

Criminal Justice (Mutual Assistance) (Amendment) Act 2015

The purpose of the Act was to amend the Criminal Justice (Mutual Assistance) Act 2008 in order to give effect to a number of international treaties which enhance co-operation with other EU Member States in countering terrorism and fighting crime. These instruments include:

- **Council Framework Decision 2005/214/JHA on mutual recognition of financial penalties.**

This instrument establishes the rules under which a Member State recognises and executes in its territory a financial penalty order issued by a court competent in criminal matters of another Member State.

- **Council Framework Decision 2006/783/JHA on mutual recognition of confiscation orders.**

This instrument establishes the rules under which a Member State recognises and executes in its territory a confiscation order issued by a court competent in criminal matters of another Member State.

- **Council Decision 2008/617/11 on enhancing the operation of special intervention units in crisis situations.**

This instrument aims to improve cooperation between Member States to allow special intervention units in man-made crisis situations that present a serious and direct physical threat, such as terrorist incidents etc.

- **Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust.**

Eurojust is an EU agency, based in The Hague, dealing with judicial co-operation in criminal matters. This Council Decision amends the earlier Council Decision 2002/187/JHA setting up Eurojust, and

provides for increased co-operation of Eurojust with other agencies such as OLAF or EUROPOL, and strengthens its operational capabilities.

- **Council Framework Decision 2009/299/JHA of 26 February 2009** amending Framework Decisions 2002/584/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. This instrument seeks to ensure that principles of natural justice are adhered to in cases where judgements in absentia arise in regard to requests for mutual legal assistance.

- **Council Decision 2010/616/EU on the conclusion of an agreement between the European Union and Japan on mutual legal assistance in criminal matters.**

This agreement provides for mutual legal assistance between EU member states and Japan, based on the laws of the requested state. Implementation by Ireland will be based on existing provisions of the 2008 Act.

The Act also provides for certain related amendments to the following Acts:

Criminal Justice Act, 1994,
International War Crimes Tribunal Act 1998,
Criminal Justice (Joint Investigation Teams) Act 2004,
Garda Síochána Act 2005,
Criminal Justice (Mutual Assistance) Act, 2008.

All sections of the Act except section 24 (*Financial Penalties*) were commenced on 1 February 2016. The procedures to provide for mutual assistance in regard to financial penalties are not yet fully in place. This

section will be commenced as soon as those procedures have been completed.