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From:	Presidency
To:	Delegations
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Subject:	Council conclusions on Eurojust's Annual Report 2019 - Text as informally agreed

Delegations will find attached draft Council conclusions on Eurojust's Annual Report 2019, as informally agreed by the members of the Working Party on Cooperation in Criminal Matters (COPEN).

DRAFT COUNCIL CONCLUSIONS on EUROJUST'S ANNUAL REPORT 2019

The Council welcomes Eurojust's annual report 2019 (7324/20) and the overall progress made by Eurojust in fulfilling its mission to facilitate and strengthen judicial cooperation between national authorities in the investigation and prosecution of the most serious forms of cross-border crime, including terrorism, cybercrime, migrant smuggling and trafficking in human beings.

Judicial cooperation under extraordinary circumstances

1. The Council is very appreciative of Eurojust's efforts to safeguard operational continuity in light of the COVID-19 pandemic. While criminals have been quick to seize opportunities to exploit this unprecedented health crisis, Eurojust has continued to bring prosecutors and judges from across the EU together in a virtual way. As such, Eurojust plays a crucial role in the Member States' determination to make sure that justice is done under all circumstances.
2. The Council welcomes Eurojust's joint report with the European Judicial Network in criminal matters (EJN), and with support from the Presidency, the General Secretariat of the Council and all Member States, about the impact that measures taken by governments to combat the spread of COVID-19 have on judicial cooperation (WK 3472/2020, as regularly revised). It provides a useful overview of the situation in each Member State, offering guidance to practitioners.

New legal framework, further improvements and positive results

3. The Eurojust Regulation (2018/1727) became applicable on 12 December 2019 and the Council welcomes the fact that Eurojust has officially become the European Agency for Criminal Justice Cooperation. Significant changes to Eurojust's governance structure, external relations policy and data protection regime have contributed to a more efficient and modern organisation while allowing for an increased focus on operational work. The Council stresses the importance of streamlining Eurojust's decision-making process and entrusting the new Executive Board with the preparation or adoption of non-operational decisions. The Council welcomes the strengthened role of the European and national Parliaments in the democratic oversight of Eurojust's activities, reflecting the importance of the EU's democratic legitimacy.
4. The Council acknowledges that Eurojust implemented the abovementioned organisational changes while continuing to meet the ever-increasing demand for operational support from the Member States. Last year, Eurojust's support contributed to the arrest of nearly 2700 suspects, the seizure or freezing of €2 billion in criminal assets and the disruption of drug trades worth €2.7 billion. The Council encourages Eurojust to continue adapting its operational support to the evolving needs of national prosecutors and judges.

The importance of digitalisation

5. The Council notes that one of the evolving needs in the field of cross-border judicial cooperation was clearly illustrated by the COVID-19 pandemic: we have to profoundly digitalise the way in which prosecutors and judges work together, bridging any distance by using secure connections for videoconferencing and the exchange of information and evidence. Against this background, the Council welcomes the presentation by Eurojust and the Commission of the outcome of the Digital Criminal Justice study, and encourages the submission of a concrete follow-up proposal in due course.

The aim of Digital Criminal Justice is to not only bring cross-border cooperation between national prosecutors and judges up to modern standards, but also to establish the interconnectedness of EU information systems, including Eurojust's Case Management System (CMS), in accordance with existing data protection legislation. By enabling Eurojust to exchange personal data with key partners such as Europol, Frontex, OLAF and the European Public Prosecutor's Office (EPPO), links between or with ongoing criminal investigations can be more easily detected.

Cooperation is key

6. The Council calls on Eurojust to identify further avenues for closer cooperation with its JHA counterparts. In particular, the Council underlines the importance of establishing good cooperation between Eurojust and the EPPO by setting out the future relations between the two organisations in a detailed working arrangement. This would allow the EPPO to benefit to the fullest extent possible from Eurojust's knowledge and expertise in the field of judicial cooperation, including cooperation with Member States not participating in the EPPO as well as with non-EU partners. The Council also encourages Eurojust to further strengthen its operational cooperation with the networks it hosts or supports, e.g. the EJN, the Genocide Network, the Joint Investigation Teams (JITs) Network and the European Judicial Cybercrime Network (EJCN).
7. The Council welcomes the conclusion of the cooperation agreement between Eurojust and Serbia, which is now the fourth country in the Western Balkans region to have such an agreement in place. The Council is also pleased that Eurojust will be hosting the next phase of the EuroMed Justice project, aimed at increased cooperation between judicial authorities in the South Partner Countries (SPC) and EU Member States. The Council encourages Eurojust to continue expanding its worldwide network of prosecutors and judges in third States. It therefore calls on the European Commission to support, in accordance with the Union's external relations policy, Eurojust's needs for cooperation with those third States that Eurojust considers a priority, as described in its corresponding four-year strategy, by submitting, where appropriate, to the Council recommendations for authorising the Commission to negotiate cooperation agreements between Eurojust and selected third States.

Future-proof resources

8. The Council underlines that enabling Eurojust to reach its full potential would result in a stronger EU security chain as a whole. The evolving security threat landscape requires an effective response from both law enforcement and judiciary, and large-scale investments in police cooperation at EU level will undeniably lead to more complex cross-border cases being referred to Eurojust. Against this background, the Council considers it necessary to avoid a judicial ‘bottleneck’ in the EU’s response against organised crime and terrorism.
 9. The Council acknowledges that while Eurojust’s operational workload and tasks have increased considerably in recent years, its budget has not kept pace. The Council therefore considers that Eurojust should be continuously provided with adequate resources to ensure that Eurojust is not only able to meet the growing demand for operational support from the Member States but is also able to give ongoing support to the judicial networks hosted at Eurojust and become a future-proof agency through the abovementioned profound digitalisation of judicial cooperation and further expansion of its global network.
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