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## Legislation

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# EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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## II

(Non-legislative acts)

## RULES OF PROCEDURE

### RULES OF PROCEDURE OF EUROJUST

THE COLLEGE OF EUROJUST,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust) and replacing and repealing Council Decision 2002/187/JHA, hereinafter referred to as 'the Eurojust Regulation', and in particular Article 5(5) thereof,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, hereinafter referred to as 'Regulation 2018/1725',

Considering the approval of these Rules of Procedure by the Council by means of Implementing Decision (EU) 2019/2250 of 19 December 2019.

HAS ADOPTED THESE RULES OF PROCEDURE ON 20 DECEMBER 2019:

#### CHAPTER I

#### **The college**

##### Article 1

#### **The President and the Vice-Presidents of Eurojust**

1. The President shall exercise his/her functions on behalf of the College. In addition to the functions foreseen in Article 11(2) of the Eurojust Regulation, the President shall:

- a) sign the official communications of the College, including on financial matters in accordance with the Eurojust Financial Rules;
- b) determine the place, day and time of the meetings of the College, draft the provisional agenda, commence and conclude the meetings, moderate the debates and oversee the implementation by the Administrative Director of the decisions adopted by the College;
- c) invite persons to attend the meetings of the College;
- d) prepare the work of the College when the latter is exercising its operational functions.

2. The Vice-Presidents shall exercise the functions set out in Article 11(2) of the Eurojust Regulation and paragraph 1 of this article which the President entrusts to them. They shall replace the President if he/she is prevented from attending to his/her duties in accordance with Article 11(3) of the Eurojust Regulation and Article 2(2) of these rules of procedure.

##### Article 2

#### **Election of the President of Eurojust**

1. In accordance with Article 11(1) of the Eurojust Regulation, the College shall elect a President from among the national members by a two-thirds majority of its members.

2. The President shall convene an election a month before the end of his/her mandate. If the office of the President falls vacant before the end of the stipulated term of office of four years, the Vice-President with the then longest period of service at Eurojust shall immediately convene a meeting of the College for the election of the President to be held within a month starting from the day when the position fell vacant. During the interim period, the then longest serving Vice-President, or the eldest in the event of equal length of service, shall replace the President.

3. The President or Vice-President, when convening the meeting for the election of the President, shall officially open the period for the presentation of candidacies. National members wishing to be elected shall present their candidacy in writing to the head of the Governance Secretariat, accompanied by a motivation letter, at least ten working days before the meeting in which the election is to take place and by 12:00 CET. The head of the Governance Secretariat shall inform the College, upon receipt of a candidacy, of the name of the candidate. After the deadline, the head of the Governance Secretariat shall distribute the motivation letters to the College. In the meeting of the College immediately prior to the meeting where the election will take place, the candidates shall present their candidacies to the College.
4. The election shall be held under the chairmanship of the President or a Vice-President if he/she is not a candidate for the election, or of the national member with the then longest period of service at Eurojust or the oldest of the national members in the event of equal length of service at Eurojust if they are not candidates for the election.
5. The election is attended by the Administrative Director and the head of the Governance Secretariat. Representatives of the European Parliament and the Council may attend as observers.
6. The chairperson shall verify the quorum at the beginning of the meeting. If a national member cannot attend the election, he/she can be represented or give a proxy in accordance with Article 6(3) and (4) of these rules of procedure.
7. The election shall take place by secret ballot. The Administrative Director shall call the members of the College or their representatives, one by one following the protocol order list of the Member States of the European Union (hereinafter referred to as the EU Protocol List'), to cast their votes. The representative of the European Commission will be the last to cast his/her vote. Once all members of the College or their representatives have cast a vote, the election officer will open the voting box and count the voting ballots.
8. In the first round, the candidate obtaining a two-thirds majority of the members of the College is deemed elected. If no candidate attains a two-thirds majority, a second round shall take place immediately between the two candidates who received the most votes in the first round. Where there is a tie among three or more candidates for the highest number of votes, all those candidates shall go to a second round. Where there is a tie among two or more candidates for the second highest number of votes, all those candidates and the candidate who received the highest number of votes shall go through to the second round.
9. In the second round, a candidate obtaining a two-thirds majority of the members of the College is deemed elected. If no candidate attains a two-thirds majority, a third round shall immediately take place following the same rules as in paragraph 8 of this article.
10. In the third round, a candidate obtaining a two-thirds majority of the members of the College is deemed elected. If no candidate attains a two-thirds majority, a new election process shall be launched immediately. In the meantime, the former President or a Vice-President under the conditions of paragraph 2 of this article shall continue to exercise the functions of the President until the appointment of a successor.
11. The Administrative Director shall announce the results of the election. The outcome of proceedings shall be signed by the chairperson, the Administrative Director, the head of the Governance Secretariat and the observers. The outcome of proceedings shall reflect the number of members of the College present or represented, the number of ballots, the number of valid, invalid and blank votes, the results of votes cast per round and per candidate in alphabetical order of their surnames, and the final result.
12. The results of the election of the President of Eurojust shall be communicated to the European Parliament, the Council, the European Commission and the Member States.

### Article 3

#### **Election of the Vice-Presidents of Eurojust**

1. In accordance with Article 11(1) of the Eurojust Regulation, the College shall elect two Vice-Presidents from among the national members by a two-thirds majority of its members.
2. The President shall convene an election one month before the end of the mandate of a Vice-President. If the office of a Vice-President falls vacant before the end of the stipulated term of four years, the President shall immediately convene a meeting of the College for the election of a Vice-President to be held within one month starting from the day when the position fell vacant. The Vice-President shall not be replaced during the interim period.
3. The procedure for the election of the President in Article 2(3) to (12) of these rules of procedure shall apply *mutatis mutandis* to the election of the Vice-Presidents without prejudice to paragraph 4 of this article.

4. If no candidate attains a two-thirds majority of the members of the College in the second round, a third round shall immediately take place to elect by simple majority the candidate with the highest number of votes. In case of equality of votes in the third round, the candidate with the then longest period of service at Eurojust will be deemed elected. In case of discontinuous periods of service at Eurojust, the College shall only consider the period of service immediately prior to the election.

#### Article 4

##### **Dismissal of the President and Vice-Presidents of Eurojust**

1. In accordance with Article 11(6) of the Eurojust Regulation, if the President or Vice-President no longer fulfils the conditions required for the performance of his/her duties, he/she may be dismissed by the College acting on a proposal from one-third of its members. The decision shall be made by secret ballot. The decision shall be adopted on the basis of a two-thirds majority of the members of the College, excluding the President or Vice-President concerned.
2. The President or Vice-President concerned shall receive a copy of the request for dismissal and appear in front of the College before it decides on dismissal.
3. If the College decides on the dismissal of the President or a Vice-President, an election shall be immediately convened in accordance with Articles 2 or 3 of these rules of procedure.
4. The European Parliament, the Council, the European Commission and the Member States shall be informed of the dismissal of a President or Vice-President of Eurojust.

#### Article 5

##### **Meetings of the College**

1. In accordance with Article 13(2) of the Eurojust Regulation, the College shall hold at least one meeting per month. The timing and location of the meetings of the College shall be the subject of a yearly decision of the College adopting a calendar of meetings. When circumstances so require, and provided that the majority of the members of the College do not object, the President may change the date or the starting time of the meetings notifying the College. The College shall hold additional meetings on the initiative of the President, at the request of the European Commission to discuss the administrative tasks of the College, or at the request of at least one-third of its members.
2. The meetings of the College shall take place at the seat of Eurojust. The College may exceptionally decide to hold a meeting at another location, if duly justified, upon the proposal of the President.
3. In the absence of the President and the Vice-Presidents, the national member with the then longest period of service at Eurojust shall chair the meetings of the College.
4. Meetings of the College shall not be public and the discussions shall remain confidential. The College may decide to meet in a session in which attendance may be restricted.
5. As regards attendance by non-members of the College at meetings of the College:
  - a) the Administrative Director shall attend meetings of the College convened for exercising its management functions and may be invited by the President to attend meetings of the College in which operational matters are discussed, without the right to vote in each case;
  - b) the President may invite any person whose opinion may be of interest, and in particular liaison prosecutors from third countries posted at Eurojust, to attend the meetings of the College as observers, without the right to vote;
  - c) the President shall assess the agenda of the meetings of the College with the purpose of identifying issues that are of relevance for the exercise of the tasks of the European Public Prosecutor's Office. The President shall invite a representative of the European Public Prosecutor's Office to attend those meetings without the right to vote. The President shall provide the representative of the European Public Prosecutor's Office with the relevant documents supporting the agenda;
  - d) the members of the College may be exceptionally assisted by advisers or experts where appropriate. A member of the College requesting assistance by advisers or experts shall inform the President of the names of the advisers or experts at least ten working days before the meeting of the College takes place specifying the agenda item in respect of which they are to be invited. The President shall inform the members of the College in writing and decide whether to issue an invitation considering any objections raised.

6. The President shall prepare the provisional agenda for each meeting of the College. The provisional agenda shall include the points requested by members of the College and the points that the President, the Executive Board or the Administrative Director deem appropriate.
7. The provisional agenda shall be sent by the Governance Secretariat together with the relevant documents to the members of the College at least five working days prior to the meeting. When an additional meeting is called, the provisional agenda may be sent twenty-four hours before the meeting. Only points for which the relevant documents have been provided shall be included in the provisional agenda for decision. The President may include indicative time limits for the discussion of each agenda point and restrict the number of interventions and the speaking time.
8. At the beginning of each meeting, the College shall approve the agenda. Urgent matters and items not appearing on the provisional agenda may be discussed and decided upon with the agreement of the members of the College. The College may also decide on the use of written procedures or preparatory consultation procedures under Articles 7 and 8 of these rules of procedure.
9. The President shall inform the College of any matters that are of interest to it in accordance with Article 11(2)(b) of the Eurojust Regulation. Information may be distributed to the members of the College by the Governance Secretariat in writing. At the request of a member of the College, an information point shall be included in the agenda of the College for its consideration.
10. The members of the College may ask questions of general interest to the Administrative Director in his/her area of responsibility. The Administrative Director will provide a response in the first possible meeting of the College after the receipt of the question(s).

#### *Article 6*

#### **Quorum and voting**

1. Two-thirds of the members of the College are required to be present to constitute a quorum. In the absence of a national member, the presence of his/her deputy or of an assistant having the status referred to in Article 7(4) of the Eurojust Regulation shall be taken into account for the determination of the quorum.
2. Where the required quorum cannot be reached, the President shall continue the meeting without recording any formal decision. The relevant agenda items may be considered at the next College meeting or by written procedure in accordance with Article 7 of these rules of procedure.
3. A national member who cannot attend a College meeting and is not represented by a deputy or an assistant having the status referred to in Article 7(4) of the Eurojust Regulation may give a proxy vote to another national member to vote on his/her behalf. A maximum of one proxy vote may be received per national member.
4. A national member using a vote by proxy shall communicate to the Governance Secretariat in writing the identity of the proxy holder, the items of the agenda for which the proxy is valid and any possible restrictions placed on the proxy vote. The proxy vote is only valid for the meeting for which it has been given.
5. The College may decide on a matter when the President deems that the issue has been sufficiently discussed.
6. In accordance with Article 14(1) of the Eurojust Regulation, unless stated otherwise, and where a consensus cannot be reached, the College shall take its decisions by a majority of its members.
7. Consensus is reached where no member of the College expressly opposes. The College may only proceed to vote when the President records a lack of consensus. The majority of the members of the College is determined on the basis of the composition of the College as provided for under Article 10(1) of the Eurojust Regulation.
8. In accordance with 14(2) of the Eurojust Regulation, each member of the College shall have one vote. In the absence of a voting member, the deputy shall be entitled to exercise the right to vote subject to the conditions set out in Article 7(7) of the Eurojust Regulation. In the absence of the deputy, the assistant shall also be entitled to exercise the right to vote subject to the conditions set out in Article 7(7) of the Eurojust Regulation.

9. Unless otherwise provided for in these rules of procedure, votes shall be taken by a show of hands or by a roll call if voting by a show of hands is challenged. On a proposal by the President or at the request of one-third of the members of the College, the College may decide to vote by secret ballot. The President shall record the distribution of votes cast. A minority opinion expressed shall be included in the minutes of the meeting if so requested by the respective member of the College.

#### *Article 7*

##### **Written procedure**

1. In case of urgency, when a decision cannot be postponed and is required before the College can be convened, the President can call for a written procedure. Written procedures may also be used for matters already considered by the College in accordance with Articles 5(8) and 6(2) of these rules of procedure.
2. The President shall give the members of the College at least three working days for replies from the date upon which the draft decision was electronically sent. In exceptional cases, the President may decide on a shorter duration.
3. A proposal for a decision to be taken by written procedure shall not be subject to amendments, and it shall be approved or rejected in its entirety. In case no reply has been received within the set period, the respective member of the College is deemed to have abstained from voting.
4. A decision is adopted when at least two-thirds of the members of the College have replied in writing and the required voting majority has been obtained.
5. In cases where the required quorum or voting majority are not reached, the President may re-launch the written procedure or bring the matter to the next meeting of the College.
6. The President shall establish that the written procedure has been completed. A notification to that effect shall be sent to the members of the College.

#### *Article 8*

##### **Preparatory consultation procedure**

1. The President, when considering it appropriate in preparation of a discussion in the College, may initiate a preparatory consultation procedure using electronic means. The members of the College shall be provided with the necessary information.
2. Preparatory consultation procedures shall last for a period of seven working days, unless otherwise decided by the President on grounds of urgency. After the deadline, a revised document reflecting the comments made by the members of the College shall be issued by the initiator of the proposal for the consideration of the College.

#### *Article 9*

##### **Working groups**

1. The College may set up working groups to provide the College with advice and expertise.
2. The mandate, composition and practical functioning of these working groups will be determined by an implementing decision of the College.

## CHAPTER II

**The executive board**

## Article 10

**Composition of the Executive Board**

1. In accordance with Article 16(4) of the Eurojust Regulation, two members of the College other than the President or the Vice-Presidents shall be designated as members of the Executive Board on a two-year rotation system.
2. The rotation order in which the two members of the College shall be called upon to be members of the Executive Board shall be based on the EU Protocol List. The College shall draw lots to determine the Member State that will be the starting point for the rotation system within that list.
3. The representative of the first designated Member State and the one immediately following it on the EU Protocol List will be members of the Executive Board for a two-year period.
4. At the end of that two-year period, the national members from the next two Member States according to the EU Protocol List shall be appointed members of the Executive Board for the next two-year period except where such national member exercises the function of President or Vice-President in which case the national member of the next Member State on the EU Protocol List shall be designated.
5. Where the term of office of a member of the College ends before completing a two-year period within the Executive Board, the newly appointed national member of the same Member State shall be designated member of the Executive Board for the remainder of that two-year period. When the term of office of a national member ends and no new national member is yet appointed, his/her deputy shall be the designated member of the Executive Board until a new national member is appointed or for the remainder of that two-year period.
6. No national member shall serve two consecutive mandates as member of the Executive Board except in his/her function as President or Vice-President.

## Article 11

**Functioning of the Executive Board**

1. The President chairs the Executive Board in accordance with Article 16(5) of the Eurojust Regulation. In case of absence or unavailability of the President, the Executive Board shall be chaired by the then longest serving Vice-President, or the eldest in the event of equal length of service. In the event of absence or unavailability of the Vice-Presidents, the Executive Board shall be chaired by the then longest serving national member in the Executive Board. The members of the Executive Board shall, in principle, attend the meetings personally. Exceptionally, the members of the Executive Board can attend a meeting of the Executive Board via videoconference.
2. In accordance with Article 16(7) of the Eurojust Regulation, the Executive Board shall meet at least once a month. Additional meetings may be organised at the initiative of the chairperson or at the request of the European Commission or of at least two of its other members. The timing and location of the meetings of the Executive Board shall be subject of a yearly decision adopting a calendar of meetings.
3. In accordance with Article 16(4) of the Eurojust Regulation, the Administrative Director shall attend the meetings of the Executive Board without the right to vote. The President may invite any person whose opinion may be of interest or other members of the administration to attend the meetings of the Executive Board as observers, without the right to vote.
4. The President shall send to a representative of the European Public Prosecutor's Office the agenda of the Executive Board meetings and consult with him/her on the need to participate in those meetings. The President shall invite a representative of the European Public Prosecutor's Office to participate in Executive Board meetings, without the right to vote, whenever issues are discussed which are of relevance for the functioning of the European Public Prosecutor's Office, in accordance with Article 16(8) of the Eurojust Regulation.
5. The presence, including via videoconference, of at least three members of the Executive Board shall constitute a quorum. In the absence of a quorum, the President shall terminate the meeting and convene another meeting within five working days with no specific quorum requirements.



6. The President shall prepare the provisional agenda of the Executive Board in consultation with its members and the Administrative Director. The provisional agenda shall be provided to the participants at least five working days before the meeting takes place accompanied by the relevant documents. The Executive Board shall adopt the agenda at the start of its meeting. Urgent matters and items not appearing on the provisional agenda may be discussed and decided upon with the agreement of the members of the Executive Board.

7. In case of urgency, when a decision cannot be postponed and it is required before the Executive Board can be convened, the President may call for a written procedure. The President shall give the members of the Executive Board at least three working days for replies from the date upon which the draft decision was electronically sent. In exceptional cases, the President may decide on a shorter deadline for such replies. A decision is adopted where a majority of the members of the Executive Board have replied in writing.

8. In accordance with Article 16(5) of the Eurojust Regulation, the Executive Board shall take its decisions by a majority of its members and votes shall be cast by a show of hands. Each member shall have one vote. In the event of a tied vote, the President shall have a casting vote.

9. In accordance with Article 16(2) of the Eurojust Regulation, the Executive Board may consult the College when carrying out its tasks. The President shall prepare at least quarterly reports to the College on the activities and decisions of the Executive Board.

10. The attendance at Executive Board meetings by representatives of the European Commission and the European Public Prosecutor's Office shall be at no cost for Eurojust.

### CHAPTER III

#### ***Other provisions related to the college and the executive board***

##### *Article 12*

#### **Declarations of interest, conflicts of interest, duty of information and resolution of disagreements**

1. All members of the College, deputies and assistants having the status referred to in Article 7(4) and (7) of the Eurojust Regulation shall, upon taking up their duties, complete a declaration of interests in the format provided for in the Code of Ethics to be adopted by an implementing decision of the College. Any changes to the items listed in those declarations of interest shall be completed at the earliest opportunity and, at the latest, within one month after such change in order to ensure that the declarations remain updated. The processing of personal data in the declaration of interest forms shall be done in accordance with Regulation 2018/1725 and the data protection provisions of the Eurojust Regulation.

2. Without prejudice to applicable national law, all members of the College, deputies and assistants shall immediately inform the President of any actual or perceived conflict of interest arising in the exercise of their operational or management functions. The deputies and assistants shall do so through their respective national members. In operational matters, the national members shall, in addition and prior to informing the President, immediately inform the other national members that are or might be affected by any such conflicts of interest in a given case.

3. All members of the College, deputies and assistants shall avoid any situation which may give rise to a conflict of personal interest or which may be perceived as such. They shall not be involved in dealing with an operational case in which a conflict of interest or the perception of a conflict of interest exists. They shall not act or express themselves in a manner which adversely affects the public perception of their impartiality.

4. All members of the College, deputies and assistants shall inform the President about any matter that might adversely affect the reputation or interests of Eurojust. The deputies and assistants shall do so through their respective national members.

5. The President shall consider the further steps to be adopted in any of the cases mentioned in paragraphs 1 to 4 of this article in accordance with the Code of Ethics mentioned in paragraph 1 of this article.

6. If a disagreement arises between two or more members of the College in the exercise of their functions, the person(s) concerned may inform the President who may call a meeting of the College to examine the issue.

*Article 13***The Governance Secretariat**

1. The College and the Executive Board shall be assisted by a Governance Secretariat working in consultation with the President.
2. The Governance Secretariat shall, *inter alia*, attend the meetings of the College and the Executive Board, take and keep the minutes and prepare summaries of the outcome of those meetings, and keep records of the activities of the College and the Executive Board.

*Article 14***Minutes of the meetings of the College and the Executive Board**

1. The minutes of the meetings of the College and the Executive Board shall contain, at least, the names of persons attending, a report on the debates and the decisions adopted.
2. The draft minutes of the meetings of the College and the Executive Board shall be sent by the President to the members of the College and the members of the Executive Board respectively for adoption. Once adopted, the minutes shall be signed by the President and the head of the Governance Secretariat and attached to a record kept by the Governance Secretariat. The minutes of the meetings of the Executive Board shall be distributed to the College for information.
3. The Governance Secretariat shall draft a summary of the outcome of the meetings of the Executive Board to be approved by the President and to be published in accordance with Article 74(4) of the Eurojust Regulation.

## CHAPTER IV

**The administrative director***Article 15***The Administrative Director**

1. In accordance with Article 17(2) of the Eurojust Regulation, the Administrative Director shall be appointed by the College from a list of candidates proposed by the Executive Board, following an open and transparent selection procedure.
2. The Executive Board shall propose to the College the establishment of a selection board for the procedure of the appointment of the Administrative Director. The selection board shall be composed of two national members and a representative of the European Commission.
3. Where appropriate and after a decision by the College, a person with relevant experience in the selection of senior management posts may participate in the Selection Board without voting rights.
4. The Executive Board shall propose to the College the manner in which to launch a call for applications and may decide upon the number of candidates to be interviewed following the call for applications.
5. The selection board shall interview the candidates and inform the Executive Board of the results of its deliberations. The Executive Board shall present to the College a list of candidates with a recommendation of the candidate to be chosen.
6. The College shall appoint the Administrative Director by a majority of its members, where a consensus cannot be reached. The decision shall be made by secret ballot.
7. The Executive Board shall adopt implementing rules on the procedures for the selection and appointment, contract renewal, termination of the contract, probationary period and annual performance appraisal of the Administrative Director.

## CHAPTER V

**Final provisions**

## Article 16

**Transitional arrangements for the election of two national members for the first two-year period following the establishment of the Executive Board**

1. For the first two-year period immediately following the establishment of the Executive Board, the College shall elect two national members, other than the President or Vice-Presidents, as members of the Executive Board.
2. The two candidates obtaining the greatest number of votes shall be deemed elected. In case of equality of votes between candidates coming second, the candidate with the then longest period of service at Eurojust shall be deemed elected. In case of discontinuous periods of service at Eurojust, the College shall only consider the period of service immediately prior to that election.
3. The drawing of lots referred to in Article 10(2) of these rules of procedure shall take place immediately after the two national members referred to therein have been elected. The national members representing the two designated Member States shall take their functions as members of the Executive Board at the end of the mandate of the two elected national members, except where they have in the meantime been elected President or Vice-President, in which case the national member of the next Member State on the EU Protocol List shall be designated.

## Article 17

**Personal data**

The present rules of procedure shall be supplemented by separate rules of procedure on the processing and protection of personal data.

## Article 18

**Amendment of these rules of procedure**

1. The College may amend these rules of procedure following the same procedure for their adoption upon a proposal of the Executive Board or of one-third of the members of the College.
2. Any amendment of these rules of procedure shall be on the basis of a two-thirds majority of its members. In the event that agreement cannot be reached by a two-thirds majority, the decision shall be taken by simple majority during the next meeting of the College.

## Article 19

**Publication and entry into force**

The rules of procedure of Eurojust shall enter into force on the date of their adoption.

The rules of procedure shall be published in the *Official Journal of the European Union*.

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## RULES OF PROCEDURE ON THE PROCESSING AND PROTECTION OF PERSONAL DATA AT EUROJUST

THE COLLEGE OF EUROJUST,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust) and replacing and repealing Council Decision 2002/187/JHA, hereinafter referred to as 'the Eurojust Regulation',

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, hereinafter referred to as 'Regulation (EC) No 2018/1725',

Having regard to the Rules of Procedure of Eurojust approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019 and adopted by the College on 20 December 2019, and in particular Article 17 thereof,

Having regard to Opinions of the Joint Supervisory Body issued on 28 October 2019 and 11 December 2019,

Having regard to the Opinion of the European Data Protection Supervisor issued on 13 December 2019,

Considering the approval of these Rules of Procedure by the Council by means of Implementing Decision (EU) 2019/2250 of 19 December 2019.

HAS ADOPTED THESE RULES OF PROCEDURE ON THE PROCESSING AND PROTECTION OF PERSONAL DATA AT EUROJUST ON 20 DECEMBER 2019:

### TITLE I

#### SCOPE, STRUCTURE AND DEFINITIONS

##### *Article 1*

#### **Scope and definitions**

1. The rules of procedure on the processing and protection of personal data at Eurojust (hereinafter 'rules of procedure') implement the data protection provisions of the Eurojust Regulation and Regulation (EC) No 2018/1725.
2. They shall apply to the processing of personal data wholly or partly by automated means, and to the processing other than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.
3. The rules of procedure shall apply to all personal data processed by Eurojust, including those personal data contained in information drawn up or received by it and in its possession, concerning matters relating to the policies, activities and decisions falling within the framework of its competence.

##### *Article 2*

#### **Structure**

1. These rules of procedure apply to both operational and administrative personal data processed by Eurojust.
2. Operational data shall be processed in accordance with Title II.
3. Administrative data shall be processed in accordance with Title III.

## TITLE II

**RULES FOR OPERATIONAL PERSONAL DATA PROCESSING OPERATIONS**

## CHAPTER I

***General principles of processing of operational personal data****Article 3***Controllership of processing of operational personal data at Eurojust**

With regard to the processing of operational personal data, Eurojust as data controller shall act through the National members who shall, in accordance with Article 24(1) of the Eurojust Regulation, be responsible for the management of the cases opened by them in the exercise of their tasks as defined by the Eurojust Regulation, or initiated by them in case Eurojust will act as a College in accordance with Article 5(2)(a) of the Eurojust Regulation.

*Article 4***Specific processing conditions**

National members receiving operational personal data from competent national authorities shall comply with specific processing conditions imposed by those in accordance with Article 9(3) and (4) of Directive (EU) 2016/680 and shall also inform those national authorities of any specific conditions imposed by EU applicable law to them which apply to any operational personal data the National members provide to the national authorities where appropriate.

*Article 5***Data quality**

If Eurojust detects any inaccuracy affecting the data received from a Member State in the context of an investigation or prosecution or from a Union institution, body, office or agency, the National Member shall instruct, after consultation with the national authorities, to correct the information without delay and inform the respective Member State or a Union institution, body, office or agency from whom the information was received.

*Article 6***Data security**

All Eurojust postholders shall be adequately informed about the Eurojust security policy and shall be required to use the technical and organisational measures put at their disposal, including following the required training, in line with the applicable data protection and security requirements.

## CHAPTER II

***Rights of the data subjects****Article 7***Procedure for the exercise of the rights of the data subjects in case of operational personal data processing**

1. Requests for the exercise of data subject rights shall be dealt with by the National Member(s) concerned with the request, who shall provide a copy of the request to the Data Protection Officer for its registration.

2. The National Member(s) concerned shall consult the competent authorities of the Member States on the decision to be taken in response to a request.
3. The Data Protection Officer shall, should the case so require, carry out additional checks in the Case Management System and inform the National Member(s) concerned if any additional relevant information has been found through these checks. The National Member(s) concerned shall take into account the information provided by the Data Protection Officer and, when appropriate, reconsider the initial decision.
4. The legal and factual reasons on which the decision is taken by the National Member(s) shall be documented in the Temporary Work File concerning the request in the Case Management System and shall be made available to the EDPS on request.
5. The Data Protection Officer shall communicate the decision taken by the National Member(s) concerned on behalf of Eurojust to the data subject, and shall inform the data subject of the possibility to lodge a complaint with the EDPS if he or she is not satisfied with the decision or to seek a judicial remedy before the Court of Justice.
6. In the cases where the request has been received through a national supervisory authority, Eurojust shall inform this authority of a decision communicated by the Data Protection Officer to the data subject.

#### *Article 8*

### **Information to third parties following rectification, restriction or erasure of operational personal data**

Eurojust shall put in place appropriate technical measures to ensure that, in the cases where Eurojust rectifies, restricts or erases personal data following a request, a list of the suppliers and recipients of these data is automatically produced.

#### *CHAPTER III*

### ***The Case Management System***

#### *Article 9*

### **Temporary work files and index in the Case Management System**

1. The case management system shall automatically allocate a unique reference number (identifier) to each new temporary work file opened.
2. When a National Member responsible for the management of a temporary work file as defined in Article 24(1) of the Eurojust Regulation gives access to a temporary work file or a part of it to one or more involved National Member(s), the case management system shall ensure that the authorised users under the profile of that national desk under the responsibility of the National Member have access to the relevant parts of the file but that they can not modify the data introduced by the original author. The authorised users can, however, add any relevant information to the new parts of the temporary work files. Likewise, information contained in the index can be read by all authorised users of the system but can only be modified by its original author.
3. The Data Protection Officer shall be automatically informed by the case management system of the creation of each new work file that contains personal data.
4. The case management system shall ensure that only operational personal data referred in paragraph 1(a) to (i), (k) and (m) and (2) of Annex II of the Eurojust Regulation can be recorded by the National Member concerned, who has opened a temporary work file, in the index in accordance with Articles 23(4) and 24(3) of the Eurojust Regulation.

5. When, in accordance with Article 23(6) of the Eurojust Regulation, National Members wish to temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks, they shall create a draft temporary work file which shall remain only accessible to them and those authorised by them within their desk's profile. After three months the draft temporary work file should either be converted into a temporary work file in the case management system or shall be automatically deleted by the system. The system shall provide an alert to the National Member concerned before such time has elapsed to remind him/her of the need to take a decision regarding the draft file.

6. The National Member(s) concerned shall ensure that the information contained in the index is sufficient to comply with the tasks of Eurojust as defined in Article 2 of the Eurojust Regulation.

#### *Article 10*

### **Special categories of data**

1. Eurojust shall take appropriate technical measures to ensure that the Data Protection Officer is automatically informed of the exceptional cases in which recourse is made to Article 27(4) of the Eurojust Regulation. The case management system shall ensure that such data cannot be included in the index referred to in Article 23(1) and 23(4) of the Eurojust Regulation.

2. When such data refer to witnesses or victims within the meaning of Article 27(2) of the Eurojust Regulation the case management system shall not record this information unless the national members concerned decide otherwise. The decision to process such data shall be documented.

#### *Article 11*

### **Processing of the categories of operational personal data referred to in Article 27(2) and 27(3) of the Eurojust Regulation**

1. Eurojust shall take appropriate technical measures to ensure that the Data Protection Officer is automatically informed of the exceptional cases in which, for a limited period of time, recourse is made to Article 27(3) of the Eurojust Regulation. The case management system shall mark such data in a way that will remind the person who has introduced the data in the system of the obligation to keep these data for a limited period of time.

2. When such data refer to witnesses or victims within the meaning of Article 27(2) of the Eurojust Regulation, the case management system shall not record this information unless the national members concerned decide otherwise. The decision to process such data shall be documented.

#### *Article 12*

### **Authorised access to operational personal data**

1. Each National Member of Eurojust shall document and inform the Data Protection Officer regarding the access policy he or she has authorised in line with Article 34 of the Eurojust Regulation within his or her national desk regarding operational personal data.

2. National Members may, on a case by case basis, decide to give a specific authorisation to access to a temporary work file or to parts of it to a person who is not an Eurojust staff member but who is working on behalf of Eurojust and belongs to a specific category of postholders who has beforehand been authorised by the Administrative Director of Eurojust in line with Article 24(2) of the Eurojust Regulation to be granted access to the Case Management System.

3. National Members shall ensure that appropriate organisational arrangements are made and complied with within their desks and that proper use is made of the technical and organisational measures, including following the required training, put at their disposal by Eurojust.

4. In accordance with Article 34 of the Eurojust Regulation, the College may authorise other Eurojust staff to have access to operational personal data where necessary for the performance of the tasks of Eurojust.

*Article 13***Records of processing activities**

1. The Eurojust Case Management System as defined in Article 23 of the Eurojust Regulation shall serve as the record of all processing activities mentioned in Article 35 of the Eurojust Regulation in as far as operational personal data is concerned.
2. The Eurojust Case Management System shall contain a full record of transmission and receipt of operational personal data making it possible to establish any transmission of operational personal data and the identification of the national authority, organisation or third country or international organisation which transmitted or received such information to/from Eurojust.

*CHAPTER IV****Data transfers to third countries or international organisations****Article 14***Data transfers to third countries or international organisations subject to appropriate safeguards**

1. A decision on the transfer of personal data to third countries or international organisations in accordance with the Article 58(1) of the Eurojust Regulation shall be taken by the College of Eurojust at the request of the National Member(s) concerned, following an assessment carried out by the Data Protection Officer.
2. The assessment referred to in paragraph 1 shall be provided by the Data Protection Officer within ten working days. When necessary for reasons of urgency, indicated by the National Member(s) concerned, the assessment shall be provided as soon as possible. In particularly complex cases, the Data Protection Officer may agree a longer timeframe for completing the assessment with the National Member(s) concerned.
3. The assessment by the Data Protection Officer shall in particular address the issues referred to in Recitals 51 and 52 of the Eurojust Regulation. Where, in the course of carrying out the assessment of the appropriateness of the safeguards in the specific case, the Data Protection Officer has reservations, he/she may consult the EDPS before issuing an assessment on a specific transfer

*Article 15***Recording of international transfers to third countries or international organisations in the Case Management System**

The Case Management System shall document any transfers of personal data to third countries or international organisations in line with Article 58(3) of the Eurojust Regulation and Article 94(4) of Regulation (EC) No 2018/1725.

*CHAPTER V****Time limits****Article 16***Time limits for the storage of operational personal data**

1. Eurojust shall put in place appropriate technical measures to ensure that the time limits for the storage of operational personal data defined in Article 29 of the Eurojust Regulation are observed and that, when no justified decision is taken on the continued storage of operational personal data at the time of the review, those data shall be automatically deleted.



2. The case management system shall in particular ensure that a review of the need to store data in a temporary work file is carried out every three years after they were entered. Such a review must be properly documented in the system, including the motivation for a decision taken on the continued storage of operational personal data, and it shall be automatically communicated to the Data Protection Officer. The results of such a decision, or lack of it, shall apply to the case as a whole, as defined in Article 29(2) of the Eurojust Regulation.

3. The case management system shall particularly mark the data recorded for a limited period of time in accordance with Article 27(3) as well as the data mentioned in Article 27(4) of the Eurojust Regulation. If any operational personal data referred to in Article 27(4) are stored for a period exceeding five years the Case Management System will generate an alert to ensure that such information is automatically provided to the EDPS.

4. In exceptional cases, where a National Member considers that operational personal data are further needed for archiving purposes in the public interest or statistical purposes as referred to in Article 29(7)(e) of the Eurojust Regulation, the College shall decide, after having heard the opinion of the Data Protection Officer, about the necessity to retain the data, in this particular case, for that specific purpose. The EDPS shall be informed when recourse is made to this procedure.

### TITLE III

#### RULES FOR ADMINISTRATIVE PERSONAL DATA PROCESSING OPERATIONS

##### *Article 17*

##### **Procedure for the exercise of the rights of the data subjects regarding administrative personal data processing operations**

1. Requests for the exercise of rights shall be addressed directly to the Administrative Director of Eurojust or to the Data Protection Officer. The Data Protection Officer shall be provided in any case with a copy of the request for its registration.
2. If necessary, the Data Protection Officer shall assist the data subject and shall make available specific forms that can be used by the individuals to make their requests.
3. The Administrative Director shall, on the basis of the information provided by the administrative entity directly involved in the processing of the personal data and of the advice of the Data Protection Officer, take a decision regarding the specific case.
4. The Data Protection Officer shall communicate the decision taken by the Administrative Director to the data subject and shall inform the data subject of the possibility to lodge a complaint with the EDPS if he or she is not satisfied with the decision rendered by Eurojust.
5. The request shall be dealt with in full within a month from the date of receipt. That period may be extended by another two months where necessary taking into account the number and complexity of the request. The Administrative Director shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. The data subject may lodge a complaint with the EDPS if Eurojust has not rendered a decision on the basis of his or her request within this time limit.

##### *Article 18*

##### **Time limits for administrative personal data**

1. Each individual processing operation of administrative personal data taking place at Eurojust shall, in the light of its defined purpose and in full compliance with Article 4(1)(d) and Article 31(1)(f) of Regulation (EC) No 2018/1725, have a clear and defined time limit for storage in order to ensure that the data are only kept for no longer than is necessary for the purposes for which the administrative personal data are processed. Such time limit shall be established for each category of data processed and documented in the record of processing activities.
2. Eurojust shall keep administrative personal data in accordance with paragraph 1, for as long as necessary and in any case no longer than the periods indicated for each category of processing activities in the table appended as an annex to these rules.

3. The Executive Board, acting on a proposal from the Administrative Director, may determine shorter retention periods than the ones included in the annex to these rules.

#### TITLE IV

#### FINAL PROVISIONS

##### *Article 19*

#### **Review of the present Rules of Procedure**

1. These rules shall be reviewed regularly to assess if any amendment is necessary. Any amendment to the rules of procedure shall follow the same procedure established for their approval in the Eurojust Regulation.
2. The EDPS shall bring to the attention of the College any suggestions or recommendations regarding amendments to the rules of procedure.

##### *Article 20*

#### **Entry into force and publication**

The rules of procedure shall be published in the *Official Journal of the European Union* and shall enter into force the day following their publication.

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## ANNEX

**Maximum time limits for the retention of administrative personal data**

1 year	Data processing activities related to the organisation and management of Eurojust events, business continuity management, management of Eurojust library and any other related processing activities.
1 year	Data processing activities related to the relations with external partners of Eurojust and the EJNI, organisation of the annual Consultative Forum meeting.
1 year	Data processing activities related to the functioning of the Eurojust Staff Committee and any other related processing activities.
1 year	Data processing activities related to the functioning of the Eurojust Social Committee and any other related processing activities.
3 years	Data processing activities related to the monitoring of compliance with Eurojust data protection legislation, including dealing with the requests from data subjects, cooperation with the European Data Protection Supervisor and any other related processing activities.
3 years	Data processing activities related to the management of public relations, marketing, press and media and any other related processing activities.
7 years	Data processing activities related to the implementation of the budget of Eurojust according to legal obligations: College Decisions (e.g. on the Financial Regulation applicable to Eurojust), Administrative Director Decisions, Eurojust Decisions and Policies, etc., management of missions and claims, any other related processing activities.
7 years	Data processing activities related to the functioning of the Genocide Network Secretariat, JIJs network Secretariat, EJNI and any other related processing activities.
10 years	Data processing activities related to the day-to day management of administration, staff management, functioning of the Presidency and Executive Board, College teams, implementation of multi-annual programming documents, annual plans and work programmes, implementation of budget and accounts, marketing and public relations, procurement procedures and contract administration, management of business contacts, implementation of Eurojust rules on access to documents, participation in various projects relating to Eurojust legal framework and strategic objectives and any other related processing activities
10 years	Data processing activities related to the security and safety services carried out to ensure security and access control for the protection of Eurojust building and key assets (physical assets, persons working and visiting Eurojust and information) and any other related processing activities.
10 years	Data processing activities related the implementation of the Staff Regulations and Conditions of Employment (CEOS), Commission Decisions, Administrative Director Decisions, Eurojust Decisions and Policies regarding the human resources management and any other related processing activities.
10 years	Data processing activities related to the IT governance and IT management of Eurojust and any other related processing activities.
120 years	Data processing activities related to subsisting rights and obligations of staff members

## CORRIGENDA

**Corrigendum to Commission Delegated Regulation (EU) 2019/2013 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of electronic displays and repealing Commission Delegated Regulation (EU) No 1062/2010**

*(Official Journal of the European Union L 315 of 5 December 2019)*

On page 12, in Annex II, point B 'Energy Efficiency Index ( $EEI_{label}$ )', the formula is replaced with the following:

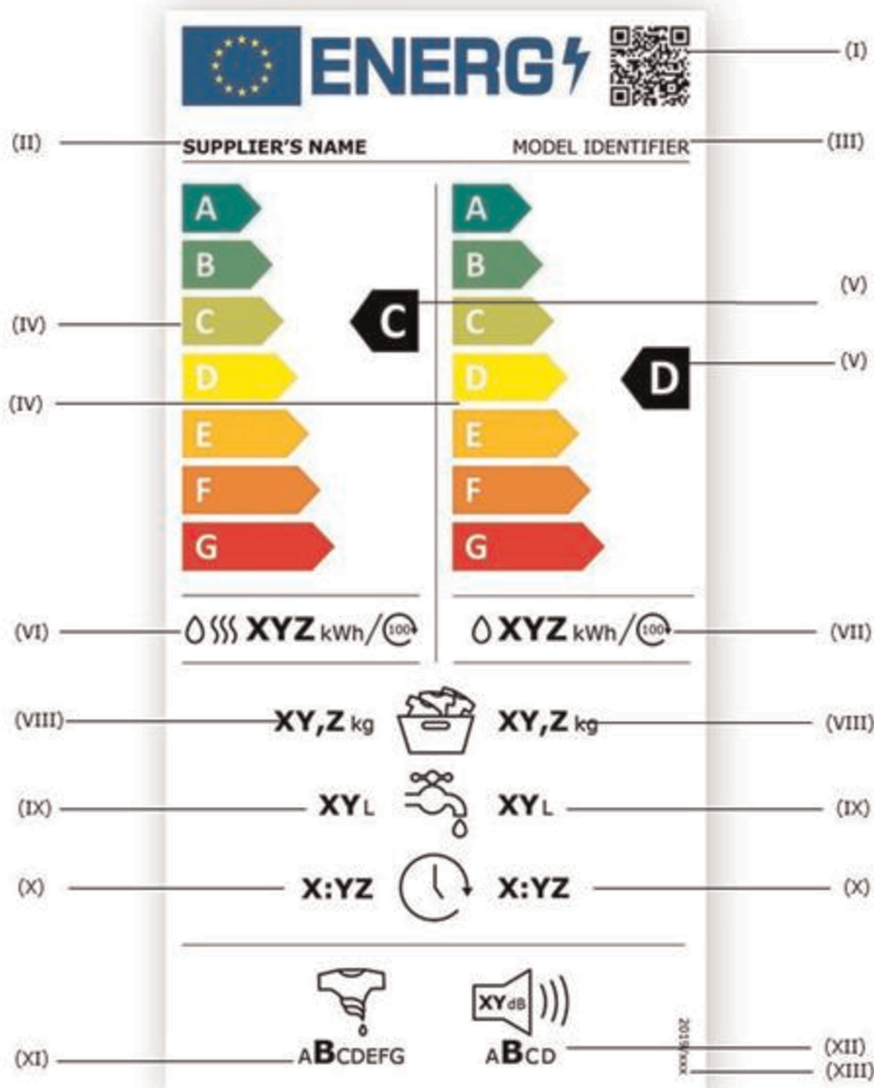
$$EEI_{label} = \frac{(P_{measured} + 1)}{(3 \times [90 \times \tanh(0,025 + 0,0035 \times (A - 11)) + 4] + 3) + corr_l}$$

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**Corrigendum to Commission Delegated Regulation (EU) 2019/2014 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of household washing machines and household washer-dryers and repealing Commission Delegated Regulation (EU) No 1061/2010 and Commission Directive 96/60/EC**

(Official Journal of the European Union L 315 of 5 December 2019)

- On page 43, in Annex III, under point B, the label is replaced with the following:



- On page 48, in Annex IV, under point 2.1(c), the formula is replaced with the following:

$$E_W = A \times E_{W,full} + B \times E_{W,1/2} + C \times E_{W,1/4}$$

- On page 49, in Annex IV, under point 2.2(c), the formula is replaced with the following:

$$E_{WD} = \frac{[3 \times E_{WD,full} + 2 \times E_{WD,1/2}]}{5}$$

4. On page 50, in Annex IV, under point 6.2, the formula is replaced with the following:

$$W_{WD} = \frac{[3 \times W_{WD,full} + 2 \times W_{WD,\frac{1}{2}}]}{5},$$

5. On page 51, in Annex IV, under point 7, the formula is replaced with the following:

$$D = \left[ A \times D_{full} + B \times D_{\frac{1}{2}} + C \times D_{\frac{1}{4}} \right]$$

6. On page 54, in Annex V, Table 6, the 11th row is replaced with the following:

Maximum temperature inside the treated textile (°C) (a)	Rated washing capacity	x	Remaining moisture content (%) (a)	Rated washing capacity	x
	Half	x		Half	x
	Quarter	x		Quarter'	x

**Corrigendum to Commission Delegated Regulation (EU) 2019/2016 of 11 March 2019 supplementing Regulation (EU) 2017/1369 of the European Parliament and of the Council with regard to energy labelling of refrigerating appliances and repealing Commission Delegated Regulation (EU) No 1060/2010**

(Official Journal of the European Union L 315 of 5 December 2019)

- (1) On page 112, in Annex II, Table 1 is replaced with the following:

*Table 1*

**Energy efficiency classes of refrigerating appliances**

Energy efficiency class	Energy efficiency index (EEI)
A	$EEI \leq 41$
B	$41 < EEI \leq 51$
C	$51 < EEI \leq 64$
D	$64 < EEI \leq 80$
E	$80 < EEI \leq 100$
F	$100 < EEI \leq 125$
G	$EEI > 125$

- (2) On page 122, in Annex IV, under point 4(a), the formula is replaced with the following:

$$SAE = C \times D \times \sum_{c=1}^n A_c \times B_c \times [V_c/V] \times (N_c + V \times r_c \times M_c)$$

**Corrigendum to Commission Regulation (EU) 2019/2020 of 1 October 2019 laying down ecodesign requirements for light sources and separate control gears pursuant to Directive 2009/125/EC of the European Parliament and of the Council and repealing Commission Regulations (EC) No 244/2009, (EC) No 245/2009 and (EU) No 1194/2012**

*(Official Journal of the European Union L 315 of 5 December 2019)*

1. On page 212, in Article 2, under point 1, point (a) is replaced with the following:

‘(a) chromaticity coordinates  $x$  and  $y$  in the range

$$0,270 < x < 0,530 \text{ and}$$

$$-2,3172 x^2 + 2,3653 x - 0,2199 < y < -2,3172 x^2 + 2,3653 x - 0,1595;$$

2. On page 225, in Annex II, in Table 2, the row for ‘High luminance light sources (HLLS)’ is replaced with the following:

‘High luminance light sources (HLLS)	+ 0,0058 · Luminance-HLLS – 0,0167’
--------------------------------------	-------------------------------------

3. On page 226, in Annex II, in Table 3, the row for ‘Control gear for LED or OLED light sources’ is replaced with the following:

‘Control gear for LED or OLED light sources	
all wattages $P_{cg}$	$P_{cg}^{0,81} / (1,09 \times P_{cg}^{0,81} + 2,10)$



**Corrigendum to Commission Regulation (EU) 2019/2021 of 1 October 2019 laying down ecodesign requirements for electronic displays pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EC) No 642/2009**

*(Official Journal of the European Union L 315 of 5 December 2019)*

On page 254, in Annex II, point A.1, the formula is replaced with the following:

$$EEI = \frac{(P_{measured} + 1)}{(3 \times [90 \times \tanh(0,02 + 0,004 \times (A - 11)) + 4] + 3) + corr}$$

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**Corrigendum to Commission Regulation (EU) 2019/2023 of 1 October 2019 laying down ecodesign requirements for household washing machines and household washer-dryers pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Commission Regulation (EC) No 1275/2008 and repealing Commission Regulation (EU) No 1015/2010**

(Official Journal of the European Union L 315 of 5 December 2019)

1. On page 287, Article 1, point 2(a):

for: 'a) washing machines and washer-dryers belonging to the scope of Directive 2006/42/EC';

read: 'a) washing machines and washer-dryers belonging to the scope of Directive 2006/42/EC (\*);

(\*) Directive 2006/42/EC of the European Parliament and of the Council of 17 May 2006 on machinery, and amending Directive 95/16/EC (OJ L 157, 9.6.2006, p. 24).'

2. On page 303, in Annex III, point 1.1(c), the formula is replaced with the following:

$$E_W = A \times E_{W,\text{full}} + B \times E_{W,\frac{1}{2}} + C \times E_{W,\frac{1}{4}}$$

3. On page 304, in Annex III, point 1.2(d), the formula is replaced with the following:

$$E_{WD} = \frac{[3 \times E_{WD,\text{full}} + 2 \times E_{WD,\frac{1}{2}}]}{5},$$

4. On page 305, in Annex III, point 5.2, the formula is replaced with the following:

$$W_{WD} = \frac{[3 \times W_{WD,\text{full}} + 2 \times W_{WD,\frac{1}{2}}]}{5},$$

5. On page 306, in Annex III, point 6, the formula is replaced with the following:

$$D = \left[ A \times D_{\text{full}} + B \times D_{\frac{1}{2}} + C \times D_{\frac{1}{4}} \right]$$



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