

European Judicial Network

Report on activities and management

2015-2016



European Judicial Network Report on activities and management 2015-2016

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Abbreviations and acronyms

CDPC	European Committee on Crime Problems
CNCP	Commonwealth Network of Contact Persons
CO	Confiscation order
CoE	Council of Europe
COI	Judicial Regional Platform of the Indian Ocean Commission
CSC	Custodial sentences certificate
EAW	European Arrest Warrant
EIO	European Investigation Order
EJN	European Judicial Network
EJTN	European Judicial Training Network
ENCS	Eurojust National Coordination System
EPPO	European Public Prosecutor's Office
ERA	European Academy of Law
EU	European Union
FD	Framework Decision
FO	Freezing order
FPC	Financial penalties certificate
IberRed	Ibero-American Network of International Legal Cooperation
JHA	Justice and Home Affairs
JIT	Joint Investigation Teams
JTF	Joint Task Force
MLA	Mutual Legal Assistance

NC	National Correspondent
OLAF	European Anti-Fraud Office
PC-OC	Council of Europe Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters
SEEPAG	Southeast European Prosecutors Advisory Group
TC	Tool Correspondent
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
UNODC	United Nations Office on Drugs and Crime

Foreword by the Secretary to the European Judicial Network



Ola LÖFGREN

Secretary to the European Judicial Network

Dear reader,

2015 and 2016 have been two years of great achievements for the European Judicial Network (EJN).

Our network continued to play a key role in the European judicial area in criminal matters in strengthening mutual trust and facilitating direct contacts between the judicial authorities from the Member States of the European Union (EU). It also played an active part in all relevant debates and activities regarding further development of the European Union legal and institutional framework for judicial cooperation in criminal matters. Moreover, the EJN intensified its contacts with third countries and similar judicial networks in criminal matters, to the benefit of all judicial authorities dealing with international cooperation in these matters.

During 2015 and 2016 the European Judicial Network enhanced and improved its electronic tools intended to facilitate the practical application of the EU legal instruments for judicial cooperation in criminal matters. Thus, the Judicial Atlas and the Compendium became not only much more user-friendly, but they were adapted to all legal instruments for judicial cooperation in criminal matters, including those giving effect to the principle of mutual recognition of judicial decisions. The Fiches Belges were also revised to face the challenge of the latest legislative developments. The EJN Judicial Library continued to be enriched and

improved and has become a reference point for practitioners on judicial cooperation in criminal matters.

In the past two years the EJM Secretariat prioritised the actions intended to fully implement all recommendations regarding the EJM from the Sixth round of mutual evaluations and meet the expectations of the EJM Contact Points and other judicial authorities.

We also prepared for the expected entry into force, as of 22 May 2017, of Directive 2014/41/EU on the European Investigation Order in criminal matters (EIO), which is a crucial change in the way of providing mutual legal assistance in criminal matters within the EU. We prepared the website to meet the EIO requirements, but have also tackled this matter at the EJM meetings and in meetings with the EU institutions.

I am proud to say that at the end of 2016, this 18 year old network has not only become a mature organisation, but it represents an obvious success story and is a key player in the area of judicial cooperation.

Last, but not least, the EJM Contact Points themselves, which represent the core of the EJM, successfully accomplished their mission of facilitating judicial cooperation in criminal matters, as indicated in the impressive statistics on the activities of the Contact Points.

On behalf of the EJM Secretariat, I would like to thank for all these achievements all the EJM Contact Points, National Correspondents and Tool Correspondents, our Latvian, Luxembourg, Netherlands and Slovak Presidencies during 2015 and 2016, as well as our partners.

Ola LÖFGREN

Executive summary

This Report was drafted in accordance with the provisions of Article 13 of Council Decision 2008/976/JHA of 16 December 2008 ("the EJM Decision"), which require the European Judicial Network to assess its activities and management every second year.

It is the fourth report since the entry into force of the EJM Decision and it covers the years 2015 and 2016.

The *first chapter* is dedicated to the functioning of the EJM in the Member States, bearing in mind that the core work of the EJM is done through the Contact Points carrying out their functions provided for in Articles 4 - 6 of the EJM Decision.

The *second chapter* reflects the implementation of the EJM Work Programmes for the respective years, focusing on the main achievements in terms of execution of the EJM projects and the outcomes of the EJM meetings organised in the Member States and in The Hague.

The *third chapter* is drawn up in accordance with the second paragraph of Article 13 of the EJM Decision, focusing on policy matters. Based on the experience of the EJM, solutions to problems were found regarding the practical application of the legal instruments for international judicial cooperation in criminal matters, especially as regards the EU instruments giving effect to the principle of mutual recognition.

About the EJM

The European Judicial Network, created in 1998, is composed of Contact Points in the Member States designated by each Member State among central authorities in charge of international judicial cooperation and the judicial authorities or other competent authorities with specific responsibilities in the field of international judicial cooperation.

The main role of the EJM Contact Points is to facilitate judicial cooperation in criminal matters between the EU Member States, particularly in actions to combat forms of serious crime. To this end, they assist with establishing direct contacts between competent authorities and by providing legal and practical information necessary to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

Moreover, the EJM Contact Points are involved in and promote the organisation of training sessions on judicial cooperation.

Among the EJM Contact Points, each Member State has designated a National Correspondent, who has a coordinating role. In each Member State there is also a Tool Correspondent, who ensures that the information on the EJM website is provided and updated, including the electronic tools of the EJM.

The EJM has a Secretariat located at Eurojust in The Hague, as a separate unit responsible for the administration of the EJM. The EJM Secretariat ensures the functioning and continuity of the network.

EJM website

One of the great achievements of the EJM is the creation of its website, which provides practitioners with practical electronic tools to facilitate and support judicial cooperation (e.g. the [Judicial Atlas](#) – to find the competent authorities to execute a request for judicial cooperation, the [Compendium](#) – to draft a request for judicial cooperation, the [Fiches Belges](#) – containing concise and practical information on judicial cooperation procedures in the Member States, the [Judicial Library](#) – a database with information on all EU legal instruments relevant for judicial cooperation, such as the status of implementation of the legal instruments in the EU Member States, forms, notifications, handbooks etc).

Chapter I

The functioning of the European Judicial Network in the Member States

Section 1

General aspects

In accordance with the provisions of Article 4 (1) of the EJM Decision, the EJM Contact Points function as *“active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in actions to combat forms of serious crime”*, by assisting the judicial authorities to *“establish the most appropriate direct contacts.”*

According to Article 4 (2), *“the contact points shall provide the local judicial authorities in their own Member State, the contact points in the other Member States and the local judicial authorities in the other Member States with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.”*

During the years 2015-16 the EJM Contact Points continued to accomplish their core functions by assisting the judicial authorities in their own Member States and the authorities from other Member States and third countries in **more than 22000 cases**.

As in the past, the major part of their contribution involved providing assistance for the preparation and execution of requests for mutual legal assistance in criminal matters, based on the EU Convention of 29 May 2000 or on other multilateral conventions and bilateral treaties. The support of the EJM Contact Points in European Arrest Warrant procedures also represented an important part of the Contact Points' activities in 2015 and 2016.

Moreover, in accordance with the provisions of Article 4 (3) of the EJM Decision, the Contact Points carried out training activities, including in cooperation with the European Judicial Training Network (EJTN) and/or national judicial schools. They also performed other activities, such as organising EJM regional or national meetings, participating in negotiations concerning EU or bilateral legal instruments, drafting legislation on international judicial cooperation in criminal matters, representing the EJM or their national authorities in international conferences and other meetings organised by other organisations etc.

The operation of the EJM in the Member States represented an important added value to the work of the competent national authorities and made a key contribution to the fostering of international judicial cooperation in criminal matters within the European Union and in relation to third countries.

Section 2

Activities of the Contact Points in 2015 and 2016

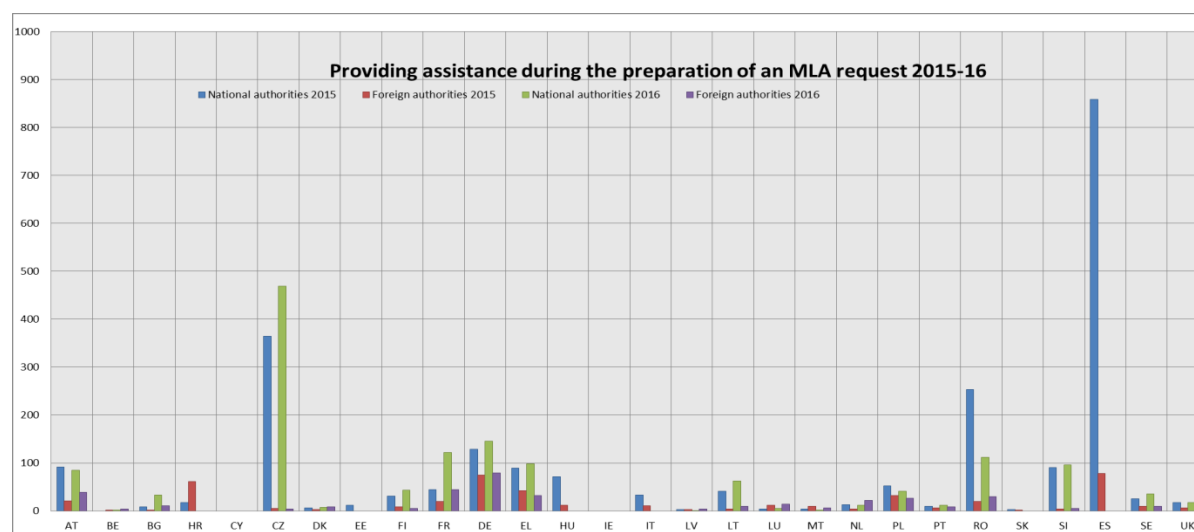
2.1. Case related work: providing assistance in preparation and execution of requests for/decisions on judicial cooperation in criminal matters

As in past years, the core activities of the EJM Contact Points during 2015 and 2016 were represented by the activity of assisting their national judicial authorities or foreign judicial authorities in the preparation and execution of requests for or decisions on judicial cooperation in criminal matters.

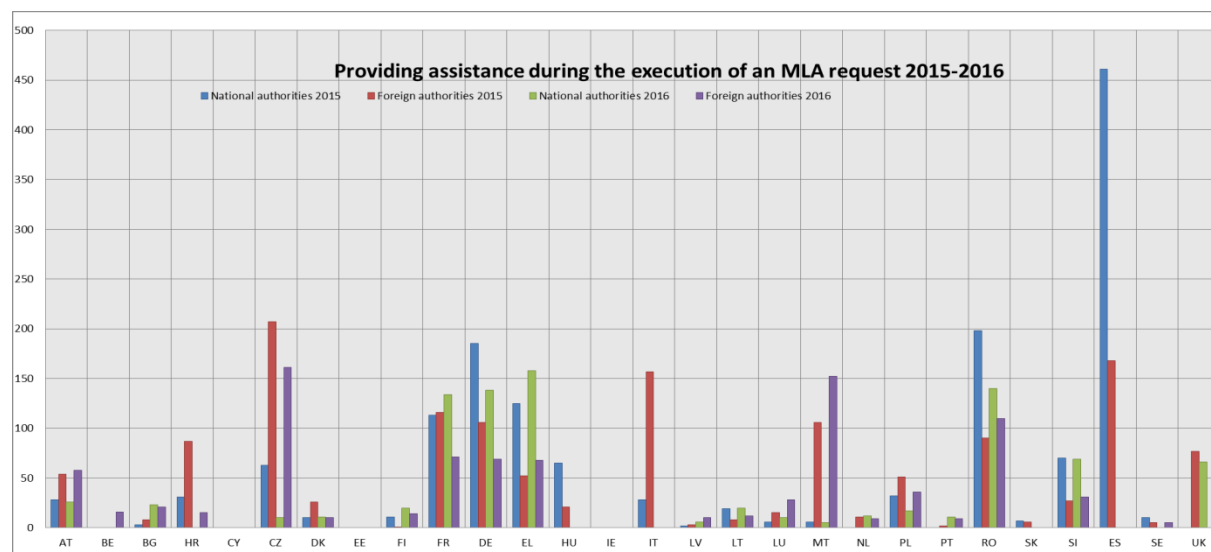
2.1.1. Providing assistance in preparation and execution of mutual legal assistance requests

Assisting their fellow colleagues in preparing and executing requests for mutual legal assistance in criminal matters was again in first place among the case related activities of the EJM Contact Points.

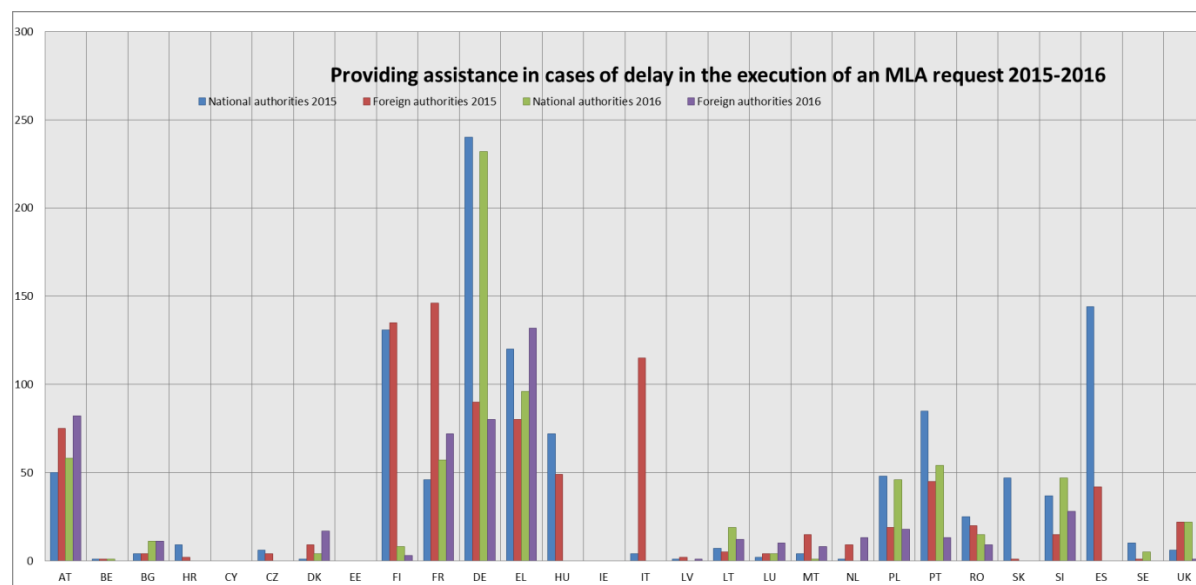
During 2015-2016 the EJM Contact Points assisted their national judicial authorities or foreign judicial authorities with the preparation of more than 4400 MLA requests.



During the same period, the Contact Points intervened to facilitate the execution of more than 4600 MLA requests.



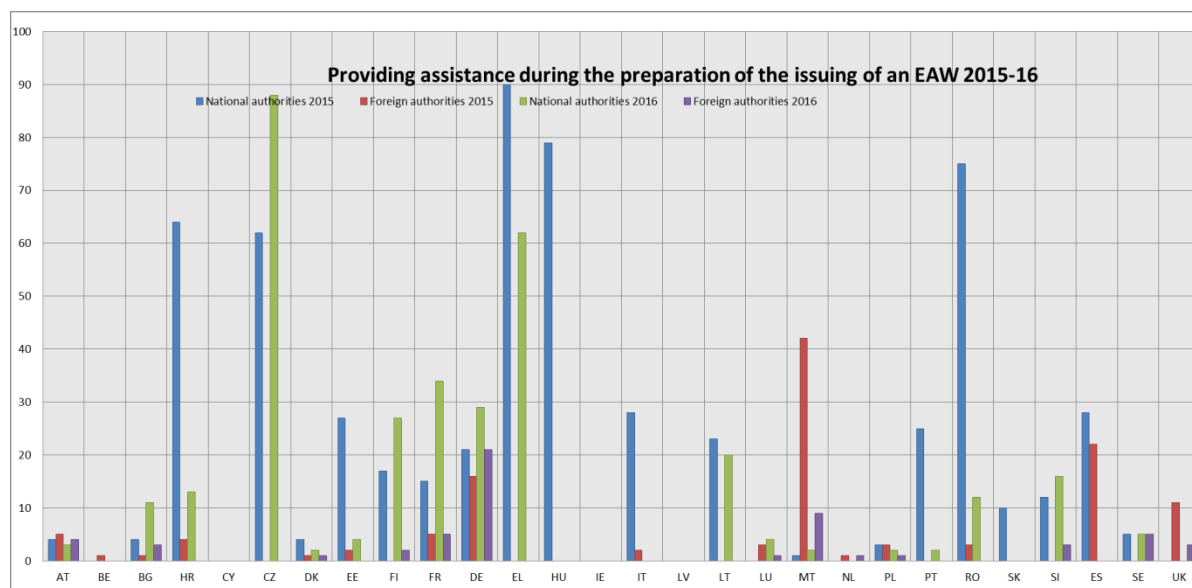
In addition, they contributed to expediting the execution of more than 3200 delayed MLA requests.



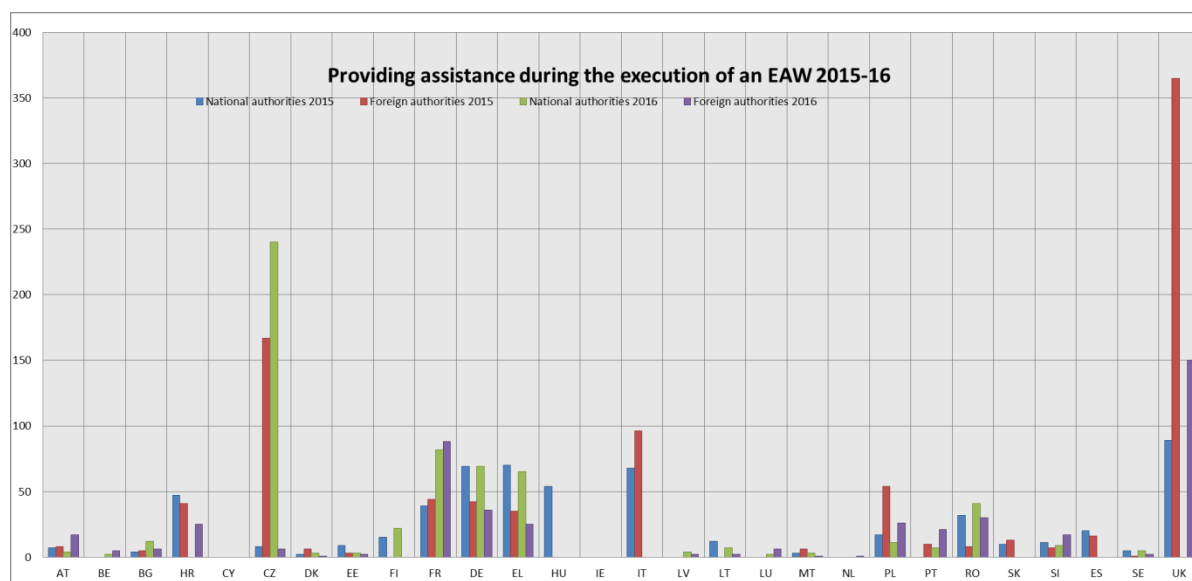
2.1.2. Providing assistance in issuing and executing European arrest warrants

Providing assistance in the preparation and execution of European arrest warrants was once again a priority for the EJM Contact Points.

During the reporting period they assisted the issuing judicial authorities with the preparation for issuing more than 1200 EAWs.



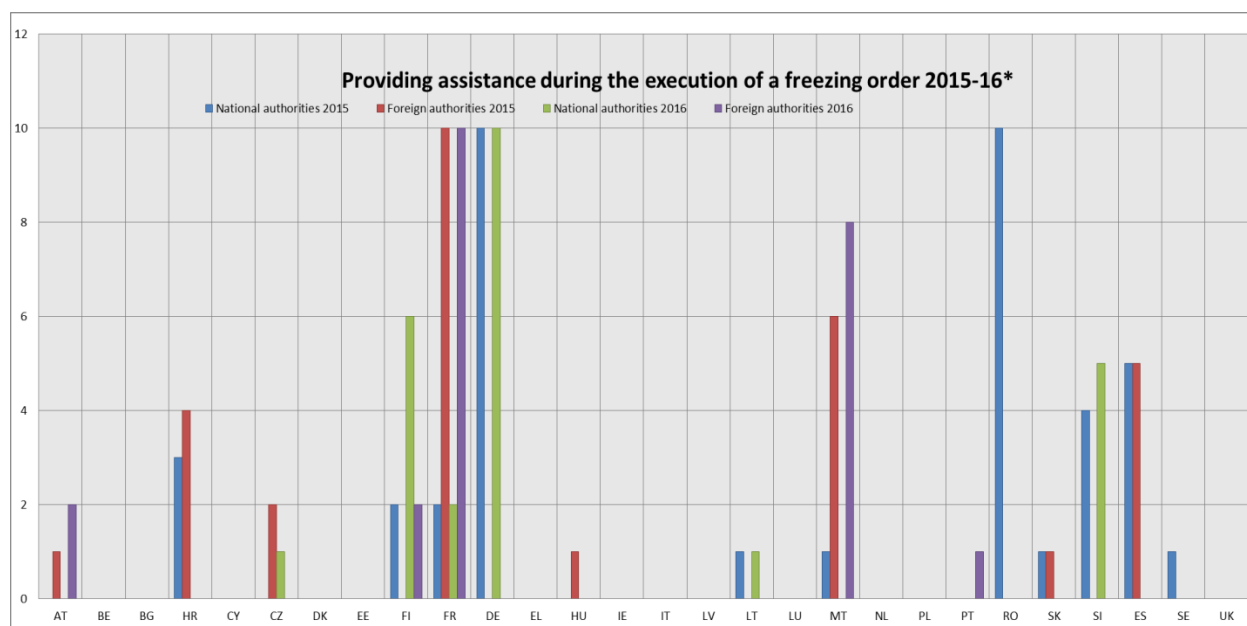
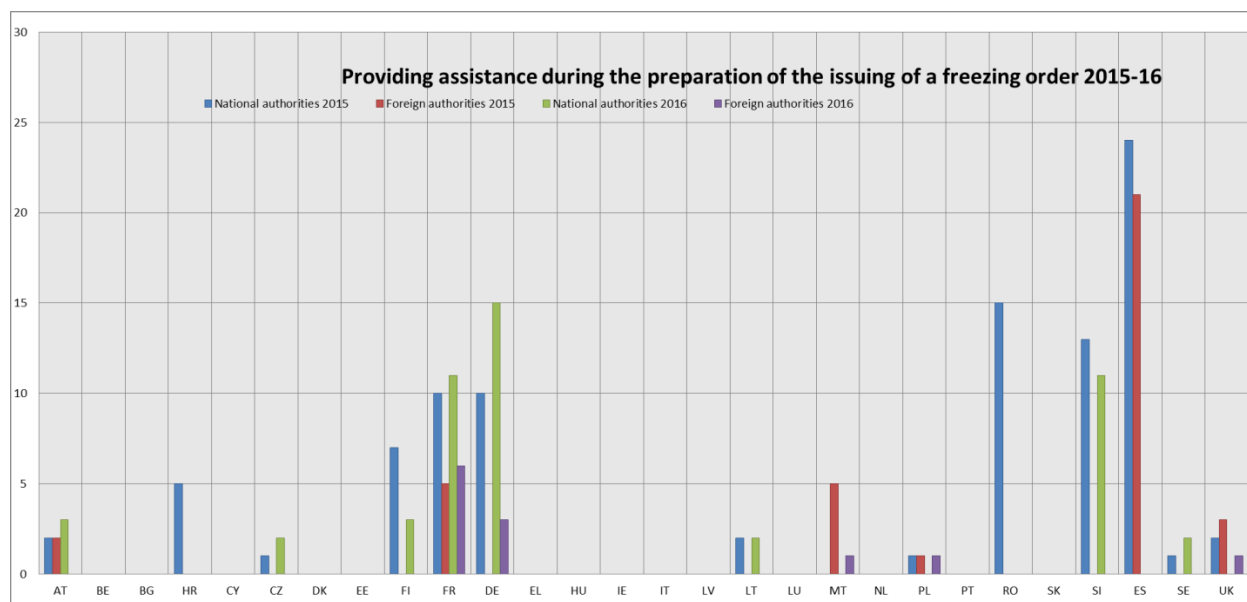
As far as the execution of EAWs is concerned, the EJN Contact Points assisted mainly the executing authorities, but also the issuing ones, in about 2700 cases during 2015-2016.



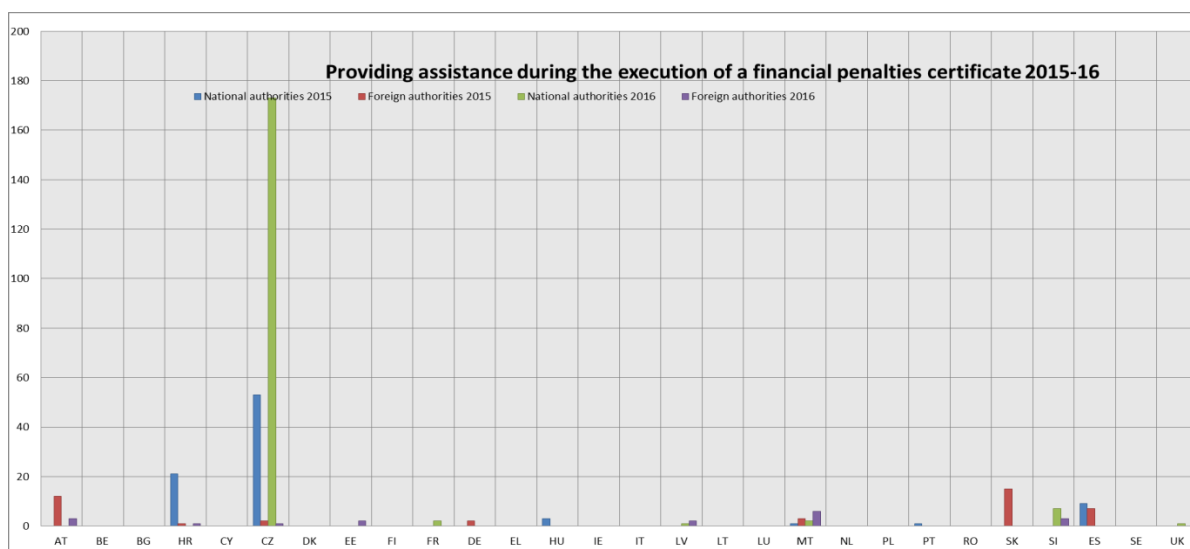
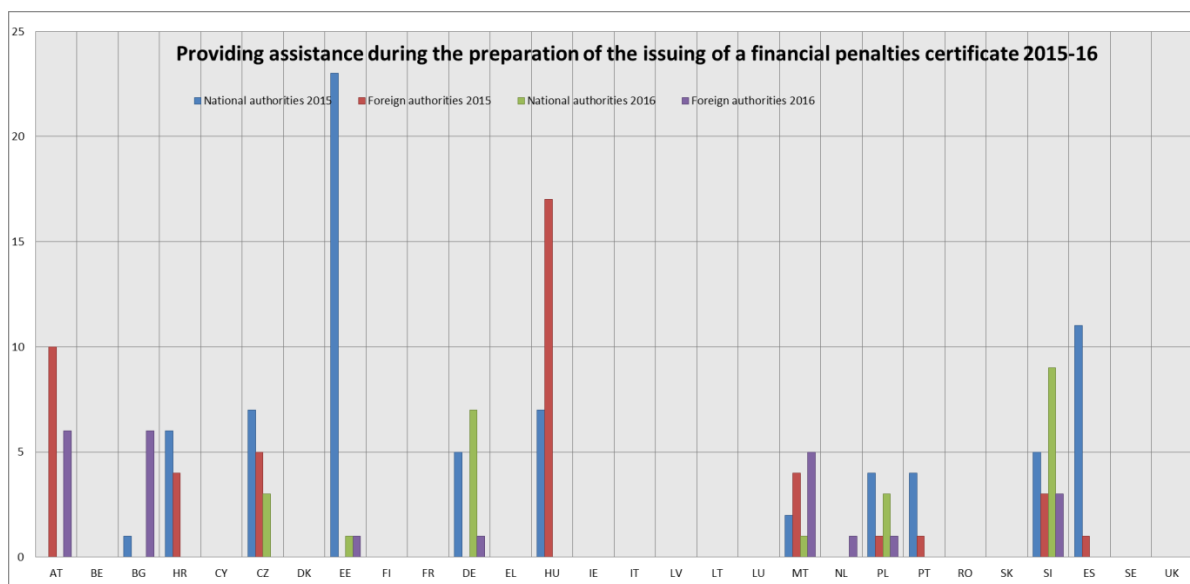
2.1.3. Providing assistance in issuing and executing other mutual recognition decisions

The EJN Contact Points were also involved in the preparation and execution of other judicial decisions based on the principle of mutual recognition, by assisting either their national judicial authorities (issuing or executing) or foreign judicial authorities (mainly issuing).

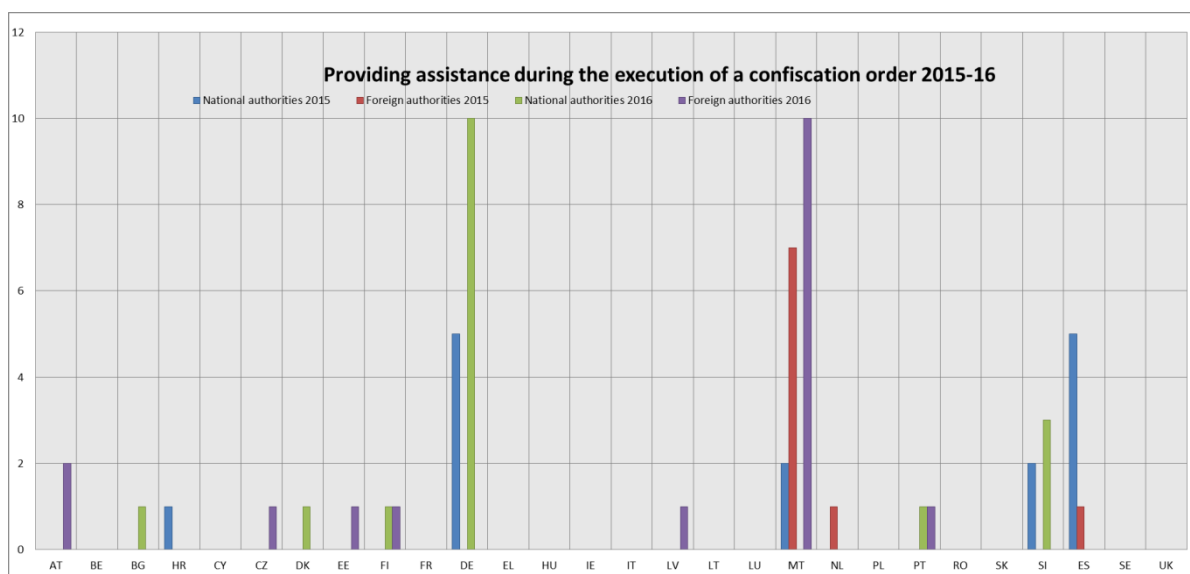
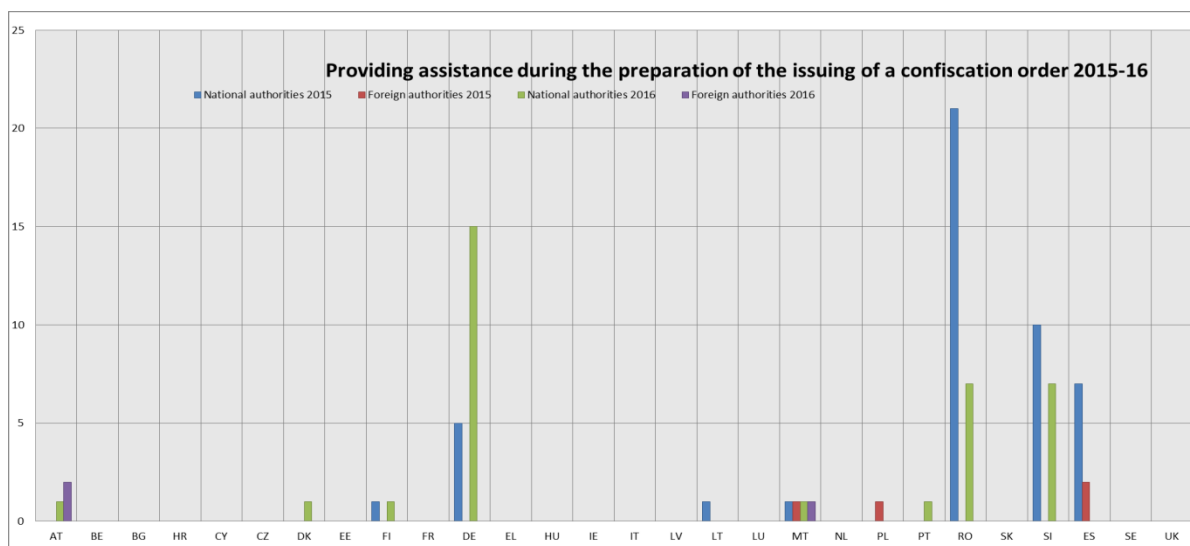
Thus, during 2015-2016 the EJM Contact Points were active intermediaries for the issuing of about 200 freezing orders and for the execution of about 100 freezing orders.



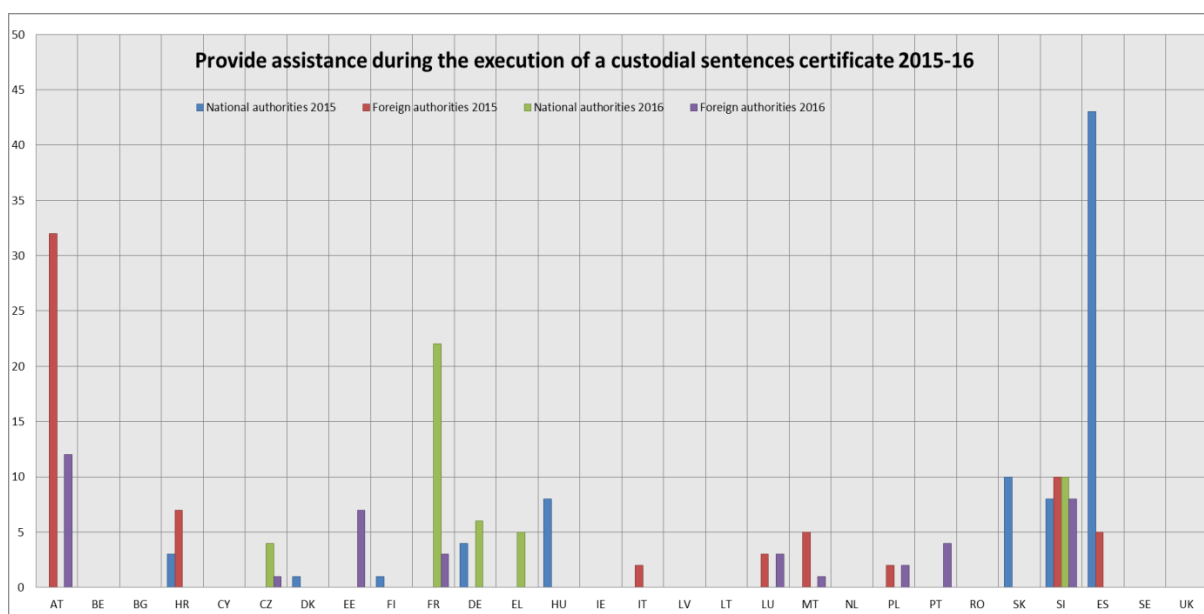
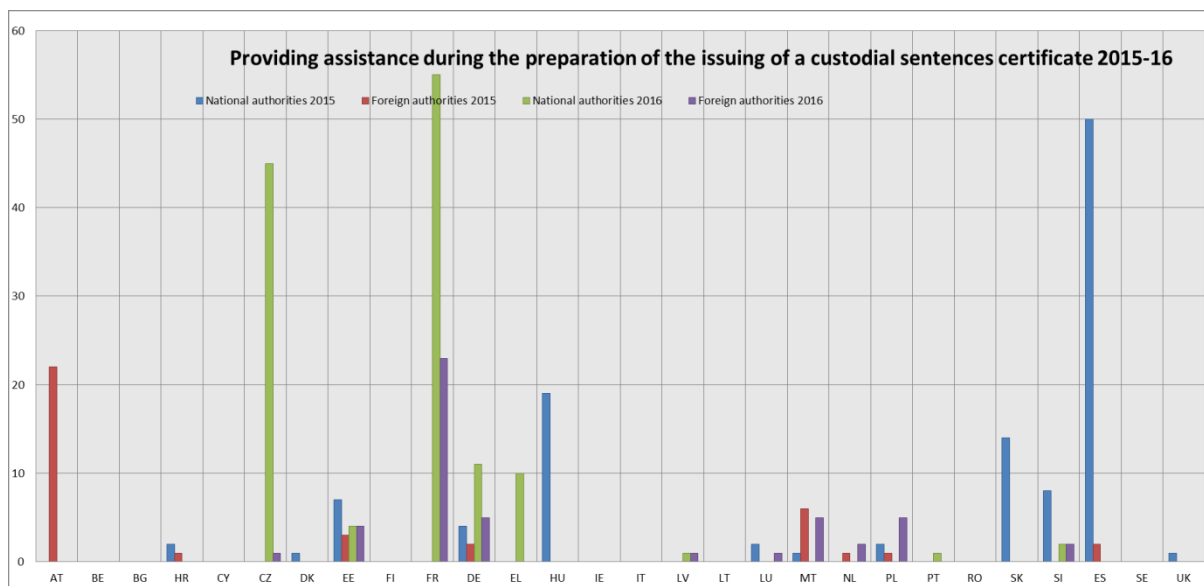
The EJM Contact Points provided assistance for the issuing of about 200 financial penalties certificates and the execution of more than 300 such certificates.



The EJN Contact Points contributed to the issuing of about 100 confiscation orders and the execution of approximately 50 confiscation orders.



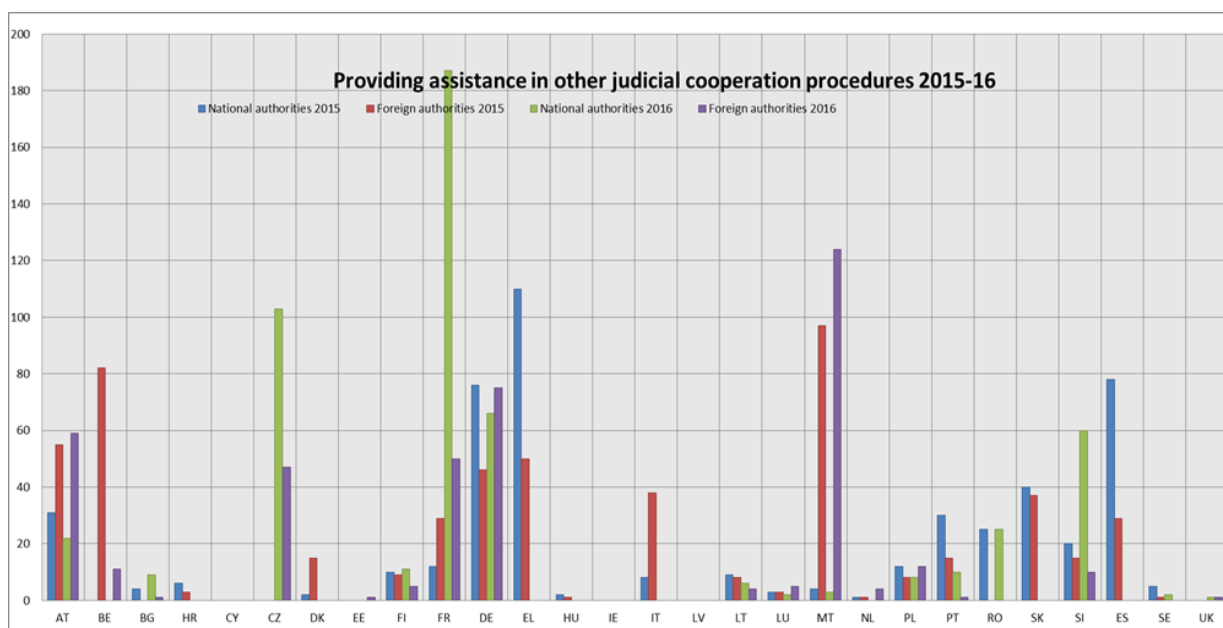
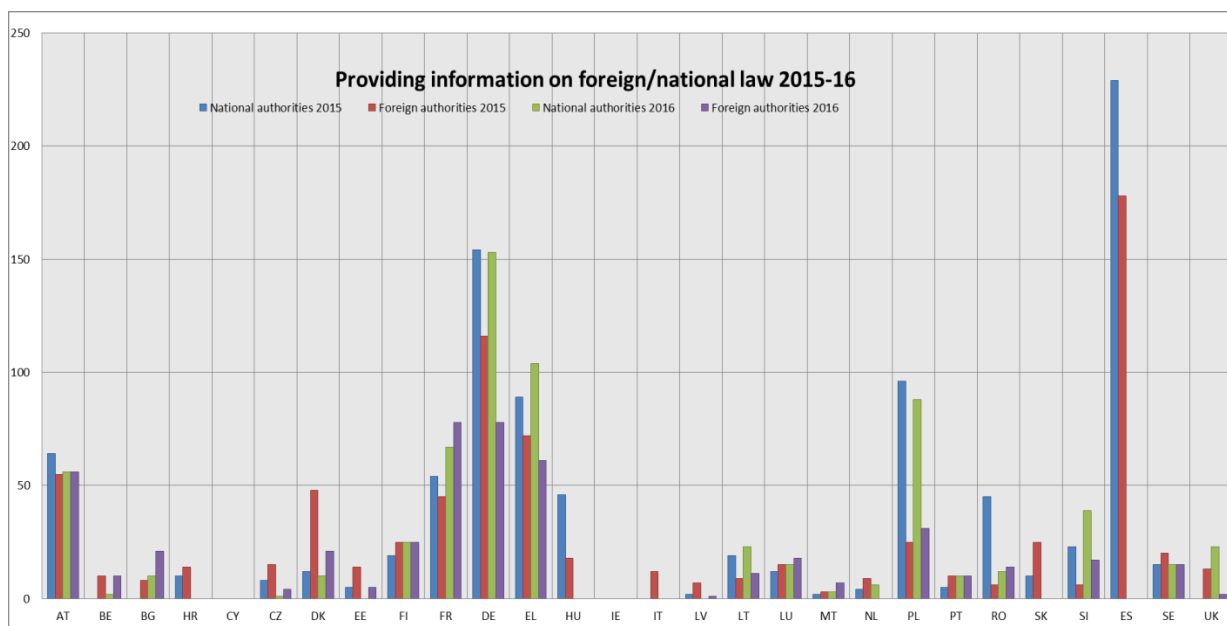
They were involved in the issuing of more than 320 custodial sentences certificates on the basis of Council Framework Decision 2008/909/JHA of 27 November 2008. The Contact Points also assisted in the execution of about 200 such certificates.



2.1.4. Providing assistance on other matters

Apart from the main forms of judicial cooperation in criminal matters mentioned above, the EJM Contact Points dealt with other judicial cooperation cases and provided information about legislation.

Thus, during 2015-2016 the EJM Contact Points provided information on foreign law about 2000 times and assisted national and foreign judicial authorities in more than 1900 other cases.



2.1.5. Case related work in relation to partner countries

In 2015 and 2016 the EJM Contact Points from the EU Member States played an important role in facilitating judicial cooperation in criminal matters between the Member States and third countries.

The level of involvement of the Contact Points in cooperation with third countries mainly covers neighbouring countries, but in complex cases the EJM Contact Points are also requested by their fellow colleagues to approach EJM Contact Points in third countries from various regions. To this end, the close cooperation established by the EJM with IberRed and other similar networks ensures a wide platform of contact persons all over the world.

In 2015 and 2016, the EJM Contact Points provided assistance in about 2500 cases in relation to third countries.

2.2. Other activities

Apart from case related work, the EJM Contact Points from all Member States, not only the Tool Correspondents, were actively involved in the permanent updating process of the EJM website, especially the update of the Atlas and the comprehensive revision during 2015 and 2016 of the *Fiches Belges* and of the section “Info about national systems” on the EJM website.

In 2015 and 2016 two dedicated working groups of the EJM, composed of volunteer Contact Points, were in operation: the working group on the sixth round of mutual evaluations (including EJM Contact Points from the EJM Presidencies, as well as from Portugal and the United Kingdom) and the working group on e-Justice (including EJM Contact Points from the EJM Presidencies, as well as from Finland, Germany and the Czech Republic). These working groups supported the EJM Presidencies and the EJM Secretariat in accomplishing important tasks assumed in the EJM Work Programme.

During these two years the EJM Contact Points continued to be actively involved in other activities closely related to their core tasks. Thus, bearing in mind their relevant expertise on international judicial cooperation in criminal matters, the EJM Contact Points participated as speakers/trainers in international conferences and seminars, including those organised by EJM partners such as the EJTJ and ERA.

Moreover, some EJM Contact Points participated in bilateral negotiations of treaties on extradition, transfer of sentenced persons and mutual legal assistance, and represented their countries in the Council of the European Union Working Party COPEN, in meetings of experts organised by the European Commission and in Council of Europe committees, such as the Committee on Crime Problems (CDPC) and the Committee of experts on the operation of the European Conventions on Cooperation in Criminal Matters (PC-OC), as well as in meetings of the United Nations agencies.

For instance, in **2015** a significant number of activities involved EJM Contact Points. Thus, among these activities can be mentioned:

- The Contact Points from the Czech Republic participated in meetings of national EJM contact points and prosecutors specialised in MLA held by the State Public Prosecutor's Office (within the ENCS) in Brno on 27 May 2015 and on 19 November 2015. The Czech Contact Points were also involved in training in MLA in criminal matters at national level: two seminars for prosecutors and judges in the Judicial Academy in Kroměříž on 27-28 April 2015 and 30 November - 1 December 2015; a presentation about MLA within the seminar about organised crime (for prosecutors from the Czech Republic, Slovak Republic, Germany and Italy) in Kroměříž on 17 June 2015; a presentation about MLA in cybercrime matters in Prague on 29 September 2015; a presentation about MLA within the seminar about drug criminality in Benešov on 30 September, 2015; a presentation about MLA within the seminar about international cooperation for the Czech Police forces in Nesuchyně on 1 October 2015. A seminar for prosecutors and judges about the new Czech Act on International Cooperation in Criminal Matters in Slovakia in Omšenie on 21-22 September 2015.
- The Contact Points from Germany organised a regional and national meeting in Berlin and some of them participated in activities such as: several training courses for prosecutors/judges and for police; organising visits of foreign high-ranking prosecutors to Munich; organising the 17th International Forum for Public Prosecutors in Munich; taking part as expert in an EJM seminar on MLA in Budapest; taking part as partner in an EU project on Art 4 § 6 Council Framework Decision on the EAW; participating in the expert group on EU criminal policy; expanding an intranet site for state prosecutors and judges with information on mutual legal assistance and on the EJM, to which police officers also have access; representing EJM-experience in a Dutch-German working group of prosecutors.
- The Contact Points from Estonia organised and hosted an EJM regional meeting (between Estonia, Latvia and Lithuania) financed from the EJM budget and one Contact Point participated as expert of the Council of Europe in a training seminar in Prague in legal entities and in the negotiations on the proposal for a Regulation on Eurojust.
- The Hungarian EJM Contact Points participated at regularly held national EJM Contact Points' meetings, as well as in "road shows" together with the Eurojust national member for Hungary.
- The EJM Contact Points from Portugal organised training sessions in Porto, Viana do Castelo, Santarém, Évora, Sintra and Guarda where the role and added value of the EJM was explained. A Portuguese EJM Contact Point had the role of Chair of the PC-OC, Committee of experts of the Council of Europe that negotiated a Draft Amending Protocol to the European Convention on transfer of sentenced persons.
- The Romanian EJM Contact Points participated in the meetings of the Romanian Judicial Network in Criminal Matters (5-6 March 2015 in Bucharest and 12-14 October 2015 in Constanta), in the training sessions organised by the EJM

(delivering a presentation on EJN in Bucharest 30 September - 2 October 2015) and in the 12th ARO Platform meeting, held in Brussels on 25-26 November 2015.

- The Swedish Contact Points participated in a national meeting in Stockholm.

In **2016**, some EJN Contact Points were actively involved in the national working groups for drafting national legislation for the transposition of Directive 2014/EU on the European Investigation Order in criminal matters.

The activities of the EJN's working groups on the sixth round of mutual evaluations and, respectively, on e-Justice continued in 2016.

Among other activities involving EJN Contact Points during 2016 can be mentioned:

- The Contact Points from the Czech Republic participated in meetings of national EJN contact points and prosecutors specialised in MLA organised by the State Public Prosecutor's Office (within the ENCS) held in Prague on 19 May 2016 and in Brno on 14 November 2016; meetings with EU Member States on specific questions of cooperation (16 March 2016 meeting at the Ministry of Justice with counterparts from Germany on recognition and execution of financial penalties); 6 October 2016 meeting at the Judicial Academy, involving representatives of the Ministry of Justice, State Public Prosecutor's Office, judges, state prosecutors, with United Kingdom counterparts on transfer of sentenced persons to the Czech Republic – specific issues in relation to UK. They also participated in a training session about MLA concerning the freezing and confiscation of proceeds of crime and other property, at the Judicial Academy of the Czech Republic on 2 March 2016, and delivered presentations abroad about the MLA system in the Czech Republic (in Slovakia on 21-22 September 2016; during the regional EJN meeting in Poland on 18 October 2016; about double criminality in different types of MLA during the seminar on tax criminality at Eurojust on 28 October 2016; about the EJN, Eurojust and other networks at the conference 'Ensuring cross-border justice for all in the EU: sharing practices and experiences from the ground' in Bratislava on 9-10 November 2016; about the EIO during the 9th Meeting of the Heads of Central Coordinating Units in Bratislava on 23-25 November 2016).
- The EJN Contact Points from Germany organised a regional and national meeting in Berlin. They also participated in activities such as: meeting of the German ENCS; training in mutual legal assistance and information about the EJN in several prosecutors' and police training courses at state level (e.g. Cyber-Crime, Corruption, Organised Crime, Money-Laundering etc.); training in MLA and information about the EJN at the German Judges' Academy course for judges and prosecutors on mutual legal assistance; training of court staff in mutual legal assistance, especially hearing of witnesses via video conference; training of prosecutors and other staff of prosecutors' offices in trans-border skimming of profits.

- The Romanian Contact Points organised in October 2016 in Bucharest an EJP regional meeting and an EJP national meeting, both with financial support from the EJP budget. They also participated in the meeting of the national judicial network in criminal matters held in Cluj-Napoca in September 2016.
- The Swedish Contact Points held their national EJP meeting in Stockholm in December 2016.

Chapter II

Management of the European Judicial Network and implementation of the Work Programmes

Section 1

Overview

According to the provisions of Article 2(8) of the EJM Decision, the Network is administered by the EJM Secretariat.

During 2015-2016 the EJM Secretariat implemented in a manner commensurate with sound management the EJM Work Programmes, as approved by the EJM, and prioritised the actions intended to respond to the recommendations to the EJM provided by the Sixth round of mutual evaluations on EJM and Eurojust.

In this context, the EJM Secretariat prepared an *Action Plan for the implementation of the recommendations regarding the European Judicial Network from the country reports and the Final reports of the Sixth round of mutual evaluations* which, together with the Work Programmes, became the steering document for the main activities of the EJM in this reporting period. In order to closely monitor the implementation of the actions taken, the EJM Secretariat also compiled a *Monitoring table*.

Both the *Action Plan* and the *Monitoring table* were finalised with the active contribution of the EJM Working Group on the Sixth round of mutual evaluations and in close consultation with the EJM & Liaison Magistrates Team of the College of Eurojust.

During the reporting period attention was paid to updating the website in order to tackle the challenge of rapid legislative developments at the EU and Member States level. To this end, the new *Judicial Atlas*, the new *Compendium* and the revision of the *Fiches Belges* are the main achievements, these three tools now being adapted to the complete legal framework for judicial cooperation in criminal matters within the European Union. In addition, in 2015 a new tool for *cooperation with third countries and judicial networks* was created and the Section with *information on national systems* updated. Further discussions started on the reorganisation of the *EJM Judicial Library*.

Cooperation with partners and third countries was intensified in 2015 and 2016 and broader contacts were established.

The EJM Secretariat, together with the Contact Points, actively participated in experts' meetings organised by the EU institutions and it was directly involved in the preparations for the entry into force of the Directive on the European Investigation Order in criminal matters.

Section 2

Implementation of the Work Programme 2015

2.1. Enhancement and permanent update of the website

During the sixth round of mutual evaluations on EJM and Eurojust, the necessity of permanently updating the EJM website tools was emphasized in each country evaluation report and in the Final report.

Several recommendations urged the EJM Secretariat to update the electronic tools, especially the *Judicial Atlas*, the *Fiches Belges* and the *Judicial Library*. All these recommendations became priority actions for the EJM Secretariat, as provided for in the abovementioned *Action Plan*.

In late 2014 the *Judicial Atlas* was fully revamped from the technical point of view and the “new” Atlas was launched in February 2015. It now contains information on the competent executing authorities not only for mutual legal assistance and the European arrest warrant, as before, but for all applicable instruments for judicial cooperation in criminal matters. While the new Atlas is technically fully finalised, being a live tool, it requires permanent updating regarding the competent authorities in the Member States. To this end, the EJM Secretariat continued to work closely with the Tool Correspondents from the Member States concerned to address remaining issues for certain judicial cooperation measures or legal instruments.

Practical tools for judicial cooperation



As in past years, the statistical data indicates the page views¹ of the EJM website in 2015:

Sections (2015)	Page views	%
Atlas	1175449	39.1%
Homepage	892217	29.7%
Library	543669	18.1%
Static pages	69306	2.3%
Contact points/restricted	65399	2.2%
Fiches Belges	63476	2.1%
Info. national systems	40142	1.3%
News	38980	1.3%
Compendium	22165	0.7%
Events	21498	0.7%
Quick links	15384	0.5%
Library document	14398	0.5%
Tools selection	13065	0.4%
Ejmforum (incl. registry)	12503	0.4%
Search EJM site	6754	0.2%
FAQ	4678	0.2%
Photo gallery	2034	0.1%
Partners section	1053	0.0%
Info to cps	803	0.0%
..other	18110	0.6%

In 2015 the process of revising the *Fiches Belges* tool was initiated. Thus, at the 14th Tool Correspondents meeting the EJM Secretariat proposed a revised template of the *Fiches Belges* questions, adapted to all types of legal instrument, both traditional MLA and those giving effect to the principle of mutual recognition of judicial decisions.

¹ It should be noted that although the figures in 2016 are lower compared to the previous reporting period of 2015; this does not reflect a decrease in number of page views but rather a different method of collecting data.

Following the approval of the new template, the Tool Correspondents, supported or coordinated by the National Correspondents and/or other Contact Points, worked in the second half of 2015 and in the beginning of 2016 on filling in the information for their respective Member State.

Also in 2015 the EJM Secretariat managed to publish in the *Judicial Library* all word format forms of the orders and certificates provided for in the various EU legal instruments based on the principle of mutual recognition.

In November 2015, a new version of the EJM website homepage was released.

Meanwhile, discussions continued with the European Commission and the Council of the European Union regarding the implementation of the Council Conclusions of October 2013² on cooperation between the EJM website and e-Justice. A statement has been adopted by the EJM National Correspondents regarding the core principles of this cooperation (see Annex 5).

2.2. Meetings

2.2.1. Plenary meetings of the EJM Contact Points

Plenary meetings hosted by the Member States holding the Presidency of the Council of the European Union

The 44th plenary meeting of the European Judicial Network was held in Riga, on 28-30 June 2015, under the Latvian Presidency of the Council of the European Union.

The main topic of this meeting was enforcement of custodial sentences and of other measures involving deprivation of liberty under Council Framework Decision 2008/909/JHA of 27 November 2008 (Transfer of Prisoners). The framework decisions on Probation (2008/947/JHA) and Supervision measures (2009/829/JHA) were also addressed in this context.

² Council doc. 13407/13.



44th EJM plenary meeting family picture

A representative from the *Directorate General Justice, European Commission*, delivered a presentation focused on the question of the effectiveness of the Framework Decisions in relation to detention – Transfer of Prisoners (2008/909/JHA), Probation and Alternative Sanctions (2008/947/JHA) and European Supervision Order (2009/829/JHA). The status of transposition of these framework decisions was briefly addressed: at that time, they had been implemented in 24, 20 and 18 Member States, respectively.

A representative from the *Supreme Judicial Council of Spain*, who is also a member of the STEPS2 project, provided an overview of the said Framework Decisions, focusing on the perspective of sentenced persons. The importance of social rehabilitation was emphasised. It was explained that transferring foreign nationals back to their home country does not always work in favour of social rehabilitation, thus underlining the complex nature of the concept.

This topic was also discussed in three workshops, based on discussion papers prepared by the Presidency and the EJM Secretariat.

A *first workshop* dealt with practical aspects of judicial cooperation for the enforcement of custodial sentences. The discussion focused on the issues related to the Framework Decision on Transfer of Prisoners (2008/909/JHA).

A *second workshop* focused on practical aspects of transfer of prisoners. The participants agreed that the process under the framework decision was much quicker than the 1983

Council of Europe Transfer of Sentenced Persons Convention. While the decision for transfer is made at the judicial level, the practical aspects of the process are left to the police or prison staff.

The *third workshop* dealt with the EAW and extradition for the purpose of serving a sentence. This workshop focused on the relationship between the European Arrest Warrant Framework Decision and the Transfer of Prisoners Framework Decision, as well as the sharing of experience between the participants, especially in terms of difficulties faced.

The *Director of the Department of Judicial Cooperation* from the Ministry of Justice of the Republic of Latvia presented the Latvian system regarding international judicial cooperation in criminal matters.

Moreover, the agenda of the meeting included a general presentation on the Directive on the European Protection Order in criminal matters and practical focused intervention on the same topic.

The project of an EU Handbook on the FD 2008/909/JHA was also introduced.

The 45th plenary meeting of the European Judicial Network took place in the city of Luxembourg on 18-20 November 2015 under the Luxembourg Presidency of the Council of the European Union.

The meeting focused on legal and practical aspects of the so-called ABC Directives with regard to the following procedural rights in judicial cooperation in criminal matters. Measure A: Right to interpretation and translation; Measure B: Right to information; and Measure C: Access to a lawyer; based on the Directive on the Right to Interpretation in Criminal Proceedings (2010/64/EU)³; Directive on the Right to Information in Criminal Proceedings (2012/13/EU)⁴; and Directive on the right to have access to a lawyer in criminal proceedings and the right to communicate upon arrest (2013/48/EU)⁵.

³ Directive 2010/64/EU of 20 October 2010 on the Right to Interpretation in Criminal Proceedings. – OJ L 280, 26.10.2010, pp. 1–7.

⁴ Directive 2012/13/EU of 22 May 2012 on the Right to Information in Criminal Proceedings. – OJ L 142, 1.6.2012, pp. 1–10.

⁵ Directive 2013/48/EU of 22 October 2013 on the right to have access to a lawyer in criminal proceedings and the right to communicate upon arrest. – OJ L 294, 6.11.2013, p. 1-12.



Participants in the 45th plenary meeting

A representative of the *General Secretariat of the Council of the European Union* explained how the EU legislation on procedural safeguards had come into being. In order to set and protect minimum procedural rights for suspects and defendants the European Council invited the Commission to include the procedural safeguards in the Stockholm programme of Justice and Home Affairs 2009-2014. It was recalled that already in 2004 the Commission had proposed a Council Framework Decision on certain procedural rights in criminal proceedings in the EU, but this proposal did not meet with success due to the opposition of several Member States.⁶ Following the entry into force of the Lisbon Treaty, it is now easier to establish common rules on the rights of individuals in criminal procedures since, in accordance with Article 82(2)(b) of the Lisbon Treaty, the “ordinary legislative procedure”, e.g. co-decision involving qualified majority voting (QMV) in the Council, is applicable. Although Article 82 of the Lisbon Treaty also provides for an opportunity to approximate laws of the Member States, the article lays down the principle of mutual recognition as a basis for judicial cooperation. In addition, with regard to the political developments reflected in the Tampere Presidency Conclusions of the European Council meeting in October 1999, it had not been possible to establish approximation of laws prior to mutual recognition.

The right to interpretation and translation, the right to information and the right of access to a lawyer in criminal proceedings were presented in the light of recent developments at the European Court of Human Rights (ECHR) by a former president of this Court, who focused on the effectiveness of assistance and understanding. He started by referring to the legal basis for the ECHR case law in this respect, namely Article 6 of the European Convention on Human Rights.

⁶ Proposal for a Council Framework Decision on certain procedural rights in criminal proceedings throughout the European Union, 28 April 2004, COM (2004) 328 final, 2004/0113 (CNS)

A representative of the Fundamental Rights Agency (FRA) gave a presentation on the right to interpretation, translation and information in criminal proceedings in the EU: promising practices and opportunities.

As usual, the “EJN Business” part of the agenda allowed the members of the EJN Secretariat to inform the participants about the projects carried out in the respective semester and those foreseen for 2016 and 2017.

On the second day of the meeting a discussion panel on the legal and practical aspects of the ABC Directives took place.

Ms Viviane REDING, *Member of the European Parliament, Former Member of the Commission*, made a presentation on a Europe of Justice, a stake of citizenship. She started by emphasizing the need for a balance between defence and prosecution. **Ms REDING** emphasised the importance of these developments in EU politics, because, as she recalled, the underlying ideas of the “founding fathers” of the EU in the 1950s had nothing to do with individual rights.

Ms REDING also briefly discussed the historical background of the Lisbon Treaty. Before the Treaty of Lisbon criminal proceedings were concerned entirely with catching the criminal. The Lisbon Treaty created a justice system of Europe, which did not exist before. *Espace de justice, espace des droits* and the non-discrimination principle were the core values of the ideas behind it. Another aspect was the issue of fundamental rights based on EU citizenship, which does not eliminate national systems but contributes to constructing a European system over and above national systems. In the era of free movement it was necessary to create a bridge between national and EU law in order to ensure that the rights of citizens were real. This was where the legal practitioners came into play, **Ms REDING** said; the practitioners were the people who were going to put the law into practice and make it come to life. According to her, developments would lead to the creation of the European Public Prosecutor’s Office.

Consequently, European criminal justice would become a regular EU policy field. EPPO would be among these developments, **Ms REDING** added. When it comes to rights for citizens, there are a number of legal instruments in place that provide strong defence: the right of interpretation and translation, the right to information, the right of access to a lawyer, but also minimum rights for victims of crime. The procedural rights agenda will be completed even further. *The Head of Unit Procedural Criminal Law, Directorate General Justice and Consumers, European Commission*, informed the participants about recent legislative developments and priorities of the Commission in the area of judicial cooperation in criminal matters. He underlined the key role of the EJN and stated that the Commission wanted to expedite judicial cooperation even more.

The 36th regular meeting of the European Judicial Network took place in The Hague on 24 February 2015 under the Latvian Presidency.



Group picture from the 36th regular meeting

As usual at this type of meeting, administrative matters of the EJM were on the agenda. The Work Programme for 2015 was discussed as well as the preparations for the third report on the activities and management of the EJM. As a new topic for the Regular meeting, the Contact Points were given the opportunity to present the latest developments in their Member States in the area of judicial cooperation in criminal matters and share problems in the practical application of judicial cooperation instruments and proposals to improve judicial cooperation in criminal matters.

The website related projects were presented by the EJM Secretariat.

The work done for the implementation of the recommendations from the Sixth round of mutual evaluations, as well as cooperation with e-Justice for the purpose of migrating the EJM website to the European e-Justice Portal, completed the agenda of this regular meeting.

2.2.2. National Correspondents meeting

The 7th National Correspondents meeting of the European Judicial Network took place in The Hague on 7 October 2015 under the Luxembourg Presidency of the Council.

At this meeting the National Correspondents approved a proposal from the Trio Presidencies and the incoming Netherlands Presidency for changing the Trio Presidencies working method of the EJM to an EJM Presidencies Board format, composed of the Presidency, the former Presidency and the two next incoming Presidencies.



The 7th National Correspondents meeting

The EJM Work Programme and budget implementation for 2015, as well as the Work Programmes and budget forecasts for 2016 and 2017, were presented by the EJM Secretariat.

A substantial part of the meeting was dedicated to discussions on the possible migration of the EJM website to the European e-Justice Portal, based on the Council Conclusions of October 2013. The National Correspondents expressed their concerns regarding the risk of losing the autonomy of the website and agreed on the core principles of an eventual migration, such as preserving the identity and autonomy of the EJM website, keeping the current functionalities and further improving them and maintaining control of the website. It was decided that a Statement of the National Correspondents would be issued following the meeting.

The National Correspondents meeting continued with presentations and discussions on the EJM Action Plan for the follow-up to the sixth round of mutual evaluations. The National Correspondents were informed about the progress for the approval of this Action Plan within the EJM and Eurojust. A summary of the Action Plan and the responsible actors, the EJM Secretariat, the Presidency, the EJM National Correspondents and Tool Correspondents, as well as Eurojust (EJM&LM team of Eurojust) was provided.

The need for a “Strategy for cooperation with third countries and other judicial networks” was another topic addressed at this National Correspondents meeting.

The creation of a pool of experts among the EJM Contact Points was also discussed, with the aim of ensuring appropriate representation of the EJM in meetings and training seminars.

2.2.3. Tool Correspondents meeting

The 14th Tool Correspondents Meeting of the European Judicial Network took place in The Hague on 19-20 March 2015 under the Latvian Presidency of the Council of the European Union.

The EJM Secretariat stated that the revamped Judicial Atlas was launched on 20 February 2015. The “new” Atlas consolidates the “old” MLA Atlas and EAW Atlas, but also includes all existing mutual recognition instruments (confiscation order, freezing order etc.). There is also a possibility of adding new instruments (e.g. the European Investigation Order). The functionalities of the new tool and the contribution needed from the Tool Correspondents to fully update this very important tool was explained.



Second day of the 14th Tool Correspondents meeting

The EJM Secretariat introduced the topic of the revamped *Compendium*, its main goal being to create a consolidated, user-friendly version of this tool, available for all relevant EU legal instruments on judicial cooperation in criminal matters.

The project of redesigning the EJM website homepage to reflect the changes in the *Atlas* and the *Compendium* and offer a more user-friendly design was also presented.

The EJM Secretariat presented a brand new Section of the EJM website “cooperation with third countries and judicial networks”, which would include information on third countries and other judicial networks, links to their websites and practical legal information.

Updates on the plans for new developments in the EJM Judicial Library were also discussed.

The EJM Secretariat stated that the updating of the *Fiches Belges* had been discussed and decided at the EJM Regular meeting on 24 February 2015. The demand for this action arose out of the Sixth round of mutual evaluations. It was decided that the EJM Secretariat would distribute a new template for this tool to the Tool Correspondents with a view to finalising the update by the end of 2015.

2.2.4. Regional and National Meetings in the Member States

In 2015 funding from the EJM budget was provided to three national and three regional meetings, to which grants were awarded following calls for proposals launched by the EJM Secretariat.

Regional meetings were organised in Lithuania, Croatia and Estonia, while national meetings were organised in Portugal, Bulgaria and France.

In addition to these meetings funded from the EJM budget, national meetings have been organised in the Czech Republic, Germany (regional and national meeting), Romania and Sweden. In the German meeting, held on 9-10 May 2015, the Secretary to the EJM was invited and delivered presentation regarding EJM activities and tools.

EJM Regional meetings

On 24-25 September 2015 the Lithuanian EJM Contact Points organised in Vilnius a regional meeting focused on Council Framework Decision 2008/909/JHA – “Custodial sentences” and Council Framework Decision 2008/947/JHA – “Probation”. The meeting involved participants from the host country, as well as from Latvia, Estonia, Finland and Sweden. The following problems were discussed and solutions proposed: custodial sentences and practical obstacles regarding their efficiency; supervision orders and supervision in the home state instead of provisional arrest in the state of investigation; EAW and assurances requested from another EU Member State regarding prison conditions. As regards cooperation with third countries, use of other networks such as IberRed was highlighted and claimed to be useful.

On 6-7 October 2015 the Croatian EJM Contact Points organised in Zagreb a regional meeting with three main topics: Joint Investigation Teams, Council Framework Decision 2008/909/JHA - “Custodial Sentences” and Council Framework Decision 2005/214/JHA - “Financial penalties”. EJM Contact Points from the organising Member State and from Austria, Bosnia and Herzegovina, Italy and Slovenia attended the meeting. The following problems were discussed and solutions proposed: custodial sentences and practical obstacles regarding their efficiency; supervision orders and supervision in the home state instead of provisional arrest in the state of investigation; EAW and assurances requested from another EU Member State regarding prisons conditions, and also freezing orders and confiscation orders. It was also concluded that it is important to strengthen cooperation between judicial authorities and ARO offices in the pre-trial phase of the proceedings in cases involving the tracing and freezing proceeds of crime. As regards cooperation with third countries, use of other networks such as IBERRED was highlighted and claimed to be useful.

On 14-15 October 2015 a regional meeting was organised by the Estonian Contact Points in Tallinn, to discuss practical aspects regarding cross-border observations, controlled deliveries and confiscation orders. This meeting involved participants from the host country, Latvia and Lithuania. During the meeting several conclusions were reached. As regards setting up JITs (including JITs in which third countries are participating), advantages and disadvantages were discussed. As regards confiscations and freezing of assets, possibilities to increase the quality of the certificates were discussed. Practical problems, e.g. with regard to seizure or bank accounts, were tackled. Finally, the importance of time management in pre-trial investigations was stressed in light of recent practice. In conclusion, the use of direct contacts was underlined as well as support from the EJM.

EJM National meetings

On 24-25 September 2015 a national meeting of the Portuguese Contact Points was organised in Lisbon, to which coordinators of the new territorial jurisdictions were invited. It was concluded that judicial training on mutual recognition instruments is highly important for practitioners as judicial cooperation should be identified as part of their daily work. Bodies such as the EJM should be used as a means of identifying and solving previous and current problems related to issuing and execution requests. In this respect, practical information made available by the EJM contributes to sound progress of judicial cooperation. Also, in order to take into account peculiarities in the regions, local contact points should also receive specialised training and consequently be able to assist local judicial authorities. Finally, identifying Contact Points in the Courts of Appeal should also be considered.

On 21-23 October 2015 the Bulgarian EJM Contact Points organised their national meeting in Tsigov Chark. This was a regular national meeting of EJM Contact Points together with the internal network among prosecutors for mutual legal assistance in the prosecution office.

The meeting focused on raising the awareness of the EJM and its operational tools among the members of the internal prosecutor's network for international legal cooperation. Also the role and the functions of the ENCS in cooperation with Eurojust were presented. Best practices between Contact Points were discussed in practical cases of judicial cooperation, e.g. the criteria on how to choose one of the legal instruments in daily work in the field of mutual legal assistance in criminal cases. Overall, it was stressed that the EJM website should be updated regularly and that all the prosecutors of the internal network should know how to make use of the EJM website and the tools to provide support to all other prosecutors around the country. The EJM Contact Points have an important role in informing the members of the internal prosecutor's network of new trends, legal tools and best practices of the EJM.

On 10 November 2015 the 5th meeting of the French EJM Contact Points took place in Paris. Its aim was to bring together the EJM Contact Points and representatives from other judicial authorities as well as Liaison Magistrates, including those with experience outside the EU. During the meeting the daily business of the EJM Contact Points and the functioning of the EJM (including the tools on the EJM website) were discussed. The role of different actors in the field of judicial cooperation was also presented. Finally, discussions took place concerning the progress of national legal instruments with regard to judicial cooperation in criminal matters.

Section 3

Implementation of the Work Programme 2016

3.1. Enhancement and permanent update of the website

In 2016 the work related to the improvement and permanent update of the EJM website focused on two projects: the revised *Fiches Belges* and the new Compendium.

As far as the *Fiches Belges* are concerned, by the end of the first half of 2016 most of the Member States responded to the questions in the new template, which made it possible to have the revised *Fiches Belges* online in mid-July 2016. As of 1 March 2017 the *Fiches Belges* are available for 26 Member States.

Fiches Belges

Find concise and practical legal information on the following judicial cooperation measure

CHOOSE MEASURE for CHOOSE COUNTRY

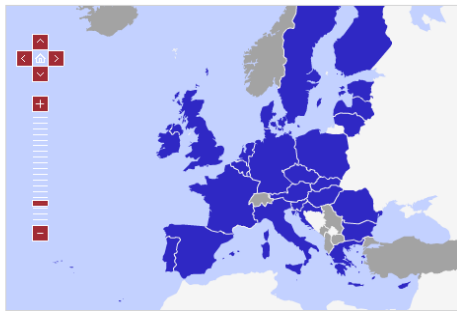
Compare the above information with CHOOSE COUNTRY

The *new Compendium* project was implemented during the first semester of 2016 and its main objective was to replace the two existing Compendiums (one for MLA and one for the EAW) with one comprehensive tool for drafting all types of requests for judicial cooperation in criminal matters: EAW, MLA, freezing orders, confiscation orders, financial penalties certificate, custodial sentences, probation decisions, supervision measures, European Protection Order, ECRIS, European Investigation Order (EIO).

Compendium [Compendium User Manual](#)

FOR THE EU MEMBER STATES:

Select on the map the requested/executing Member State or choose it from the list below and draft a mutual legal assistance request or a judicial decision giving effect to the principle of mutual recognition.



Member states

AT	BE	BG
HR	CY	CZ
DK	EE	FI
FR	DE	GR
HU	IE	IT
LV	LT	LU
MT	NL	PL
PT	RO	SK
SI	ES	SE
UK		

Or select from the list of countries:

FOR NORWAY:

Use the Compendium to draft a mutual legal assistance request to be sent to Norway. [Norway](#)

FOR THE NON-EU MEMBER STATES:

Use the Compendium to draft a mutual legal assistance request to be sent to a third country (non-EU). [Other Countries](#)

Open a request from your local drive

If you want to open an already existing request, you need to browse to find the file to be opened and click the button open.

Moreover, the new *Compendium* has a more user-friendly interface. It guides practitioners through the form used for the request, ensuring that all required information is inserted. The *Compendium* also helps practitioners to manage translations of requests; in most cases the request needs to be translated into a language accepted by the requested Member State in order for that Member State to be able to accept and perform/execute the request.

The new *Compendium* is online as of July 2016. Other website projects were carried out and implemented in 2016. The information contained in the “*Info about national systems*” section of the website was restructured on the basis of a template proposed by the EJV Secretariat. Updated information for all EU Member States, candidate countries and EJV associated countries is available as of 10 October 2016.

Moreover, the EJV Secretariat created a separate section of the website dedicated to *Cooperation with third countries and judicial networks*, where useful information regarding cooperation with third countries is published including, within a restricted area, contact

details of the members of partner judicial networks and of EJM Contact Points in third countries.

In 2016 the EJM Secretariat also finalised a new *online reporting tool* to be used by the Contact Points as of 1 January 2017 in order to report their activities in their EJM capacity.

Once again, the EJM website was considered a very useful tool for practitioners in 2016, as indicated by the statistical data⁷ below:

Sections (2016)	Page views	%
Homepage	741641	40.7%
Atlas	609428	33.5%
Library document	163965	9.0%
Library	128828	7.1%
Tools selection	92833	5.1%
Ejmforum (incl. registry)	61039	3.4%
Contact points/restricted	51963	2.9%
Fiches Belges	41542	2.3%
Compendium	25309	1.4%
Static pages	24885	1.4%
Info. national systems	11306	0.6%
News	7981	0.4%
Info to cps	6244	0.3%
Search EJM site	4739	0.3%
Partners section	4412	0.2%
Events	3458	0.2%
Quick links	2972	0.2%
FAQ	1565	0.1%
Photo gallery	289	0.0%
..other	134	0.0%

⁷ It should be noted that although the figures in 2016 are lower compared to the previous reporting period of 2015; this does not reflect a decrease in number of page views but rather a different method of collecting data.

3.2. Meetings

3.2.1. Plenary meetings of the EJM Contact Points

Plenary meetings hosted by the Member States holding the Presidency of the Council of the European Union

The 46th plenary meeting of the European Judicial Network took place in Amsterdam and The Hague on 7-9 June 2016 under the Netherlands Presidency of the Council of the European Union.

This plenary meeting focused on the **fight against serious crime** (Cybercrime, Financial crimes, THB Crimes) and **cooperation between the EJM and Eurojust**.

A Public Prosecutor and Cybercrime expert at the National Public Prosecution Service of the Netherlands illustrated the danger of cybercrime by a case in which banks were subject to Cyberattacks. He mentioned that cybercrime can take many other forms. It can also occur in the form of hacking webcams and retrieving passwords from computers.



46th EJM plenary meeting family picture

It was pointed out that criminals often sell malware to other criminals who cannot code malicious software themselves and that a constant problem with cybercrime is the collection of evidence. The problem with different jurisdictions was underscored, i.e. who is responsible for collecting evidence if a crime is committed in one country but the evidence for the crime is on a computer in another country. Criminals take advantage of this situation

and purposely attack in different countries. Therefore, it is important to find a way of securing websites and to answer important questions such as whether national sovereignty hinders the effective handling of cybercrime cases. In the past, discussions had shown that investigations needed to be continued, even if that meant a violation of national sovereignty, but the question was never finally resolved.

As cybercrime is a daily problem for practitioners around Europe, a European Judicial Cybercrime Network is needed. This new Network should see the EJM as a role model and should be based on how it operates, but at the same time it should also provide support to the EJM and seek broad cooperation with other European partners.

A Public Prosecutor and financial investigations/assets recovery expert of the National Public Prosecutors Office for Economic and Environmental Offences (“Functioneel Parket”) of the Public Prosecution Service of the Netherlands delivered a presentation regarding financial investigations. It was stated that financial investigations are key to fighting crime which he illustrated by explaining that in 2015 alone about 2.5 billion Euro were found in suspect transactions.

A Senior Public Prosecutor at the National Public Prosecution Service of the Netherlands tackled the trafficking in human beings (THB) sub-topic of labour exploitation. He presented the results of a conference on labour exploitation that was held in Amsterdam on 18-19 January 2016 during which the manual “TEAM WORK: **Manual for experts** on multidisciplinary cooperation against **trafficking in human beings for labour exploitation**” was presented. This manual encourages countries to include all different aspects of the issue when addressing THB. The manual can be downloaded from the website of the government of the Netherlands.

During the afternoon workshop sessions the EJM Contact Points from 20 Member States met with their respective Eurojust national desk and discussed questions such as the criteria to focus on when deciding whether a request should be dealt with by the EJM or Eurojust, whether the “double hat” function of Contact Points is beneficial and whether the work of the EJM and Eurojust is promoted in the Member State. Additionally, other participants gathered for a workshop to discuss cooperation with Candidate, Associated and Third Countries.

On 9 June 2016, the *Head of Unit, European Commission Directorate-General for Justice and Consumers Unit B1 - Procedural Criminal Law*, delivered a presentation on Directive 2014/41/EU on the European Investigation Order in criminal matters.

The full transposition of this directive is a priority for the European Commission. It was stated that the EJM is the key to improving the familiarisation of practitioners in the Member States with the EIO. Earlier, the Commission held two expert meetings dedicated to discussing the provisions of the EIO to help this process and will now draft a handbook, similar to what was done with the European Arrest Warrant. As this handbook might not be

completed before the EIO is to be transposed by the Member States (22 May 2017), practitioners were invited to read the relevant Directive. As the European Evidence Warrant has already been repealed, the MLA will serve in its place until the EIO enters into force.

It was explained that the scope of the EIO is narrower than MLA. In addition, Denmark and Ireland will not apply this Directive. As a consequence national authorities will need to continue applying MLA in the future to a certain extent. The EIO aims at accelerating the transfer of evidence as EU Member States will have a maximum of 30 days to decide on its recognition and 90 days to transfer all evidence, which is much shorter than MLA requests, where Member States take much longer to execute it (sometimes up to 12 - 18 months). The grounds for refusal include those set out in Article 4 of the European Arrest Warrant Framework Decision and there are specific grounds for refusal for specific measures.

It was stated that the scope of the EIO is difficult to define. The objective was to create one specific investigation measure but, due to Denmark and Ireland, this objective was not achieved and MLA still needs to be applied in relation to them. Furthermore, the condition governing the application of the EIO is that the measure has to be necessary and proportionate, i.e. it should be possible in a similar domestic case. More information on this can be found in recitals 10 and 11.

It was explained that a variety of measures are included under the EIO. For instance, video conferences are covered both at the pre-trial and trial stage.

The presentation continued by explaining that no rules on transit are included in the EIO. Further, measures covered under Article 5 of the Convention of 29 May 2000 (sending and service of procedural documents) are not covered as they are not investigative measures. For other measures, such as the extract of criminal records, the ECRIS Framework Decision is already in place, which resolves the matter faster than the EIO, wherefore the EIO does not need to be used for those.

The conclusions from the workshops were presented by the EJM National Correspondents from the United Kingdom and Romania and by the Eurojust National Member for Italy.

In the final part of the meeting, a *Senior Public Prosecutor, National Public Prosecution Service of the Netherlands*, provided an overview of the Dutch organisation regarding international judicial cooperation in criminal matters.

The 47th plenary meeting of the European Judicial Network was held in Bratislava on 21-23 November 2016 under the Slovak Presidency of the Council of the European Union.

This plenary meeting focused on **measures for the protection of victims' rights and the fight against cybercrime**.

The first session dealt with ***good practices and problems in supporting victims of terrorist attacks***. A presentation based on experience from the Brussels attacks, which took place at Brussels Airport in Zaventem and Maalbeek metro station on 22 March 2016, was delivered by the EJM National Correspondent for Belgium.

The meeting continued with a session dedicated to ***victims of crimes access to justice***. A representative of the *Fundamental Rights Agency (FRA)* presented the main findings of a study on victims' access to justice.



47th plenary meeting family picture

The latest developments in the Area of Victims' Rights were presented by the *European Commission*. The Victims' Directive and its wide scope was underlined; it ensures minimum rights for all victims of all types of crimes.

The transposition of the Victims' Directive into national legislation of the Member States is a difficult process. Thus, more than half of the Member States had not yet fully transposed the Directive and consequently the Commission has been obliged to initiate infringement

procedures against those Member States. However, above all the Commission wants a constructive dialogue with the Member States in question.

The progress of negotiations on the proposal for a new **Directive on combatting terrorism** was also presented.

Also included in the agenda was a presentation on *the newly created **European Network on Victims' Rights (ENVR)** and the **European Judicial Cybercrime Network (EJCN)***.

A representative of the United States Department of Justice delivered a presentation on ***Obtaining electronic evidence from the United States***, focusing on legal and practical aspects of gathering electronic evidence from the United States.

In addition to the plenary sessions, three workshops were organised addressing the main topics of the plenary meeting.

Workshop 1 dealt with the Complementarity *between the EJN and the European Network on Victims' Rights (ENVR)*. While the EJN and ENVR have different roles and agendas, it is certain that both networks can be complementary. As of yet, cooperation has not been established between the networks but in time it will be. It was concluded that an exchange of information between the two networks would be beneficial. Moreover, it was welcomed that the ENVR would be on the EJN website with relevant information, including details on its members.

Workshop 2 addressed *the role of the EJN in the application of the Victims' Directive - A focus on cases involving terrorist attacks*. The differences in various countries about first measures taken after a terrorist attack were discussed, as well as the dissemination of information and how to deal with foreign victims. During the workshop participants emphasised that information should be given to the victims and their families before it is made public by the press and that it is good practice to engage the press in the process to ensure respect for victims. Finally, it was agreed that more information should be provided on victims' rights on the EJN website and that contact details of authorities that deal with victims be added.

Workshop 3 dealt with ***Electronic Evidence***. The workshop discussed the need for standardised forms for collecting evidence - within and outside the EU - and the question of obtaining e-evidence. The participants agreed that there is a need for forms to be standardised. The EIO form was considered "lengthy and complicated" and a short and concise guide on how to complete the form would be most welcome. Moreover, it was concluded that the EIO form is not suitable for the purpose of gathering e-evidence and therefore the form should be complemented with optional standard texts to be used for this purpose. The EJN should be involved and support the creation of such guidance and standard texts.

It was not considered necessary to create a specific form for Member States that are not party to the EIO. It was suggested that a form used by SK for the purpose of gathering evidence on the basis of Article 29 of the CoE Budapest Convention could be made available on the EJM website.

Regular meeting in The Hague

The 37th regular meeting was held in The Hague on 16 February 2016 under the Netherlands Presidency.



37th Regular meeting

EJM regular business was on the agenda of this meeting, focusing on the Work Programme for 2016.

On this occasion the revised Guidelines on the Structure and Functioning of the EJM and the Guidelines on the EJM meetings were approved.

The EJM Secretariat presented the progress of the measures adopted in the Action plan to follow up the Sixth round of mutual evaluations, the cooperation with e-Justice and the website related projects.

The Contact Points had the opportunity to share information on developments related to judicial cooperation in criminal matters in their Member States.

3.2.2. National Correspondents meeting

The 8th National Correspondents meeting of the European Judicial Network took place in The Hague on 12 October 2016 under the Slovak Presidency of the Council.

The Slovak Presidency presented its priorities and the former Netherlands Presidency presented the outcome of the workshops on cooperation between the EJM and Eurojust held on the occasion of the 46th plenary meeting of the European Judicial Network.



8th National Correspondents meeting

An update of the 2016 Work Programme was presented by the EJM Secretariat. The ongoing points and activities and the general execution of the EJM objectives and activities and the budget execution were presented.

The updated Work Programme for 2017 was presented as a proposal to the National Correspondents, as well as the forecast of the 2018 EJM Work Programme and budget allocation.

The EJM Secretariat showed a first version of the online tool for reporting the EJM Activities. This new tool enables the Contact Points to insert directly and update their data online. National Correspondents were invited to give their feedback and input during the meeting.

The Secretary to the EJM presented the situation concerning the use of the EJM Secure Telecommunication Connection, the legal background which required the EJM to create such a connection as a means of transmitting European arrest warrants and, in future, European

Investigation Orders. The presentation was followed by a discussion regarding the usefulness and user-friendliness of this secure connection.

The matter concerning the definition and status of EJM “Associated Countries” was discussed at this meeting, with the EJM Secretariat presenting the current situation and possible options for the amendment of the EJM Guidelines to this end.

The Secretary to the EJM presented the latest developments regarding discussions with the Commission on cooperation between the EJM and e-Justice, as well as the progress and further steps to be taken to implement the Action plan for the implementation of the recommendations from the sixth round of mutual evaluations.

Moreover, at this meeting the National Correspondents were informed about the main website related projects which had been finalised during 2016 (Compendium, *Fiches Belges*, Info about national systems) and those which will begin during the upcoming months and year (reporting tool, website updates monitoring tool and reorganisation of the Library).

3.2.3. Tool Correspondents meeting

The 15th Tool Correspondents Meeting of the European Judicial Network took place in The Hague on 16 March 2016 under The Netherlands Presidency of the Council of the European Union.



15th Tool Correspondents meeting

The EJM Secretariat explained a proposed monitoring mechanism for the EJM website to ensure that all tools are updated regularly.

The EJM Secretariat then presented a proposal for the reorganisation of the Judicial Library with a view to improved user-friendliness and better presentation of the information.

The Secretary to the European Judicial Network explained that the new EJM website homepage had been launched in December 2015 and was not only re-designed but now also included a new section on “Cooperation with Third Countries and other Judicial Networks”. This new section, developed by the EJM webmaster, offers information about other judicial networks and Contact Points to the EJM around the world.

Information on the progress made with regards to updating the *Fiches Belges* was also provided.

The Tool Correspondents were informed that the updated version of the Compendium was in the final phase of development with the aim of launching it in July the same year. The new version provides support to all mutual recognition instruments and it is more user-friendly, more reliably and better incorporated with the rest of the EJM website.

3.2.4. Regional and National Meetings in the Member States

Nine regional and national meetings organised in the Member States received financial support from the EJM budget during 2016. Thus, regional meetings were organised in Austria, Germany, The Netherlands and Romania and national meetings were organised in Portugal, Romania, Latvia, Poland and the United Kingdom.

In addition to these meetings financed from the EJM budget, other national meetings have been organised in the Czech Republic, Romania and Sweden.

Regional meetings

- **The 17th Annual Meeting of the German EJM Contact Points (and 5th Annual Berlin Regional EJM-Meeting) was held in Berlin on 10 May 2016.** It dealt with practical and legal problems following the implementation of Council Framework Decision 2008/909/JHA of 27 November 2008 on transfer of prisoners. The German hosts had invited EJM Contact Points from Austria, Luxemburg and Poland, who gave an overview of the conditions for enforcing foreign judgements in their countries. In addition, there were reports from the French liaison officer in Berlin and the German counterpart in Paris, with whom the German EJM Contact Points are currently cultivating extremely close and effective cooperation. As usual, the Secretary to the

EJN attended this meeting, delivering presentations on the latest developments regarding the EJN tools and other aspects of practical interest for the participants.

- **The Austrian Contact Points convened a Regional Meeting of the European Judicial Network (EJN) in Bregenz (Province of Vorarlberg) on 26-28 September 2016.** The overall title of the meeting was "Border Rivers". Due to the geographical location of the meeting place in the neighbourhood of Germany, Austria, Switzerland and Liechtenstein, the cross-border dimension was obvious. Contributions from Liechtenstein and Switzerland with regard to obtaining banking information and their system of remedies in cases of mutual legal assistance were therefore of great practical value. The police demonstrated good neighbourhood cooperation, including the practical aspects of information sharing in an extremely efficient manner. A professor of criminal law at Innsbruck University provided an overview of the criteria governing jurisdiction in trans-border criminal cases.
- **On 13-14 October 2016 a regional meeting was organised in Utrecht, the Netherlands,** with participants from the Netherlands, Belgium and Germany. The meeting focused on the transfer of alternative sanctions. Participants came from various relevant professions, such as the Judiciary, Public Prosecution, Ministry of Justice, and Probation Services. Council Framework Decision 2008/947/JHA on probation allows for greater use of transfer of sentences. This meeting was held to provide mutual information about practical working procedures within and between the participating countries. Putting words into practice was the motto of this meeting. The participants worked actively on case studies and simulations. After the meeting the participants were better able to understand each other's situation and better equipped to deal in future with cases concerning transfer of conditional sentences, conditional release and community sentences.
- **On 20-21 October 2016 in Porto the Portuguese Contact Points organised a regional meeting involving judicial authorities from Spain and France.** The aim of the meeting was to discuss concrete problems encountered in bilateral cases; all participants (30 from Portugal, 5 from Spain and 2 from France) were invited to bring a list of problematic issues that were then discussed in 3 workshops. Final results, as well as a preliminary intervention on the EJN and its added value, provided by the Secretariat were shared in a seminar format. The EJN Secretariat presented the latest developments on the EJN website and the new electronic tool for reporting the activities carried out by the EJN Contact Points.
- **On 20-21 October the Romanian Contact Points from the Directorate for the Investigation of Organised Crime and Terrorism (DIICOT) hosted a regional meeting which brought together EJN Contact Points from the EU (Italy, France, Slovakia,**

Belgium), EU candidate countries (Serbia, Montenegro and Turkey) and the Republic of Moldova, in order to explore ways of dealing with serious crime cases with a cross-border dimension.

The meeting focused on a practical approach to achieve effective results in investigating and prosecuting these types of offences, especially since they fall within the competence of the EJM and Eurojust. It was emphasised that the EJM Contact Points are the links between national judicial authorities in order to facilitate judicial cooperation in measures to combat forms of serious crime. From this perspective, close and pragmatic cooperation at institutional and operational level between the EJM and Eurojust is required.

The meeting also turned out to be very useful for participating Romanian prosecutors and judges from Bucharest, Constanta, Ploiesti, Craiova, Pitesti and Brasov, who were able to learn more about the role of the EJM and how the EJM can help them in solving their cases.

The President of Eurojust and the Eurojust National Member for Romania participated in the opening part of the meeting, highlighting the privileged relations between the EJM and Eurojust, based on consultation and complementarity.

The Secretary to the EJM and the Seconded National Expert to the EJM Secretariat represented the EJM Secretariat at the meeting, presenting the role played by the EJM to foster judicial cooperation, synergies with Eurojust, as well as the work carried out by the Secretariat to improve the electronic tools available on the EJM website and strengthen cooperation with other judicial networks and third countries.

National meetings

- **On 3-4 October 2016 a national meeting was organised in Bucharest, Romania, by the Contact Point from the Prosecutor's Office of the High Court of Cassation and Justice, with the topic "EJM - National involvement in the investigation stage of the criminal trial".** The meeting was attended by more than 60 participants, including 5 of the Romanian EJM Contact Points and prosecutors and other members of the Romanian Judicial Network. The General Prosecutor of Romania opened the meeting. In the opening speech he highlighted the necessity and importance of international judicial cooperation at the present time and emphasised the role of the EJM in expediting proceedings and overcoming difficulties. The Romanian Desk at Eurojust was represented by the Deputy National Member.

Presentations were given about the EJM in general and the activities of the EJM in Romania in particular, including the activities of the Romanian Judicial Network. Information was provided about legislation, tasks, competence, activity, statistics,

the Secretariat and its activities, including the work of the EJM to enlarge cooperation with third countries and partner networks.

On the practical side, the meeting focused on Freezing Orders, the European Protection Order and the future European Investigation Order.

- **On 5 October 2016 the first Latvian national EJM Contact Points meeting “Judicial cooperation - towards proportionality and effectiveness” took place in Riga,** involving more than 50 participants (prosecutors, judges and police officers).

The meeting was divided into three parts: the first part introduced participants to a wide range of cooperation instruments and information systems that facilitate faster handling of cross-border issues, such as EJM, Eurojust, Schengen Information System, European Criminal Records Information System (ECRIS), the Swedish initiative tools, Europol and Interpol.

In the second part, participants were informed about the progress of the European Investigation Order (EIO) and the principles of proportionality and effectiveness regarding the European Arrest Warrant were discussed.

The third part was dedicated to workshops where the practical application of existing instruments and the EIO was discussed.

Summarising the meeting, it was concluded that information on judicial cooperation tools should also be disseminated at national level between all the websites of the central authorities, including the list of persons for consultative purposes. Further discussion on the principles of proportionality and effectiveness is needed and more training sessions on EIO should be organised in the near future.

- **The 5th national meeting of Polish Contact Points was held in Warsaw on 17 October 2016.** The main aim of the meeting was to discuss daily issues relevant to the EJM Contact Points work, but also to update participants on developments in judicial cooperation within the EU, taking into account new legislation, especially the upcoming deadline for the transposition of the EIO Directive, the jurisprudence of the CJEU in criminal matters, as well as new national regulations (e.g. guidelines on cooperation with the USA). Additionally, invited guests from the Czech Republic and Germany gave presentations on the organisation of the EJM and the Eurojust National Coordination System (ENCS) in their Member States.
- **In London on 25 and 26 October 2016 UK Contact Points and prosecutors from the UK’s Serious Fraud Office welcomed Contact Points and other specialist prosecutors from Spain, Portugal, Austria, Sweden, Scotland and Guernsey to a**

practical meeting to consider best practice and cooperation in prosecuting complex economic crime.

The aim of the meeting was to: improve cohesion between Contact Points on matters relating to complex economic crime by sharing recent developments and promoting best practice, including discussions of overarching issues regarding the operation of MLA in the respective jurisdictions of the participants of the meeting; promote Contact Points' engagement with the EJM; increase understanding about the EJM website and the available tools; and generate ideas for the better utilisation and future development of the EJM website, including making available within the website more material relevant to serious economic crime.

Speakers from the different jurisdictions gave presentations covering the most important matters and difficult areas that require further elaboration.

The meeting also looked at the EJM website and how it could be used to present information of the type shared at the meeting and the sharing of experiences in relation to the use of instruments for the mutual recognition of confiscation and freezing orders. To this end, the Secretary to the EJM presented the latest developments and the work carried out by the Secretariat to continuously update and enhance the EJM e-tools.

The Director of the Serious Fraud Office gave a presentation on Deferred Prosecution Agreements which was well received and generated lively debate.

Section 4

Cooperation with partners and third countries

During 2015 and 2016 the EJM strengthened its operational cooperation with judicial cooperation bodies and networks and third countries by expanding its contacts and participating in meetings of partner networks.

Moreover, the EJM promoted close institutional cooperation with European Union institutions, the Council of Europe, the European Judicial Training Network and other partners.

4.1. Privileged relations with Eurojust

The EJM maintained close cooperation with Eurojust, based on consultation and complementarity, both at operational and institutional levels.

From an operational perspective, day-to-day collaboration between the EJM Contact Points and Eurojust national desks is intended to avoid overlapping and ensure the allocation of cases in accordance with the competence of each entity. To this end, the EJM National Correspondents and other EJM Contact Points participated in meetings and activities of the Eurojust National Coordination Systems

At institutional level, collaboration was ensured by the active participation of the EJM Secretariat in the activities of the EJM and Liaison Magistrates team of the College of Eurojust, joint work with this team on the implementation of the recommendations regarding the EJM and Eurojust from the Sixth round of mutual evaluations and the meeting of the Eurojust Presidency Team with the EJM Presidency Board.

In order to promote awareness on the complementary roles of EJM and Eurojust, representatives of the latter were invited to EJM regional and national meetings, while EJM Contact Points participated in roadshows and marketing seminars organised by Eurojust. Moreover, at the 46th plenary meeting held under the Netherlands Presidency in June 2016, the EJM Contact Points had bilateral workshops with their respective national desk at Eurojust.

In addition, the Secretary to the EJM attended the Consultative Forum of Prosecutors General hosted by Eurojust on 5 June 2015 and the EJM Secretariat and an EJM Contact Point participated in a Eurojust meeting on the development of a Best Practice Guide for judicial cooperation in relation to major sports events (17-18 June 2015). The Secretary to the EJM also participated in the Eurojust Strategic seminar “Keys to Cyberspace” held in The Hague on 2 June 2016.

Eurojust representatives attended the EJM plenary meetings.

4.2. Cooperation with other judicial networks

During 2015 and 2016, the European Judicial Network continued its cooperation with judicial networks outside the EU, which share the same general objectives of facilitating judicial cooperation in criminal matters.

The new section on *Cooperation with third countries and judicial networks* presented on the EJM website at the beginning of 2016, which provides online access for EJM Contact Points to

view details of the members of other networks around the world, was a great improvement for the functioning of the EJM in relation to countries beyond EU borders.

JITs Experts Network and Genocide Network

Since the secretariats of the Network of National Experts on Joint Investigation Teams and the Network of Contact Points for persons responsible for genocide, crimes against humanity and war crimes are located at Eurojust, closer cooperation with this network is natural.

The Secretary to the EJM participated in the 11th annual meeting of the Joint Investigation Teams Network of Experts held in The Hague on 11-12 June 2015, and in the 12th annual meeting of this network held in The Hague on 15-16 June 2016.

The EJM Secretariat and the JITs Network Secretariat met in 2015 and 2016 on several occasions and agreed on a number of actions intended to improve cooperation between the two networks: sharing information on the Contact Points of the two networks, presentation of the JITs Network and its products on the EJM website and presentation of the EJM on the JITs restricted area of the EJM website, presentations by the Head of the JITs Network Secretariat in EJM meetings and the active participation of the EJM Secretariat in annual meetings of the JITs Network.

The EJM Secretariat participated in the 18th and the 20th meeting of the Network of Contact Points for persons responsible for genocide, crimes against humanity and war crimes in The Hague on 22 - 23 April 2015 and on 24 May 2016 respectively, as well as in the EU Day against impunity organised by this Network on 23 May 2016.

European Judicial Cybercrime Network (EJCN)

The EJM welcomed the creation in June 2016 of the European Judicial Cybercrime Network (EJCN) and dedicated parts of its 46th and 47th plenary meetings to discussing the relationship with this newly established network and important partner to the EJM.

Moreover, on 24 November 2016 the Secretary to the EJM participated in the inaugural meeting of the EJCN at the Eurojust premises in The Hague.

South East European Prosecutors Advisory Group (SEEPAG)

The EJM Secretariat attended the 26th Conference of the South East European Prosecutor's Advisory Group (SEEPAG), held in Chişinău, Republic of Moldova, on 28 April 2015 and the 27th Conference of SEEPAG which took place in Podgorica, Montenegro, on 20-21 September 2016.

Western Balkans Prosecutors Network (WBPB)

The Secretary to the EJM participated in the meetings of the Steering Committee⁸ of the IPA Project Team of the Western Balkans Prosecutors Network and had several working meetings with this Project team. On 27 September 2016 the EJM Secretariat hosted at the Eurojust premises in The Hague a delegation of the "tool correspondents" of the Western Balkan Prosecutors Network (WBPB), sharing best practices in creating a website similar to the EJM website and discussing ways of cooperation for publication on the EJM website of useful information about the countries participating in the WBPB.

European Judicial Network in civil and commercial matters

The EJM Secretariat attended the annual meeting of the EJM in civil and commercial matters, which took place in Brussels on 21-22 January 2016.

4.3. Cooperation with EU institutions

The EJM had extremely good cooperation with the General Secretariat of the Council of the European Union and the European Commission, especially regarding the e-Justice project, preparations for the entry into force of the Directive on the European Investigation Order in criminal matters and the update of the status of implementation section of the EJM website.

The Secretary to the EJM and other EJM Secretariat representatives participated in the meetings of CATS⁹, GENVAL¹⁰, the COPEN Working Party¹¹, e-Justice/e-Law Working Party¹²,

⁸ Rome 15 April 2015 and Munich 20-21 April 2016.

⁹ 17-18 November 2016.

¹⁰ 3 February 2016.

¹¹ 18 June 2015, 10 December 2015, 13 April 2016 and 16 December 2016.

experts meetings organised by the European Commission¹³ and had bilateral meetings with the General Secretariat of the Council and the Commission¹⁴.

The Secretary to the EJM presented the EJM report for 2013 and 2014 and planned activities to the LIBE Committee of the European Parliament.

4.4. Cooperation with international organisations

During 2015 the EJM Secretariat continued its cooperation with the Council of Europe, especially its Committee on Crime Problems (CDPC) and the Committee of experts on the operation of the European Conventions on Cooperation in Criminal Matters (PC-PC).

Relations with the United Nations Office on Drugs and Crime (UNDOC) focused mainly on providing the EJM's know-how for establishing similar networks in other regions of the world.

4.5. Partnership with the European Judicial Training Network (EJTN)

The EJM Secretariat continued to participate in the EJTN Contact Point meetings organised in Brussels in 2015 and 2016 and attended the General Assemblies of the EJTN which took place in Riga, Latvia, on 15-16 June 2015 and in Amsterdam, The Netherlands, on 9-10 June 2016.

In accordance with the established cooperation with the EJTN, EJM Contact Points from the host countries delivered presentations on the role of the EJM in fostering judicial cooperation in criminal matters in the EJTN "EAW and MLA simulations" organised in 2015 in Madrid, Budapest, Stockholm, Bucharest, Sofia and Lisbon and in 2016 in Thessaloniki, Madrid, Riga and Lublin.

Moreover, in 2015 the EJM Secretariat cooperated with the EJTN in providing legal language training to EJM Contact Points.

¹² 19 June and 8 September 2015.

¹³ 10 February 2015 – on strengthening mutual recognition of freezing and confiscation orders; 12 October 2015 and 15 March 2016 – on the right of access to a lawyer; 18 May 2016, 4 October 2016 and 9 November 2016 – on the EIO.

¹⁴ 28 October 2016.

Chapter III

Criminal policy matters and proposals to improve judicial cooperation in criminal matters

Section 1

General aspects

During 2015 and 2016 the European Judicial Network took advantage of the opportunities offered by the plenary meetings and the regional and national meetings organised in the Member States to discuss various practical issues raised in the application of legal instruments on international judicial cooperation in criminal matters. Moreover, at the regular meetings the Contact Points had the opportunity to share the latest developments in their countries on judicial cooperation in criminal matters.

In the meetings organised in 2015 and 2016 particular attention was paid to the new legal instruments, based on the principle of mutual recognition, and the procedural rights directives.

The EJM Contact Points also discussed the prospect of the entry into force on 22 May 2017 of Directive 2014/41/EU on the European Investigation Order in criminal matters.

In the years covered in this report the recurrent issues of *delay in execution of requests* and *poor quality of translations* were raised again by practitioners. They also mentioned the problem of *successive changes to the legislation on international judicial cooperation and the complexity generated by the different levels of transposition of EU legislation by the Member States*. Thus, the EJM Contact Points observed that implementation itself of the legal instruments is not the main difficulty concerning judicial cooperation, but rather the varying speed of transposition of EU legal instruments in the Member States. This leads to significant differences in the legal framework and it is time-consuming and difficult to keep abreast of the progress in the implementation process of every Member State.

In addition, a significant problem for judicial cooperation is the *considerable differences which still exist between legal systems of Member States*, especially with regard to transfer of sentenced persons and execution of EAWs.

Another problematic issue identified is the *transmission of classified information and personal data*.

At the 44th plenary meeting of the EJP in Riga one of the matters discussed was the practical application of Council Framework Decision 2008/909/JHA on Transfer of Prisoners. Among the problems posed by this instrument were, from the perspective of issuing states: *incomplete certificates, lack of or poor translations and lack of communication between authorities involved*. From the perspective of executing states, the following were identified as the most common problems: *short time limits* provided by Art. 12 and 15 (90 days to decide, 30 days to complete the transfer), lack of communication and problems regarding the adaptation of the sentence (e.g. between Italy and Romania). The participants in one of the workshops organised at that meeting considered *translation-related problems* to be a very complex issue. One of the common dilemmas concerning translation is the extent of information requested or provided. In other words, should the entire documentation be translated or is it enough to translate only principal documents? In any case, important segments, such as early release provisions, should always be included. One factor to consider when discussing translation is the considerable delays caused if large amounts of documentation are to be translated.

The relationship between the EAW and the Framework Decision on Transfer of Prisoners (FD 2008/909/JHA) was also discussed at the 44th plenary meeting. It was noted that although the entry into force of the latter facilitates the application of Art. 4(6) and 5(3) of the EAW Framework Decision by covering a legislative gap (it makes it easier to take over the enforcement of a sentence in the executing Member States of an EAW), a problem may still occur in cases where the conditions for enforcement under the Framework Decision 2008/909/JHA are not met.

Other typical problems raised were: Member States failing to provide information about the outcome of the relevant proceedings; the condition of enforcing financial obligations (e.g. paying damages caused to the victim, covering judicial costs) of the sentenced person in the sentencing state before his/her transfer to the Member State of origin; prison conditions and other human rights considerations.

Specific problems were identified during the 45th plenary meeting in Luxembourg as regards the application of the procedural rights directives, and mainly of the right to interpretation and the right to access to a lawyer. Thus, regarding the right to interpretation, in some Member States, as opposed to the text of Directive 2010/64/EU on the Right to Interpretation in Criminal Proceedings, oral interpretation during police questioning is the norm, whereas written translation is an exception. In practice it is the quality of interpretation that makes a huge difference. Some national laws do not stipulate who should make the interpretation and how it is to be made and, as a result, an interpreter is not always used (or available) at police hearings and other officials may also act as interpreters.

Allocation of cases between EJP and Eurojust is a matter of interest discussed in previous years, including in the context of the sixth round of mutual evaluations. It was one of the

major issues addressed at the 46th plenary meeting in Amsterdam, which focused on cooperation between EJM and Eurojust.

As addressed at the 47th plenary meeting under the Slovak Presidency, gathering electronic evidence is currently one of the most challenging matters for judicial cooperation.

Cooperation with third countries was also regarded as a matter of major interest and, to this end, the EJM Contact Points welcomed the opening up of the EJM to operational cooperation with similar networks from other regions of the world and the appointment of contact points from third countries to the EJM.

Section 2

Proposals to improve judicial cooperation in criminal matters

At the 36th regular meeting of the European Judicial Network it was pointed out that the language-related issue is becoming increasingly cumbersome for practitioners. Therefore, it was suggested that it would be beneficial to make it obligatory for Member States to accept another language other than their own in these situations.

As far as the problems related to the transfer of prisoners under Council Framework Decision 2008/909/JHA, the European Commission's Handbook on this legal instrument, once finalised, will be very helpful. Other potential measures regarding this matter are training of practitioners, translation of documents (key excerpts from judgments, at the very least), factsheets for both practitioners and prisoners and regional meetings between relevant countries.

Regarding the EAW, the new Handbook to be finalised by the Commission will represent an additional tool assisting practitioners dealing with this crucial legal instrument. Training on recent case law of the EU Court of Justice regarding the EAW is essential for the correct application in practice of this EU legal instrument.

Among the solutions to mitigate the problems concerning the allocation of cases between the EJM and Eurojust, arising out of the discussions at the workshops held on the occasion of the 46th plenary meeting of the EJM, can be mentioned: the revision of the Joint paper on the roles of EJM and Eurojust, further exploration of the Eurojust National Coordination System (ENCS) and the "double hat EJM/Eurojust" role played by some persons appointed by the Member States to the two entities.

The electronic tools available on the EJM website, such as the Contact Points database, Judicial Library, the Judicial Atlas, the *Fiches Belges*, the Compendium and the new section

on cooperation with third countries and judicial networks offer effective solutions to some of the problems raised.

Further use of modern technologies in communicating judicial cooperation requests should be explored.

As far as the EJM is concerned, the Member States are encouraged to appoint Contact Points who meet the main criteria provided for in the EJM Decision, namely expertise in dealing with judicial cooperation in criminal matters and good language skills.

EJM Presidencies and the EJM Secretariat in 2015-2016

In 2015 and 2016 the European Judicial Network worked under the Latvian, Luxembourg, Netherlands and Slovak Presidencies of the Council of the European Union, supported by the EJM Secretariat.

According to Article 2(8) of the EJM Decision, the EJM Secretariat is “responsible for the administration of the Network.” According to Article 25a and recitals 19 and 20 of the Eurojust Decision, the EJM Secretariat is a separate unit within the Eurojust administration, which “*may draw on the administrative resources of Eurojust which are necessary for the performance of the European Judicial Networks tasks, including for covering the costs of the plenary meetings of the Network.*” In addition, Article 11 of the EJM Decision provides that “*In order for the European Judicial Network to be able to carry out its tasks, the budget of Eurojust shall contain a part related to the activities of the Secretariat of the European Judicial Network.*”

Consequently, the EJM Secretariat is accountable to two main stakeholders: the Contact Points of the European Judicial Network and the Administrative Director of Eurojust.

The work of the EJM Secretariat is reflected in the full execution of the EJM Work Programmes 2015 and 2016, as described in Chapter II.

In the reporting period, the structure of the EJM Secretariat was as follows:

- 5 Temporary Agents, AD 9 (1) AD 6 (1), AD 5 (2), AST 4 (1);
- 1 Seconded National Expert;
- 1 Contract Agent (FG II).

During 2015-2016, the members of the EJM Secretariat were:

- Secretary to the EJM and Head of the EJM Secretariat, **Mr Ola LÖFGREN**
- Secretariat Coordinator, **Ms Maria João ALMEIDA GOMES**
- Legal specialist, **Ms Iana Gabriela LIPARA**
- Legal specialist, **Ms Ele-Marit EMOIS**
- Seconded National Expert, **Mr Florin-Răzvan RADU**
- Webmaster, **Mr Remco NIGGEBRUGGE**
- Administrative assistant, **Ms Sylvia APOSTOLOVA**



Annex 1

Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 31 and 34(2)(c) thereof,

Having regard to the initiative of the Kingdom of Belgium, the Czech Republic, the Republic of Estonia, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic and the Kingdom of Sweden,

Having regard to the opinion of the European Parliament [1],

Whereas:

(1) By Joint Action 98/428/JHA [2], the Council set up the European Judicial Network which has demonstrated its usefulness in the facilitation of judicial cooperation in criminal matters.

(2) In accordance with Article 6 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union [3], mutual legal assistance takes place through direct contacts between competent judicial authorities. This decentralisation of mutual legal assistance is now widely implemented.

(3) The principle of mutual recognition of judicial decisions in criminal matters is being implemented gradually. It not only confirms the principle of direct contacts between competent judicial authorities, it also accelerates the procedures and makes them entirely judicial.

(4) The impact of these changes on judicial cooperation was further increased by the enlargement of the European Union in 2004 and 2007. Because of this evolution, the European Judicial Network is even more necessary than at the time of its creation and should therefore be strengthened.

(5) By Decision 2002/187/JHA [4], the Council set up Eurojust to improve coordination and cooperation between competent authorities of the Member States. Decision 2002/187/JHA provides that Eurojust is to maintain privileged relations with the European Judicial Network based on consultation and complementarity.

(6) Five years of coexistence of Eurojust and the European Judicial Network have demonstrated both the need to maintain the two structures and the need to clarify their relationship.

(7) Nothing in this Decision should be construed to affect the independence that contact points may have under national law.

(8) It is necessary to strengthen judicial cooperation between the Member States and to allow contact points of the European Judicial Network and Eurojust for this purpose to communicate, whenever needed, directly and more efficiently through a secure telecommunications connection.

(9) Joint Action 98/428/JHA should therefore be repealed and replaced by this Decision,

HAS DECIDED AS FOLLOWS:

Article 1

Creation

The network of judicial contact points set up between the Member States under Joint Action 98/428/JHA, hereinafter referred to as the "European Judicial Network", shall continue to operate in accordance with the provisions of this Decision.

Article 2

Composition

1. The European Judicial Network shall be made up, taking into account the constitutional rules, legal traditions and internal structure of each Member State, of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation.

2. One or more contact points of each Member State shall be established in accordance with its internal rules and internal division of responsibilities, care being taken to ensure effective coverage of the whole of its territory.

3. Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network.

4. Each Member State shall appoint a tool correspondent for the European Judicial Network.

5. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States.

6. Where the liaison magistrates referred to in Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union [5] have been appointed in a Member State and have duties analogous to those assigned by Article 4 of this Decision to the contact points, they shall be linked to the European Judicial Network and to the secure telecommunications connection pursuant to Article 9 of this Decision by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that Member State.

7. The Commission shall designate a contact point for those areas falling within its sphere of competence.

8. The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the Network.

Article 3

Manner of operation of the Network

The European Judicial Network shall operate in particular in the following three ways:

- (a) it shall facilitate the establishment of appropriate contacts between the contact points in the various Member States in order to carry out the functions laid down in Article 4;
- (b) it shall organise periodic meetings of the Member States representatives in accordance with the procedures laid down in Articles 5 and 6;
- (c) it shall constantly provide a certain amount of up-to-date background information, in particular by means of an appropriate telecommunications network, under the procedures laid down in Articles 7, 8 and 9.

Article 4

Functions of contact points

1. The contact points shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in actions to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own Member State, contact points in the other Member States and local judicial and other competent authorities in the other Member States to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States contact points, on the basis of an agreement between the administrations concerned.

2. The contact points shall provide the local judicial authorities in their own Member State, the contact points in the other Member States and the local judicial authorities in the other Member States with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

3. At their respective level the contact points shall be involved in and promote the organisation of training sessions on judicial cooperation for the benefit of the competent authorities of their Member State, where appropriate in cooperation with the European Judicial Training Network.

4. The national correspondent, in addition to his tasks as a contact point referred to in paragraphs 1 to 3, shall in particular:

- (a) be responsible, in his Member State, for issues related to the internal functioning of the Network, including the coordination of requests for information and replies issued by the competent national authorities;
- (b) be the main person responsible for the contacts with the Secretariat of the European Judicial Network including the participation in the meetings referred to in Article 6;

(c) where requested, give an opinion concerning the appointment of new contact points.

5. The European Judicial Network tool correspondent, who may also be a contact point referred to in paragraphs 1 to 4, shall ensure that the information related to his Member State and referred to in Article 7 is provided and updated in accordance with Article 8.

Article 5

Purposes and venues of the plenary meetings of contact points

1. The purposes of the plenary meetings of the European Judicial Network, to which at least three contact points per Member State shall be invited, shall be as follows:

(a) to allow the contact points to get to know each other and exchange experience, particularly concerning the operation of the Network;

(b) to provide a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation, in particular with regard to the implementation of measures adopted by the European Union.

2. The relevant experience acquired within the European Judicial Network shall be passed on to the Council and the Commission to serve as a basis for discussion of possible legislative changes and practical improvements in the area of international judicial cooperation.

3. Meetings referred to in paragraph 1 shall be organised regularly and at least three times a year. Once a year, the meeting may be held on the premises of the Council in Brussels or on the premises of Eurojust in The Hague. Two contact points per Member States shall be invited to meetings organised on the premises of the Council and at Eurojust.

Other meetings may be held in the Member States, to enable the contact points of all the Member States to meet authorities of the host Member State other than its contact points and visit specific bodies in that Member State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime. The contact points participate in these meetings at their own expense.

Article 6

Meetings of the correspondents

1. The European Judicial Network national correspondents shall meet on an ad hoc basis, at least once a year and as its members deem appropriate, at the invitation of the national correspondent of the Member State which holds the Presidency of the Council, which shall also take account of the Member States wishes for the correspondents to meet. During these meetings, administrative matters related to the Network shall in particular be discussed.

2. The European Judicial Network tool correspondents shall meet on an ad hoc basis, at least once a year and as its members deem appropriate, at the invitation of the tool correspondent of the Member State which holds the Presidency of the Council. The meetings shall deal with the issues referred to in Article 4(5).

Article 7

Content of the information disseminated within the European Judicial Network

The Secretariat of the European Judicial Network shall make the following information available to contact points and competent judicial authorities:

- (a) full details of the contact points in each Member State with, where necessary, an explanation of their responsibilities at national level;
- (b) an information technology tool allowing the requesting or issuing authority of a Member State to identify the competent authority in another Member State to receive and execute its request for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition;
- (c) concise legal and practical information concerning the judicial and procedural systems in the Member States;
- (d) the texts of the relevant legal instruments and, for conventions currently in force, the texts of declarations and reservations.

Article 8

Updating of information

1. The information distributed within the European Judicial Network shall be constantly updated.
2. It shall be each Member State's individual responsibility to check the accuracy of the data contained in the system and to inform the Secretariat of the European Judicial Network as soon as data on one of the four points referred to in Article 7 need to be amended.

Article 9

Telecommunication tools

1. The Secretariat of the European Judicial Network shall ensure that the information provided under Article 7 is made available on a website which is constantly updated.
2. The secure telecommunications connection shall be set up for the operational work of the contact points of the European Judicial Network. The setting up of the secure telecommunications connection shall be at the charge of the general budget of the European Union.

The setting up of the secure telecommunications connection shall make possible the flow of data and of requests for judicial cooperation between Member States.

3. The secure telecommunications connection referred to in paragraph 2 may also be used for their operational work by the national correspondents for Eurojust, national correspondents for Eurojust for terrorist matters, the national members of Eurojust and liaison magistrates appointed by Eurojust. It may be linked to the Case Management System of Eurojust referred to in Article 16 of Decision 2002/187/JHA.

4. Nothing in this Article shall be construed to affect direct contacts between competent judicial authorities as provided for in instruments on judicial cooperation, such as Article 6 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union.

Article 10

Relationship between the European Judicial Network and Eurojust

The European Judicial Network and Eurojust shall maintain privileged relations with each other, based on consultation and complementarity, especially between the contact points of a Member State, the Eurojust national member of the same Member State and the national correspondents for the European Judicial Network and Eurojust. In order to ensure efficient cooperation, the following measures shall be taken:

- (a) the European Judicial Network shall make available to Eurojust the centralised information indicated in Article 7 and the secure telecommunications connection set up under Article 9;
- (b) the contact points of the European Judicial Network shall, on a case-by-case basis, inform their own national member of all cases which they deem Eurojust to be in a better position to deal with;
- (c) the national members of Eurojust may attend meetings of the European Judicial Network at the invitation of the latter.

Article 11

Budget

In order for the European Judicial Network to be able to carry out its tasks, the budget of Eurojust shall contain a part related to the activities of the Secretariat of the European Judicial Network.

Article 12

Territorial application

The United Kingdom shall notify in writing the President of the Council when it wishes to apply this Decision to the Channel Islands and the Isle of Man. A decision on that request shall be taken by the Council.

Article 13

Assessment of the operation of the European Judicial Network

1. Every second year from 24 December 2008, the European Judicial Network shall report to the European Parliament, the Council and the Commission on its activities and management.
2. The European Judicial Network may, in the report referred to in paragraph 1, also indicate any criminal policy problems within the European Union highlighted as a result of the European Judicial Network's activities and it may also make proposals for the improvement of judicial cooperation in criminal matters.

3. The European Judicial Network may also submit any report or any other information on its operation which may be requested by the Council.

4. The Council shall, every four years from 24 December 2008, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission in cooperation with the European Judicial Network.

Article 14

Repeal of Joint Action 98/428/JHA

Joint Action 98/428/JHA is hereby repealed.

Article 15

Taking of effect

This Decision shall take effect on the day of its publication in the Official Journal of the European Union.

Done at Brussels, 16 December 2008.

For the Council

The President

R. Bachelot-Narquin

[1] Opinion delivered on 2 September 2008 (not yet published in the Official Journal).

[2] OJ L 191, 7.7.1998, p. 4.

[3] OJ C 197, 12.7.2000, p. 3.

[4] OJ L 63, 6.3.2002, p. 1.

[5] OJ L 105, 27.4.1996, p. 1.

Annex 2

Extract from Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime

Preamble

(19) Eurojust is to maintain privileged relations with the European Judicial Network based on consultation and complementarity. This Decision should help clarify the respective roles of Eurojust and the European Judicial Network and their mutual relations, while maintaining the specificity of the European Judicial Network.

(20) **Nothing in this Decision should be construed to affect the autonomy of the secretariats of the networks** mentioned in this Decision when they discharge their function as Eurojust staff in accordance with the Staff Regulations of Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68 of the Council (3).

[...]

"Article 25a

[...]

(b) **the Secretariat of the European Judicial Network** shall form part of the staff of Eurojust. It shall function as a separate unit. It may draw on the administrative resources of Eurojust which are necessary for the performance of the European Judicial Network's tasks, including for covering the costs of the plenary meetings of the Network. Where plenary meetings are held at the premises of the Council in Brussels, the costs may only cover travel expenses and costs for interpretation. Where plenary meetings are held in the Member State holding the Presidency of the Council, the costs may only cover part of the overall costs of the meeting;".

Annex 3

Extract from the EJM Work Programme 2015

EJM SECRETARIAT WORK PROGRAMME FOR 2015 – BUDGET FORECAST	
ACTIONS & ASSOCIATED ACTIVITIES	BUDGET
Objective 1: Organisation of EJM meetings	
1.1. Providing support for the organisation of Presidency meetings (2)	100,000
1.2. Organisation of the 36 th Regular meeting of the EJM CP's	28,000
1.3. Organisation of the 7 th National Correspondents Meeting	16,000
1.4. Organisation of the 14 th Tools Correspondents meetings	16,000
1.5. Providing support for the organisation of regional meetings	15,000
1.6. Organisation of Trio Meetings/ Task force meetings	1,000
Objective 2: Functioning of the EJM website	
2.1. Maintenance, minor improvements and updates of the website	100,000
Objective 3: Development of the EJM tools for practitioners	
3.1. Project on the EJM Compendium	90,000
3.2. Projects to be decided at the EJM Tools Correspondent meeting	12,000
Objective 4: Functioning of the EJM contact points	
4.1 Training of the EJM Contact Points	20,000
4.2. Report on the operation of the EJM: 2013/2014	8,000
Objective 5: To increase awareness of the EJM among practitioners	
5.1 Activities in different MS to increase awareness of the EJM among	3,000
5.2 Providing support for the organisation of meetings of the EJM Contact Points	15,000
Objective 6: To foster more effective collaboration with other partners	
5.3 & 6.1 Missions	25,000
5.4 & 6.2 Organisation of meetings with actors of judicial cooperation	10,000
Objective 7: To ensure the proper functioning of the EJM Secretariat	
7.1 General	5,000
GRAND TOTAL	464,000

Annex 4

Extract from the EJM Work Programme 2016

EJM SECRETARIAT WORK PROGRAMME FOR 2016 – BUDGET FORECAST	
ACTIONS & ASSOCIATED ACTIVITIES	BUDGET
Objective 1: Organisation of EJM meetings	
1.1. Providing support for the organisation of Presidency meetings (2)	100,000
1.2. Organisation of the 37 th Regular meeting of the EJM CP's	28,000
1.3. Organisation of the 8 th National Correspondents Meeting	16,000
1.4. Organisation of the 15 th Tools Correspondents meetings	16,000
1.5. Providing support for the organisation of regional meetings	16,000
1.6. Organisation of Trio Meetings/ Task force meetings	1,000
Objective 2: Functioning of the EJM website	
2.1. Maintenance, minor improvements and updates of the website	100,000
Objective 3: Development of the EJM tools for practitioners	
3.1. Enhancement of the website tools	90,000
3.2. Projects to be decided at the EJM Tools Correspondent meeting	13,000
Objective 4: Functioning of the EJM contact points	
4.1 Training of the EJM Contact Points	20,000
Objective 5: To increase awareness of the EJM among practitioners	
5.1 Activities in different MS to increase awareness of the EJM among practitioners	8,000
5.2 Providing support for the organisation of meetings of the EJM Contact Points	16,000
Objective 6: To foster more effective collaboration with other partners	
5.3 & 6.1 Missions	25,000
5.4 & 6.2 Organisation of meetings with actors of judicial cooperation	10,000
Objective 7: To ensure the proper functioning of the EJM Secretariat	
7.1 General	5,000
GRAND TOTAL	464,000

Annex 5

Statement of the EJM National Correspondents on cooperation between the EJM website in criminal matters and e-Justice Portal

EJM/2016/1

15 January 2016

COVER NOTE

From: EJM National Correspondents
Subject: Statement of the EJM National Correspondents on the cooperation between the EJM website in criminal matters and e-Justice Portal

The EJM contact points will find hereafter the statement of the EJM National Correspondents on the cooperation between the EJM website in criminal matters and e-Justice Portal, based on the discussions at the 7th National Correspondents Meeting under the Luxembourg Presidency on 7 October in The Hague.

Statement of the EJM National Correspondents on the cooperation between the EJM website in criminal matters and e-Justice Portal

I. Background

The EJM National Correspondents met in The Hague on 7 October 2015. On that occasion they were informed by the representatives of the EJM e-Justice Working Group and the EJM Secretariat about their comments¹⁵ on the Commission “Report on Integration of the EJM criminal website in the European e-Justice Portal” of 6 May 2015 and of the outcome of the meeting with the representatives of the Commission and the General Secretariat of the Council of the European Union, which took place in The Hague on 22 September 2015.

At their meeting on 7 October, the EJM National Correspondents had a comprehensive discussion on the topic of the migration of the EJM website in the European e-Justice Portal. As a conclusion they decided to draft a common statement regarding the cooperation between the EJM website and e-Justice Portal.

II. Cooperation between the EJM website and e-Justice Portal

The EJM National Correspondents **confirm** the view of the EJM Working Group and the EJM Secretariat that **the Commission “Report** on integration of the EJM criminal website in the European e-Justice Portal” of 6 May 2015, **does not meet the guiding principles of the Council Conclusions** of October 2013.¹⁶

The EJM National Correspondents see a need for an in-depth revision of the Commission Report, which would include a change of the philosophy expressed in it regarding the cooperation between the EJM website and e-Justice Portal. In this respect they welcome that the Commission is prepared to work on a revised version of the Report, where all comments expressed in the EJM MEMO of 16 September 2015 would be taken into account.

¹⁵ MEMO of 16 September 2015 with comments from the EJM Secretariat and the EJM Working Group on e-Justice (EJM) on the Report on integration of the EJM criminal website in the European e-Justice Portal of 6 May 2015.

¹⁶ Council doc. 13407/13.

The EJM National Correspondents recall that one of the core functions of the EJM in accordance with the Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network ("the EJM Decision") is to provide information and practical tools for judicial cooperation in a website administrated by the EJM Secretariat and developed by the Member States via the EJM Tool Correspondents. In accordance with Article 9 (1) of the EJM Decision, *"The Secretariat of the European Judicial Network shall ensure that the information provided under Article 7 is made available on a website which is constantly updated."*¹⁷

The EJM National Correspondents underline that the Council Conclusions of October 2013 refer to a cooperation between the EJM website and the e-Justice Portal, with a view of providing access to the EJM website through the European e-Justice Portal and to improve the functionalities of the EJM website. This **cooperation is not an integration** of the EJM website in the e-Justice Portal leading to dissolution of the EJM website in the latter. Thus, nothing in the Council Conclusions should be read as an agreement for the disappearance of the EJM website, which is one of the main means of the EJM to provide judicial authorities with information and practical tools for the facilitation and improvement of international judicial cooperation in criminal matters between the Member States. In this context it is important to underline that the **main target group of the EJM website** are not the EU citizens, but the **judicial authorities** dealing with international judicial cooperation in criminal matters.

It is the opinion of the EJM National Correspondents that the conditions for the cooperation including timeframe, budget, technical solutions and other necessary steps for the "migration" process of the EJM website in the e-Justice Portal have to be **agreed in writing** between the EJM, the Commission and the Council.

The EJM National Correspondents consider that a migration of the EJM website in the e-Justice Portal can take place only provided that it brings an **added value** compared to the current situation. While acknowledging the benefits offered by the cooperation between the EJM website and the e-Justice Portal, the EJM National Correspondents insist on the importance of mitigating any potential risks for the preservation of the EJM website as an essential practical tool for the judicial authorities across the European Union. In this regard, the option to redevelop all EJM

¹⁷ *The Secretariat of the European Judicial Network shall make the following information available to contact points and competent judicial authorities:*

- (a) full details of the contact points in each Member State with, where necessary, an explanation of their responsibilities at national level;*
- (b) an information technology tool allowing the requesting or issuing authority of a Member State to identify the competent authority in another Member State to receive and execute its request for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition;*
- (c) concise legal and practical information concerning the judicial and procedural systems in the Member States;*
- (d) the texts of the relevant legal instruments and, for conventions currently in force, the texts of declarations and reservations.*

tools from scratch represents a major challenge both in terms of the final result and the duplication of efforts and resources.

The EJM National Correspondents underline that only a solution which complies with the conditions in the Council Conclusions and the remarks in the EJM MEMO could be agreed by the EJM.

III. Key principles of the cooperation between the EJM website and e-Justice Portal

The EJM National Correspondents consider the following key principles as a prerequisite for the future cooperation between the EJM website and e-Justice Portal:

- 1. The cooperation between the EJM website and e-Justice Portal must be based on the necessity of preserving the identity, the ownership and the visibility of the EJM website. The cooperation shall respect the obligations of the EJM to provide practitioners with an updated electronic platform of information on judicial cooperation in criminal matters, as stipulated by the EJM Decision, in particular Articles 7 to 9.**
- 2. The cooperation between the EJM website and e-Justice Portal aiming to provide access to the EJM website through the e-Justice Portal must be construed in such a manner that it does not prejudice any of the current functionalities of the EJM website and brings an added value for practitioners. This includes the preservation of the homepage of the EJM website.**
- 3. The conditions for the cooperation between the EJM website and the e-Justice Portal shall be fully in line with the Council Conclusions of October 2013, in particular its paragraph 7, the EJM MEMO of 16 September 2015 and this Statement. These conditions should be agreed in writing between the EJM, the Commission and the Council.**

* * *



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