



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 2 June 2014
(OR. en)**

**8942/2/14
REV 2**

**COPEN 120
CATS 60
EUROJUST 81
EJN 47**

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Conclusions on the Eurojust Annual Report 2013

1. Delegations will find in the Annex the draft Council Conclusions on the Eurojust Annual Report (calendar year 2013).
2. The draft conclusions were presented at the CATS meeting on 1 April 2014 and discussed at the meeting of the Working Party on Cooperation in Criminal matters (COPEN) on 28 May 2014 further to the written comments received by delegations.
3. ***COREPER is invited to agree that the draft Council Conclusions on the Eurojust Annual Report, as set out in the Annex are submitted to the Council for adoption.***

Council Conclusions on the Eurojust Annual Report 2013

The Council,

having examined the Annual Report,

1. Welcomes the Eurojust Annual Report 2013¹. Notes that most of the objectives to be achieved in 2013 and set out in the Annual report for 2012 have been met or are being progressed.
2. Notes a steady increase in the casework of Eurojust over the last 5 years and commends the fact that practitioners increasingly made use and successfully combined the coordination tools offered by Eurojust, namely the coordination meetings, coordination centres and JITs, including JITs funding.
3. Welcomes the initiatives undertaken by Eurojust in the course of 2013 to advance the process of implementation of the Eurojust decision, to improve its organisational and operational capacities and to further develop cooperation with third States and other EU bodies. Notes, in this respect that Eurojust has not yet made use of the possibilities provided for under Article 26a(2) of the Eurojust Decision to second a liaison magistrate to a third country, and invites Eurojust to inform the Council about the intended outcomes of seconding liaison magistrates for its operational work and whether there are concrete plans to that effect.
4. Supports the efforts made to improve governance and working methods in Eurojust to enhance its efficiency, in particular, the measures taken to streamline the work of the college by increasing the amount of time devoted to operational work and reducing its involvement in administrative matters. Notes that this issue will be discussed by the Council in the context of the proposed draft Regulation.

¹ Doc 8151/14 EUROJUST 67 CATS 46 EJM 41 COPEN 98 COSI 27 GENVAL 21.

5. Notes that Eurojust is preparing to commission an independent external evaluation of its activities and the implementation of the Eurojust Decision in line with Article 41a thereof. Suggests that the findings of the 6th round of mutual evaluations on the practical implementation and operation of the Eurojust and EJM decisions be taken into account in this regard when the final report would have been adopted by the Council.
6. Reiterates its call for the Member States who have not yet fully implemented the Council Decision on the strengthening of Eurojust, amending the Decision of 28 February 2002 setting up Eurojust to do so without delay.
7. Acknowledges that the proper functioning of the Case Management System (CMS) is an important basis for the work of Eurojust. In this respect, welcomes the improvements made to the CMS in a number of key areas, such as the functions for registering and monitoring of cases, exporting, importing and analysis of personal data, searching and reporting, and the introduction of a new security model. Asks Eurojust to continue this work with a view to enhancing the efficiency of the CMS. Notes the progress made to ensure secure access to the CMS at national level, while acknowledging that the stage of technical implementation varies in each Member State. Calls on Eurojust and the respective Member States to complete the necessary technical requirements as soon as possible. Welcomes that Eurojust will host another meeting of the ENCS correspondents in 2014.
8. Notes that the Article 13 notifications from Member States represent a minor fraction of the information reported to Eurojust. Against this background welcomes the 'smart' Article 13 form which has been developed and made available by Eurojust to enable a structured transmission of information to Eurojust and invites Member States and Eurojust to comply with the obligations stemming respectively from Article 13 and Article 13a. Invites Eurojust to continue working on user-friendly ways to enable a structured transmission of information from Member States to Eurojust.

9. Notes that the On-call coordination (OCC) function that was set up in June 2011 will be evaluated in the external evaluation that will take place in the course of 2014. Recalls that the OCC was addressed also in the 6th Round of mutual evaluations and looks forward to the outcome of the evaluation of the OCC.
10. Commends Eurojust on its active commitment in supporting the Secretariats and the activities of the three practitioners' networks - EJN, JITs and the Genocide network hosted by Eurojust.
11. Welcomes in particular the increasing role of use of JITs in cross-border investigations, where a constant growth of the number of JITs is recorded, amounting to 102 JITs receiving support from Eurojust in 2013.
12. Welcomes the launch of the JIT Network restricted area, accessible to appointed national experts, where they can share knowledge and best practices. Encourages the Secretariat of the Network of National Experts on JITs to endeavour making this tool fully operational by providing access to relevant practical legal information thus facilitating the establishment and efficient running of JITs. Further welcomes the launch of the project on JITs evaluation whereas the creation of qualitative and quantitative reports on JITs by means of an interactive reporting tool in the future seems to be of particular relevance.
13. Acknowledges the commitment of Eurojust to ensure continuity of the JITs funding by its own regular budget after the expiry of the grant under the Prevention of and Fight against Crime Programme (ISEC) in September 2013 and under which Eurojust supported 95 JITs between 2010 and September 2013. Calls on EU institutions and bodies to ensure stable means of funding of JITs in the new financial period, which is crucial for the operation of effective cross-border investigations.
14. Appreciates the long-term judicial traineeships provided to prosecutors and judges from 8 MSs in the framework of the cooperation with EJTN. Encourages Eurojust to pursue further development of such training modules and consider enlarging their scope.

15. Notes with satisfaction that an improved strategic and operational cooperation between Europol and Eurojust is an established practice which results in increased complementarity and growing synergies in their respective work supporting national authorities. Encourages the two agencies to work together whilst respecting each others specific mandates to avoid any duplication in their work.
16. Appreciates the efforts made to increase the cooperation between Eurojust and OLAF in the area of fight against fraud, corruption and other crimes affecting the financial interests of the EU. Encourages the implementation of the envisaged activities to develop guidelines and criteria for cooperation, including in particular the exchange of case summaries as concrete measures to foster cooperation.
17. Notes the active involvement of Eurojust in the European Multidisciplinary Platform against Criminal Threats (EMPACT) projects and the preparation process of the new policy cycle 2014-2017. Considers that the judicial cooperation aspect in the identified crime priority areas should be enhanced with the assistance of Eurojust.
18. Welcomes the more active involvement of Eurojust in combating emerging forms of crime, such as financial or environmental crime alongside with the traditional priority areas which require action; Welcomes Eurojust's initiative to launch a strategic project on environmental crime in 2013 in this regard and considers that Eurojust should endeavour to flag emerging crime phenomena in close cooperation with Europol and provide an adequate risk analysis and respective response.

19. Appreciates the on-going role Eurojust plays in facilitating the execution of EAW and MLA requests; Calls on the national competent authorities dealing with such requests to make consistent use of the facilities and expertise offered by Eurojust to assist with execution procedures, wherever appropriate, and to endeavour to overcome the recurrent challenges in handling EAW or MLA requests which have persisted over the years, such as the language requirements for the EAW. Welcomes the Hellenic Presidency's and Eurojust 's intention to organise a strategic seminar on the EAW and further encourages the Consultative Forum of Prosecutor's General and Directors of Public Prosecution to address this issue at one of its coming meetings. Takes note of the need to clarify the reference to "recurrent refusals or recurrent difficulties concerning the execution of requests for, and decision on, judicial cooperation" provided under Article 7 (3) of the Eurojust decision in the new draft Regulation on Eurojust.
 20. Welcomes the contribution of Eurojust in respect of the discussions on the new draft Regulation which aims to enhance the current legal framework of Eurojust and appreciates its written submission presented to the relevant Council preparatory body that will provide useful input for this group during on-going negotiations.
 21. Invites Member States, the Council, the European Parliament and the Commission to analyse the Annual Report(s) of Eurojust also with a view to identifying major criminal policy issues, obstacles in judicial cooperation and possible courses of action to enhance the effectiveness of judicial cooperation and coordination in EU.
 22. Invites Eurojust to report in its next Annual Report on the implementation of these Conclusions.
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