the general crime situation, including information on the current crime situation as it is reflected in the media?

- Could you give your own assessment about the crime trends of last year, e.g. in the field of property offences, offences of violence etc.

- Could you give your own general assessment about the impact of organised crime on the state and society, including comments about money laundering. Which do you consider the most urgent problems in these fields?

2. **Legislation**

- Could you provide detailed information about the legal basis for the action of law enforcement agencies, especially

  • texts of the current Penal and Procedural codes, including the legislation on the fight against organised crime and money laundering

  • information about latest developments and envisaged legislative changes concerning the Penal and Procedural codes and the legislation on the fight against organised crime and money laundering

- How do you assess the effectiveness of the current legislation in the above-mentioned fields? Which are its main weaknesses? Do the eventual legislative changes seem to tackle these problems effectively?
3. Institutional / administrative settings

- Could you provide available information on

- Strategies/Priority Plans of Government in the fight against organised crime

  • the current and planned structure, organisation and competencies of the law enforcement services, and customs services, including information on the specialised law enforcement services (organised crime, money laundering, anti-corruption)

  • information on the recruitment and training, the staffing, the budgets, wages, conditions of living equipment (also IT-systems) etc. of law enforcement services and customs services. Is there a major corruption problem?.

- What is your assessment of the efficiency of co-operation between different law enforcement agencies? Could you describe the main problems related to the specific structure and organisation of the law enforcement services and related to the general administrative settings (see bullet point 2)?

- What is your assessment of the ability and competencies of police forces concerning international cooperation?

- Which is the role of the Slovak Intelligence Service in criminal investigations?
1. **Real situation:**

- Could you provide non statistical information about the general crime situation, including information on the current crime situation as it is reflected in the *media*?

- Could you give your *own* assessment about the crime trends of last year, e.g. in the field of property offences, offences of violence etc.

- Could you give your *own* general assessment about the impact of organised crime on the state and society, including comments about money laundering. Which do you consider the most urgent problems in these fields?

2. **Legislation**

- Could you provide detailed information about the legal basis for the action of law enforcement agencies, especially

  - texts of the current Penal and Procedural codes, including the legislation on the fight against organised crime and money laundering

  - information about latest developments and envisaged legislative changes concerning the Penal and Procedural codes and the legislation on the fight against organised crime and money laundering

- How do you assess the effectiveness of the current legislation in the above-mentioned fields? Which are its main weaknesses? Do the eventual legislative changes seem to tackle these problems effectively?
3. Institutional / administrative settings

- Could you provide available information on

- Strategies/Priority Plans of Government in the fight against organised crime

  - the current and planned structure, organisation and competencies of the law enforcement services, and customs services, including information on the specialised law enforcement services (organised crime, money laundering, anti-corruption)

  - information on the recruitment and training, the staffing, the budgets, wages, conditions of living equipment (also IT-systems) etc. of law enforcement services and customs services. Is there a major corruption problem?

- What is your assessment of the efficiency of co-operation between different law enforcement agencies? Could you describe the main problems related to the specific structure and organisation of the law enforcement services and related to the general administrative settings (see bullet point 2)?

- What is your assessment of the ability and competencies of police forces concerning international cooperation?

- Which is the role of the Slovenian Intelligence Service in criminal investigations?
II. Judicial Cooperation

THE CZECH REPUBLIC

- Does the judiciary in general meet the standards of EU Member States? Please give examples.
- Are judges and prosecutors well trained, including in fields of Community and International law?
- Is the rule of law principle and the protection of human rights respected in all proceedings of the judiciary?
- What feelings does the public have about their judiciary? Do citizens trust their judiciary?
- Is there a corruption problem?
- What is your practical experience in the day to day work of judicial co-operation in criminal and in civil matters with the Czech Republic (e.g. service of documents, evidence taking, recognition and enforcement)?
- Are there major backlogs for dealing with pending cases?
- A question relating to the broader topic of human rights: How are national and/or ethical minorities living on Czech territory treated?
- Is accession to the following Conventions planned:
  - Council of Europe Convention of 1980 on Custody of Children
If so, which is the state of affairs? If not, which are the motives preventing accession?
ESTONIA

- Does the judiciary in general meet the standards of EU Member States? Please give examples.
- Are judges and prosecutors well trained, including in fields of Community and International law?
- Is the rule of law principle and the protection of human rights respected in all proceedings of the judiciary?
- What feelings does the public have about their judiciary? Do citizens trust their judiciary?
- Is there a corruption problem?
- What is your practical experience in the day to day work of judicial co-operation in criminal and in civil matters with Estonia (e.g. service of documents, evidence taking, recognition and enforcement)?
- Are there major backlogs for dealing with pending cases?
- At which stage are intentions to ratify the 1990 Council of Europe Convention on Money Laundering?
- Is legislation in place in order to implement the 1959 Mutual Assistance Convention and the 1957 Extradition Convention?
- Has a new Private International Law Act come into force already? If so, does it properly transpose the 1980 Rome Convention?
- Has Estonia concluded bilateral agreements with EU Member States on Mutual Legal Assistance in Civil Matters?
- Is accession to the following Conventions planned:
  - Hague Convention of 1954 on Civil Procedure
  - Hague Convention of 1980 on Child Abduction
  - Council of Europe Convention of 1980 on Custody of children
If so, which is the state of affairs? If not, which are the motives preventing accession?
SLOVAKIA

- Does the judiciary in general meet the standards of EU Member States? Please give examples.
- Are judges and prosecutors well trained, including in fields of Community and International law?
- Is the rule of law principle and the protection of human rights respected in all proceedings of the judiciary?
- What feelings does the public have about their judiciary? Do citizens trust their judiciary? Is there a corruption problem?
- What is your practical experience in the day to day work of judicial co-operation in criminal and in civil matters with Slovakia (e.g. service of documents, evidence taking, recognition and enforcement)?
- Are there major backlogs for dealing with pending cases?

- At which stage are intentions to ratify the 1990 Council of Europe Convention on Money Laundering?
- How is the principle of independence of the judiciary respected in legislation and practice? Is the situation satisfactory or at least improving?
- Which is the current position of the new draft law on Protection of Personal Data? Can its provisions be considered adequate? What is the standard of data protection in practice?
- A question relating to the broader topic of human rights: How are national and/or ethical minorities living on Slovakian territory treated?
- Is accession to the following Conventions planned:
  - Council of Europe Convention of 1980 on Custody of Children
  - Hague Convention of 1980 on Child Abduction
  If so, which is the state of affairs? If not, which are the motives preventing accession?
SLOVENIA

- Does the judiciary in general meet the standards of EU Member States? Please give examples.
- Are judges and prosecutors well trained, including in fields of Community and International law?
- Is the rule of law principle and the protection of human rights respected in all proceedings of the judiciary?
- What feelings does the public have about their judiciary? Do citizens trust their judiciary? Is there a corruption problem?

- What is your practical experience in the day to day work of judicial co-operation in criminal and in civil matters with Slovenia (e.g. service of documents, evidence taking, recognition and enforcement)?
- Are there major backlogs for dealing with pending cases?

- At which stage are efforts to ratify the 1959 Mutual Assistance Convention?
- Has a new law on Civil Procedure already been adopted? Which changes will it entail?

- Is accession to the following Conventions planned:
  - Hague Convention of 1965 on Service of Documents
  - Council of Europe Convention of 1980 on Custody of Children
  - Hague Convention of 1970 on Taking of Evidence
If so, which is the state of affairs? If not, which are the motives preventing accession?