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From : General Secretariat
To : Coreper / Council

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Subject : Draft Council Conclusions on the fifth Eurojust Annual Report
(calendar year 2006)

Delegations will find enclosed the Draft Council Conclusions on the fifth Eurojust Annual Report (calendar year 2006) as agreed on by the Article 36 Committee at its meeting on 22 May 2007.

Coreper is invited to request the Council to adopt the Conclusions set out in the Annex.

**Draft Council Conclusions on the fifth Eurojust Annual Report
(calendar year 2006)**

The Council,

having examined the Annual Report,

1. Welcomes the fifth Eurojust Annual Report (calendar year 2006)¹ and notes with appreciation that most of the objectives to be achieved in 2006 and as set out in the Annual Report for 2005 have been successfully attained;

2. In particular, notes that Eurojust's accurate analysis of the follow-up given to objectives set out in the previous report and its vision of future developments show that the Unit has achieved, after five years of experience, a clear awareness of its capacity to add value to judicial cooperation and coordination of cross-border and serious crime cases within the European Union. The consolidation of the infrastructure of Eurojust (staff, IT system, premises and facilities) and the expertise gained by National Members is such as to allow a mid-term assessment of the effectiveness of Eurojust's performance and of unexploited potential. In this regard, the Council invites the Commission to present the announced Communication on the future of Eurojust and the European Judicial Network (EJN), which should take into account the practical application of the Eurojust Decision in the light of five years of experience;

¹ 7550/07 EUROJUST 16.

3. Takes note of the upward trend in caseload statistics, with 771 registered cases in 2006 compared with 588 in 2005 (i.e. an increase of 31%), and of the related increase in the number of co-ordination meetings (91 in total, 25% more than in 2005). Welcomes the increased involvement in operational cases of the Member States which joined the EU in 2004, but regrets that there are still significant divergences among Member States as regards the use of Eurojust. Reiterates its invitation to Member States to make full use of Eurojust facilities to deal with serious and organised cross-border criminality. Requests National Members to analyse the causes for reluctance on the part of some judicial authorities to make full use of Eurojust facilities and, if necessary, to take any possible initiatives at national level to overcome any legal or practical obstacles;
4. Calls on Member States to refer complex and serious cases to Eurojust by involving the Unit, where possible, at an early stage of investigations;
5. Strongly recommends that Member States provide Eurojust with high-quality, up-to-date information about ongoing investigations concerning serious and organised cross-border crime. In particular, recalls that Member States have an obligation under Council Decision 2005/671/JHA to transmit to Eurojust relevant information concerning prosecutions and convictions for terrorist offences. The Council underlines the importance of the systematic and comprehensive transmission of information from all Member States. It calls upon Eurojust to process received information effectively by developing its Case Management System;
6. Invites Eurojust to strengthen its capacity to deal with and analyse data related to casework. Particular attention should be devoted to the development of the Case Management System by harnessing the skills of data analysts to process data and to achieve cross-referencing analysis. The Council stresses the importance of exploiting the full potential of the Eurojust database with a view to a possible request to Member States, on the basis of cross-referencing analysis, to initiate investigations, thereby playing a pro-active role in stimulating Member States' cooperation and coordination;

7. Considers that the figures provided by Eurojust's casework constitute a source of information for identifying criminal trends or priorities that should be taken into account at European level in the shaping of an effective criminal policy. Invites Eurojust to work together with Europol to blend their respective analytical capacities in relation to criminal phenomena and to highlight any conclusions in the Annual Report and in the Organised Crime Threat Assessment (OCTA);
8. Welcomes the initiative, taken by Eurojust following the Council Conclusions on the Annual Report 2005¹, to establish criteria for defining the nature and the quality of cases and casework. Strongly invites Eurojust to continue the assessment of casework and to focus on complex cases which require co-ordination. Asks Eurojust to further assess whether there is also a need to have statistics on National Member activities which are not recorded in the Case Management System, and to report on that assessment in the next Annual Report;
9. Takes note of the fact that Eurojust made limited use of its powers under Article 7 of the Decision and endorses Eurojust's assessment that there may be greater scope for exercising its powers to ask competent authorities in the Member States to undertake investigations and prosecutions. Invites the College to analyse the underlying reasons and to maintain its proactive approach towards judicial co-operation;
10. Shares Eurojust's view about the need for clarification on the nature of the cases which should be dealt with by Eurojust and by the EJM. Suggests that the National Members and the EJM contact points consider the possibility of joint initiatives to raise awareness among practitioners of the respective tasks of Eurojust and the EJM;

¹ Doc. 10334/06 EUROJUST 28 CATS 122.

11. Welcomes the progress made in the cooperation between Eurojust and Europol since the signing of the cooperation agreement in 2004. Underlines the importance of improving the quality of cooperation and invites the working parties in the Council dealing with the revision of Europol's legal instrument to consider any solutions to overcome the legal and procedural obstacles which hamper the effectiveness of cooperation.
Furthermore, calls on Member States to promote greater awareness among practitioners of the existing legal scope for systematic involvement of Eurojust in Europol's analysis work files;
12. Underlines the importance of concluding a cooperation agreement between Eurojust and OLAF. Encourages the two bodies to continue and step up their cooperation;
13. Welcomes the initiative of Eurojust and Europol to host the meetings of the network of experts on Joint Investigation Teams and notes with appreciation the production of the "Guide on EU Member States' legislation on JITs" in conjunction with Europol. Reaffirming the importance of JITs and recalling the EU financial funding opportunities, calls on Eurojust to ask the relevant authorities in the Member States to consider setting up JITs (Articles 6 and 7 of the Eurojust Decision). Reiterates its request to Member States to make full use of JITs;
14. Takes note of the conclusions of the Seminar on the European Arrest Warrant organised by Eurojust in October 2006 and invites the relevant Council working parties to examine the problematic issues. Reminds Member States of the need to comply with the legal obligation to notify Eurojust of breaches of time limits and the reasons for such breaches in order to facilitate the analysis of the problems encountered in the Member States concerned. Asks Eurojust to include the data received and its analysis in the Annual Report;
15. Welcomes the conclusion of the cooperation agreement with the United States in November 2006 and the subsequent detachment of a US liaison prosecutor to Eurojust. Encourages Eurojust to continue to develop relationships with third countries according to the priority list set out for 2007. Underlines the importance of including clear provisions on data protection in forthcoming cooperation agreements with third countries;

16. Takes note of Eurojust's assessment that the appointment of Assistants or Seconded National Experts to support National Members has increased the number of operational cases referred to the Unit. The Council invites Member States to provide National Members with adequate support to perform their tasks effectively;
17. Invites Member States, the relevant Council working parties and the Commission to analyse the Annual Report with a view to identifying possible courses of action to enhance the effectiveness of judicial cooperation and coordination in Europe;
18. Invites Eurojust to report in its next Annual Report on the implementation of these conclusions.
