



Letter of Understanding on the Cooperation between Eurojust and EEAS

1. Eurojust was set up in 2002 by the Decision of the Council of the European Union 2002/187/JHA and reinforced by the Decision of the Council of the European Union 2009/426/JHA (Eurojust Decision), with a view to support and strengthen coordination and cooperation between national investigating and prosecuting authorities of the Member States in the fight against serious crime, in particular when it is organised.

2. The EEAS was set up in 2010 by Council Decision 2010/427/EU as a functionally autonomous body of the European Union to support the High Representative of the European Union for Foreign Affairs and Security Policy (the High Representative) in fulfilling her mandate, as outlined, notably, in Articles 18 and 27 of the Treaty on European Union, including the Common Foreign and Security Policy (CFSP) of the European Union and the Common Security and Defence Policy (CSDP).

Introduction

3. Eurojust and the EEAS (hereinafter referred to as "the Participants") bear in mind that:

- The EEAS supports currently six military CSDP Missions and Operations and nine civilian CSDP Missions located in countries and areas of geostrategic security importance, and that Eurojust has signed a Letter of Understanding on 1 October 2015 with the CSDP Operation EUNAVFOR MED SOPHIA;
- The EU deploys a wide network of Delegations in countries relevant for cooperation on the fight against serious crime, including the fight against terrorism;
- The EU has posted Counter Terrorism (CT)/security experts to a number of EU Delegations in priority countries;
- The EU is engaged in a number of CT Political Dialogues, workshops and programming covering, *inter alia*, international judicial cooperation and criminal justice;

4. The Participants recall the three main priorities for European security mentioned in the Commission Communication on the European Agenda for Security, referring to the need for a strong and comprehensive EU response to terrorism and foreign terrorist fighters, to serious and organised cross-border crime, cybercrime, priorities from European Agenda on Migration, in particular on migrants smuggling, as well as EU Action Plan against migrant smuggling (2015-2020) and a reinforced link between Justice and Home Affairs (JHA) and Common Security and Defence Policy as called upon in the EU Global Strategy presented by the High Representative in June 2016.

5. The Council adopted on 9 February 2015 Conclusions on Counter-terrorism focusing on strengthening the cooperation with countries of Western Balkans and Turkey, Middle East and North Africa region. These conclusions were further reinforced by the Council conclusions on Counter-terrorism adopted on 19 June 2017.
6. The Council adopted on 15-16 June 2015 Conclusions on the Renewed European Union Internal Security Strategy (2015-2020), acknowledging the growing links between the European Union internal and external security, as highlighted more recently by the EU Global Strategy, and the important role of the JHA agencies in contributing to the internal security of the European Union.
7. The Malta Declaration of 3 February 2017, made by the members of the European Council on the external aspects of migration, identifies, *inter alia*, the need for a rapid step up of complementary EU training programmes and further efforts to disrupt the business model of smugglers through enhanced operational action.
8. On 18 May 2017, the Council adopted Conclusions on setting the EU's priorities for the fight against serious and organised crime between 2018 and 2021 focusing, *inter alia*, on cybercrime, illegal immigrant smuggling and drug trafficking.
9. Eurojust plays an essential role regarding the external dimension of EU internal security in fostering judicial cooperation between the Member States of the European Union and Third States.
10. The Participants wish to build upon existing good relations, and seek to develop a close and dynamic co-operation in the fight against serious cross-border crime, such as terrorism, cybercrime and illegal immigrant smuggling and trafficking in human beings and contribute to the EU comprehensive effort to disrupt associated criminal business models.
11. Potential areas of cooperation have already been identified by Eurojust and the EEAS, including on the opportunity to raise awareness in CSDP Missions on the dynamics of judicial cooperation, on sharing of knowledge in particular in the planning phase of future CSDP Missions as well as in connection with CT Political Dialogues and high level missions and, especially in the area of counter-terrorism, through the exchange of strategic and non-operational information.
12. The Participants undertake to establish a framework for enhanced coordination and dialogue as follows:

COMMON UNDERSTANDINGS:

13. The Participants will regularly exchange strategic information and experiences of a non-operational nature which are relevant to both Eurojust and the EEAS, in particular in the fields of criminal justice, counter terrorism, cybercrime and illegal immigrant smuggling and trafficking in human beings. No case-related information or personal data will be shared. Exchanges of classified information may be subject to specific arrangements, in accordance with the respective legal frameworks.

14. To this effect, the Participants will respectively appoint a contact point that will interact regularly with his/her counterpart. Both contact points will ensure that the European Commission/DG JUST will receive adequate information.

15. Within their respective mandates, and taking into account constraints in financial and human resources, the Participants will explore areas of cooperation in order to increase synergies, namely by:

- a. Exchanging expertise and best practices;
- b. Considering, where appropriate, the possibility and feasibility of secondments, expert visits, missions and joint project work on matters of common interest;
- c. Exploring possibilities to expand trainings dedicated to CSDP Mission's personnel and/or their counterparts in the host country, as well as CT experts to be posted to EU Delegations, on the dynamics of cross-border judicial cooperation by e.g. training sessions and presentations at seminars, if appropriate by the use of videoconference;
- d. Exchanging, when appropriate, general legal, practical and other relevant information pertaining to serious cross-border crime such as trends and challenges related to links of illegal immigrant smuggling and trafficking in human beings with organised crime, including terrorism and cybercrime.

16. The EEAS will enhance its support to Eurojust in its engagement with third countries including through facilitating contacts, as appropriate through the relevant EU Delegations. The EEAS will endeavour to include Eurojust, to the extent possible, in external contacts with third countries where relevant for the fields mentioned above in accordance with paragraph 1, e.g. in relevant high level missions, CT Political Dialogues and workshops, or in relevant meetings with external delegations visiting the EEAS.

17. The Participants will explore possibilities, where feasible, to draw upon Eurojust expertise to support the planning, at strategic and operational level, reviewing, evaluating and conducting of CSDP Missions and Operations, in particular those with a Rule of Law component, and provide expertise to the EEAS crisis management structures.

18. In order to take stock of progress, as well as assessing new possible initiatives, the Participants will consider establishing regular, informal consultations at least once/twice a year, in the form of tripartite meetings together with the European Commission/DG JUST.

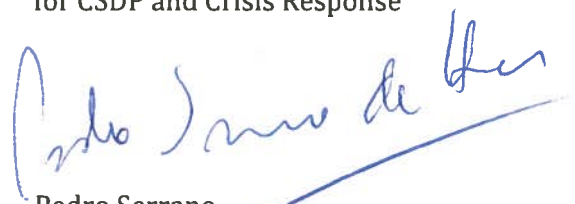
Done at The Hague, on the tenth day of October 2017, in two copies.

For Eurojust,
The President



Michèle Coninsx

For the EEAS,
The Deputy Secretary-General
for CSDP and Crisis Response



Pedro Serrano
on behalf of the Secretary-General
Helga Schmid