



EUROPEAN JUDICIAL NETWORK

REPORT ON ACTIVITIES AND MANAGEMENT
2013-14

EUROPEAN JUDICIAL NETWORK

Report on activities and management

2013 - 14

EJN Secretariat

2015

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ABBREVIATIONS AND ACRONYM

CDPC	European Committee on Crime Problems
CNCP	Commonwealth Network of Contact Persons
CNPG	National Council of the Prosecutors-General (Conselho Nacional dos Procuradores-Gerais)
CO	Confiscation order
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
ENFAST	European Network on Fugitive Active Search Teams
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
ICC	International Criminal Court
ICTY	International Criminal Tribunal for the former Yugoslavia
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
RJCLP	Network of Judicial international cooperation of the Portuguese speaking countries
RMCIJ	Judicial Network in Morocco (le Réseau Marocain de Coopération Judiciaire Internationale)
SEEPAG	Southeast European Prosecutors Advisory Group
TC	Tool Correspondent
UNODC	United Nations Offices on Drugs and Crime

FOREWORD: BUILDING ON THE PAST, LOOKING TO THE FUTURE



Mr. Ola Löfgren
Secretary to the EJM

In December 2014, I took over the position of Secretary to the European Judicial Network and Head of the EJM Secretariat, thus at the very end of the period covered by this Report. However, from my previous position as EJM Contact Point and EJM National Correspondent, I can truly say that 2013 and 2014 have been years of important achievements for the European Judicial Network.

In these two years, the EJM has continued to play an important role in improving and facilitating judicial cooperation in criminal matters between the Member States of the European Union and enhanced its cooperation with the authorities from third countries and with its partners.

The activities performed by the EJM Contact Points in 2013 and 2014, as well as the work of the EJM Secretariat in the implementation of the EJM Work Programmes, are built on more than 15 years of existence of the EJM in the European judicial area. The contact points have been able to assist the judicial authorities in a variety of domains, with the view of fostering judicial cooperation in criminal matters.

In the same period, the EJM Secretariat, with the support from the EJM Tool Correspondents, has continued to pay particular attention to the enhancement of the EJM website, as a unique platform of electronic tools to facilitate the work of the practitioners in judicial cooperation in criminal matters. Thus, the Judicial Library has been enriched and currently contains much useful information regarding international instruments for judicial cooperation. In addition, at the end of 2014, a new version of the Judicial Atlas was ready to be launched, to guide practitioners in finding the competent receiving authorities for all types of cross-border measures, both within the field of “classical” mutual legal assistance and those based on mutual recognition instruments, such as freezing and confiscation orders, among others. The EJM will continue to improve the EJM e-tools, ensuring their user-friendliness and constant update.

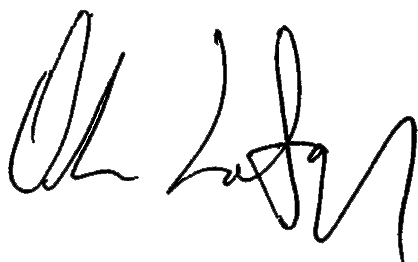
In 2013-14, relations between the EJM and third countries as well as with other similar judicial networks have had an important place on the EJM agenda. The overall goal is to improve the operational capacity of the EJM in relation to countries outside the European Union.

The EJM has come a long way and has gained significant experience in facilitating judicial cooperation in criminal matters. This experience will be used in its future work, both within the EU Member States and in relation to third countries and other judicial networks.

The EJM Secretariat's priority will be to continue to provide the best possible support to the EJM Contact Points and to practitioners, as well as to the EU Presidencies, bearing in mind that the functioning of the EJM relies also on a well-functioning EJM Secretariat.

The EJM has a crucial role to play in the field of international judicial cooperation. I believe that we can provide even better assistance to prosecutors and judges dealing with investigations with international implications.

I wish you a pleasant reading.

A handwritten signature in black ink, appearing to read 'Ola Löfgren', with a stylized, cursive script.

Ola Löfgren

EXECUTIVE SUMMARY

This Report on the activities and management of the European Judicial Network reflects the implementation of the EJM Work Programmes and the activities carried out by the EJM Contact Points during the years 2013 and 2014.

This Report focuses on the core functions of the EJM Contact Points and the administration of the EJM by the EJM Secretariat.

This Report is the third report presented by the EJM after the entry into force of Council Decision 2008/976/JHA on the European Judicial Network, which requires the EJM to present a report to the European Parliament, the Council and the Commission every two years.

As in the previous issues, this Report explains the volume and diversity of work performed by the EJM Contact Points, as active intermediaries in facilitating judicial cooperation in criminal matters between the EU Member States and in relation with third countries.

The number of requests for assistance dealt with by the EJM Contact Points has continued to grow, compared to the previous reporting period. Thus, in 2013-14, the EJM Contact Points have assisted their national judicial authorities or foreign judicial authorities in more than 20 000 cases.

This Report also shows that the EJM website has continued to play an important role. A significant number of visitors have used the e-tools available on the EJM's platform, especially the Judicial Atlas and the Judicial Library. The EJM Secretariat has worked on improving the EJM electronic tools and, at the end of 2014, the new comprehensive Judicial Atlas was technically finalised.

During the covered period, the EJM has intensified its cooperation with partners, with particular attention being paid to the strengthening of cooperation with similar judicial operational networks in criminal matters.

In 2013-14, the EJM Secretariat collaborated closely with the General Secretariat of the Council of the European Union and with the European Commission.

This Report also reflects the main results of the EJM meetings held during this two-year period and contains proposals to improve the legal and institutional framework on international judicial cooperation in criminal matters within the European Union.

ABOUT THE EJN

The European Judicial Network (EJN) is a network of national contact points for the facilitation of judicial cooperation in criminal matters. The EJN was created by Joint Action 98/428 JHA of 29 June 1998 to fulfil recommendation n°21 of the Action Plan to Combat Organised Crime adopted by the Council on 28 April 1997. The EJN was officially inaugurated on 25 September 1998 by the Austrian Minister of Justice acting as the Presidency of the Council of the European Union. The EJN was the first practical structured mechanism of judicial cooperation to become truly operational.

As of 24 December 2008, a new legal basis entered into force, Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (hereinafter the "EJN Decision"), which reinforced the legal status of the EJN, while maintaining the spirit of 1998.

The EJN is composed of Contact Points of the Member States, as well as of representatives of the European Commission, and with a Secretariat based in The Hague.

National Contact Points are designated by each Member State among central authorities in charge of international judicial cooperation, judicial authorities and other competent authorities with specific responsibilities in the field of international judicial cooperation, both in general and for certain forms of serious crime, such as organised crime, corruption, drug trafficking and terrorism.

The appointment of Contact Points takes place according to the constitutional rules, legal traditions and internal structure of each country. The result is the existence of more than 400 Contact Points throughout the 28 Member States.

Among the EJN Contact Points, each Member State shall designate a National Correspondent. A Tool Correspondent shall also be appointed by each Member State to deal with the matters related to the website and the electronic tools of the EJN.

In accordance to the provisions of Article 2(8) of the EJN Decision, the EJN Secretariat is responsible for the administration of the European Judicial Network.

According to Article 25a(b) of Council Decision 2002/187/JHA of 28 February 2002 setting up of Eurojust with a view of reinforcing the fight against serious crime, as amended by Council Decision 2003/659/JHA and by Council Decision 2008/426/JHA of 16 December 2008 on the strengthening of Eurojust (hereinafter the "Eurojust Decision"), the EJN Secretariat forms part of the Eurojust staff, but functions as a separate unit.

As the administrating body of the European Judicial Network, providing the EJN with the necessary professional experience, history and continuity, the EJN Secretariat's tasks, in practical terms, include, *inter alia*:

- ensuring the proper administration of the EJN, with a view to enabling the EJN Contact Points to fulfil their tasks and maintaining the EJN's identity;
- setting up, maintaining and improving the EJN information system/website;
- drafting documents related to the activities of the EJN (including reports referred to in Article 13 of the EJN Decision);
- keeping a general up-to-date record of projects and decisions taken within the EJN;

- providing support to the Member State holding the Presidency of the Council in relation to the organisation of the meetings;
- sharing information on the challenges, achievements, difficulties and any other issues of general interest for the EJM with the EJM Contact Points on a permanent consultation basis (e. g. through a newsletter);
- preparation of draft action plans for the new and ongoing projects of the EJM after consultation with the national correspondents;
- establishing and maintaining relations with other bodies and structures in the field of judicial cooperation in criminal matters within and outside the European Union; and
- promotion of the EJM, including presentation of the EJM in meetings, conferences or other events organised both within and outside the European Union by partners in third countries or international organisations.

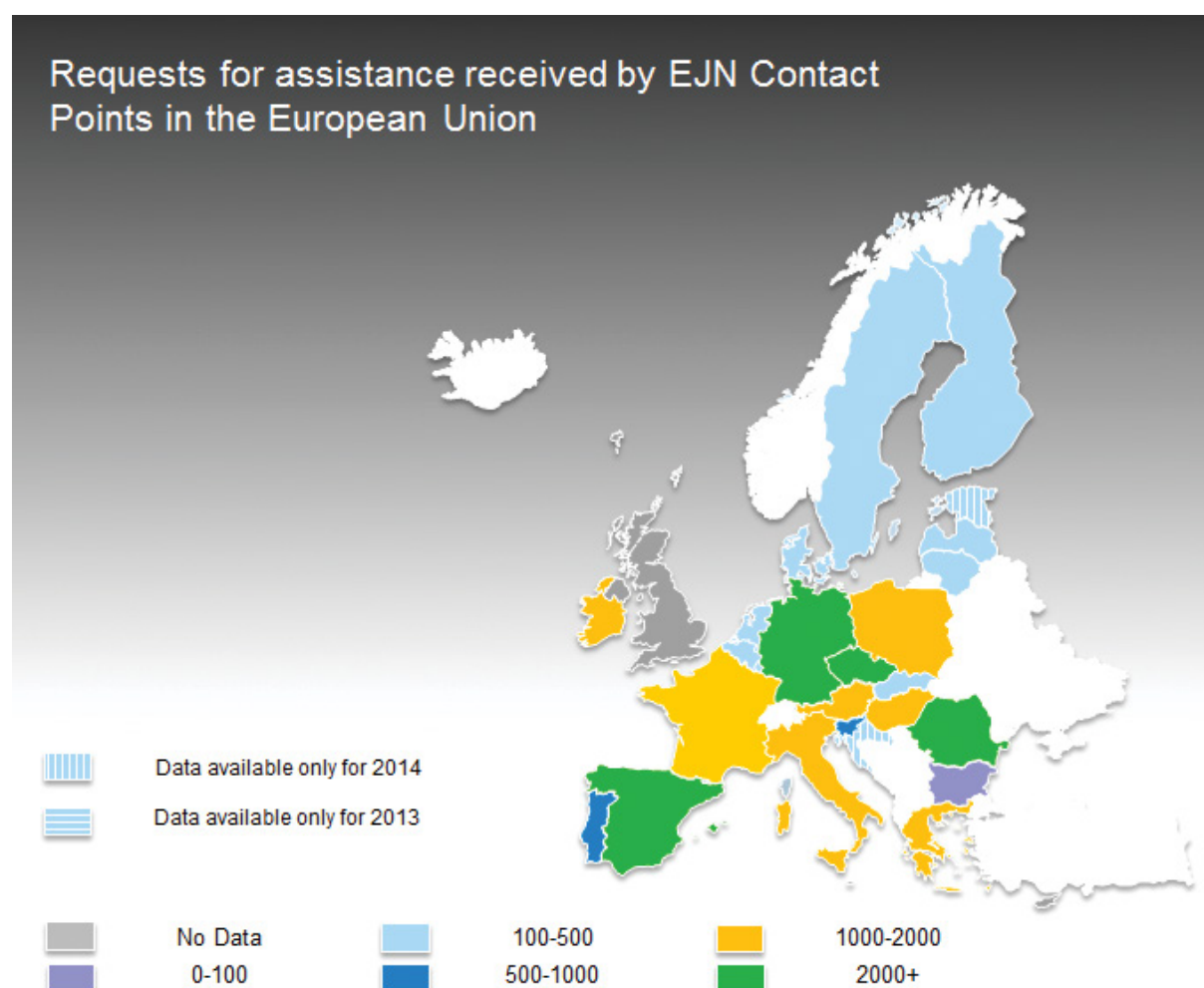
CHAPTER I: OPERATIONAL WORK AND OTHER ACTIVITIES OF THE EJM CONTACT POINTS

In 2013 and 2014, the European Judicial Network continued to play a key role within the European judicial area in criminal matters and to further develop its relations with partners and third countries.

The EJM, through the close relations between its Contact Points, has made a significant contribution to the creation of a European judicial culture, based on mutual trust and mutual understanding.

This period coincided with the carrying out of the sixth round of mutual evaluations on the implementation of the Council Decisions on the EJM and Eurojust, which represented a new opportunity for the EJM to underline its added value in fostering judicial cooperation in criminal matters within the European Union.

Figure 1: Activities of the EJM 2013-2014



1.1 CORE BUSINESS OF THE EJN CONTACT POINTS: FACILITATING JUDICIAL COOPERATION AND FOSTERING DIRECT CONTACT BETWEEN JUDICIAL AUTHORITIES WITHIN THE EUROPEAN UNION

The Contact Points of the European Judicial Network perform their functions in accordance with the provisions of Council Decision 2008/976/JHA, mainly in their own countries, by assisting local and foreign judicial authorities in applying the various legal instruments on international judicial cooperation in criminal matters. Their main role as “active intermediaries”, as defined in the EJN Decision, is to facilitate direct contacts between the judicial authorities of the Member States when faced with practical difficulties.

The EJN Contact Points perform their tasks mainly through direct assistance granted to their colleagues when issuing/requesting or executing a request for judicial cooperation/judicial decision. In addition, they provide general advice on the application of the legal instruments on judicial cooperation in criminal matters and contribute to the development of the electronic tools available on the EJN website. Moreover, the EJN Contact Points are also involved in delivering training in judicial cooperation in criminal matters.

The assistance provided by the EJN Contact Points, based on their know-how and expertise in dealing with judicial cooperation in criminal matters, covers a wide area, from mutual legal assistance *stricto sensu* and the European Arrest Warrant, to the most recent instruments giving effect to the principle of mutual recognition. Bearing in mind the increase in the number of requests/judicial decisions on EAW and MLA in general compared to those based on other legal instruments, the majority of the Contact Points' activities concern mutual legal assistance and the EAW.

Assistance provided in	Requests from National Authorities	Requests from Foreign Authorities
Preparation of an MLA request	3 238	737
Execution of an MLA request	1 579	2 312
Cases of delay in the execution of an MLA request	1 859	1 144
Preparation of the issuing of an EAW	1 300	316
Execution of an EAW	1 206	1 413
Issuance of a freezing order	75	48
Execution of a freezing order	71	33
Preparation of issuance of financial penalties certificate	94	73
Execution of a financial penalties certificate	120	174
Preparation of the issuance of a confiscation order	72	5
Execution of a confiscation order	18	10
Preparation of issuance of custodial sentences certificate	312	35
Execution of a custodial sentences certificate	398	85
Other judicial cooperation procedures	1 271	790
Providing information on foreign/national law	1 494	1 129
TOTAL	13 107	8 304

The EJM Contact Points are mostly involved in facilitating bilateral judicial cooperation, but their involvement in multilateral cases, especially as members of the Eurojust National Coordination Systems, is not excluded.

Due to the fact that the Contact Points are performing this specific role in addition to their regular functions as prosecutors, judges or officials of the national authorities, the many activities they perform in their capacity as EJM Contact Points are not easily itemised.

In 2013-14, the EJM Contact Points assisted as active intermediaries in well over 20 000 cases, compared to approximately 15 000 cases in 2011-12 (see table below).

Figure 2: Total number of requests received by EJM Contact Points

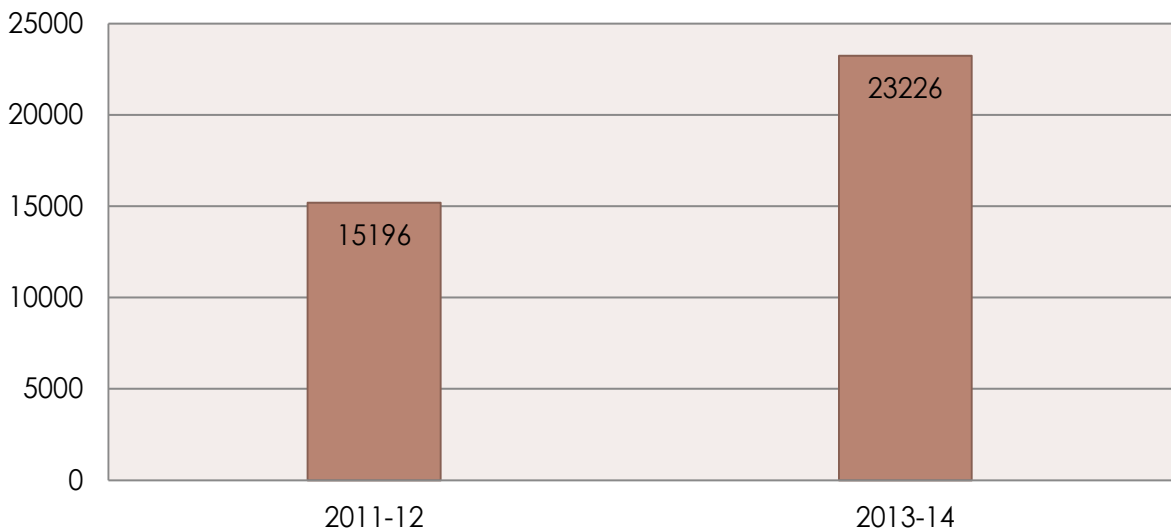
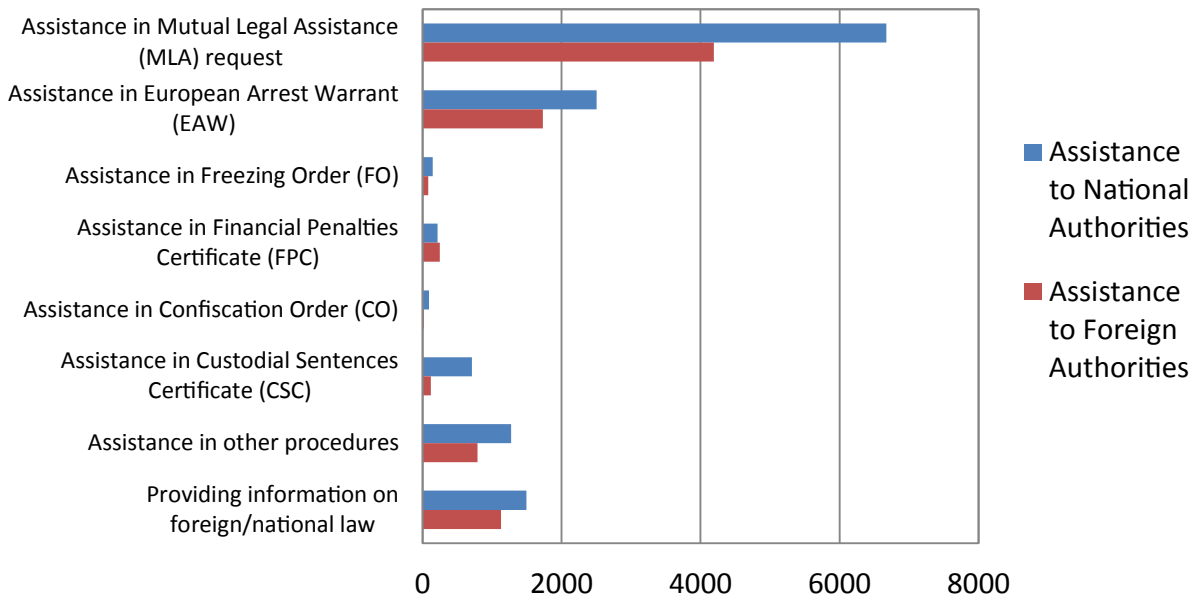


Figure 3: Activities of the EJM Contact Points 2013-2014



1.2 MAIN ACHIEVEMENTS IN 2013-14

1.2.1 FACILITATING THE DRAFTING AND EXECUTION OF REQUESTS FOR MUTUAL LEGAL ASSISTANCE IN CRIMINAL MATTERS

Assisting the judicial authorities in facilitating the drafting and execution of requests for “classical mutual legal assistance”¹ remained one of the core functions of the EJM Contact Points.

The EJM Contact Points continue to give the widest assistance possible to their colleagues in their own country and to the requesting judicial authorities from other countries. They provide valuable information not only on the competent authorities, but also on substantive matters related to the content of a request for mutual legal assistance. In some of the cases, the EJM Contact Points themselves, as judicial authorities, are the requestors of judicial assistance to the authorities in other Member States.

Figure 4: Providing assistance during the preparation of an MLA request 2013-2014

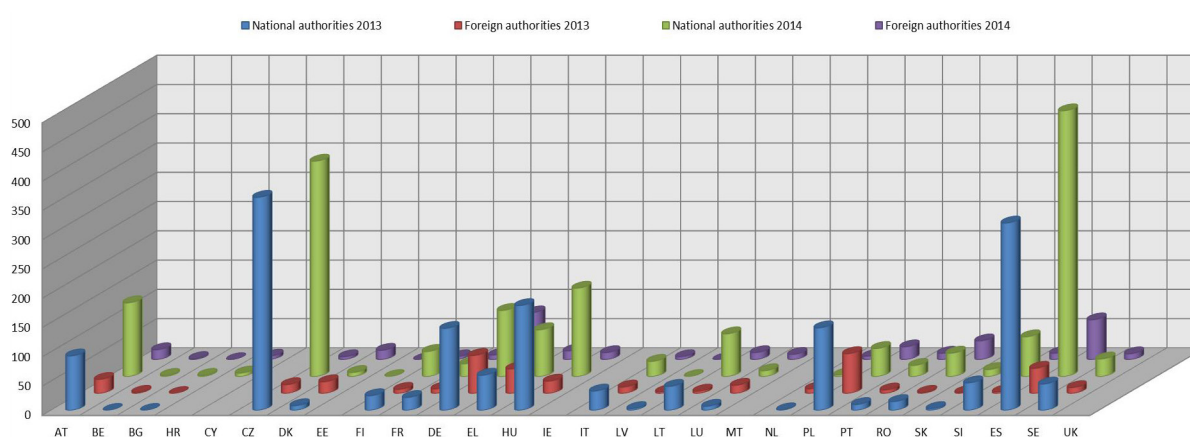
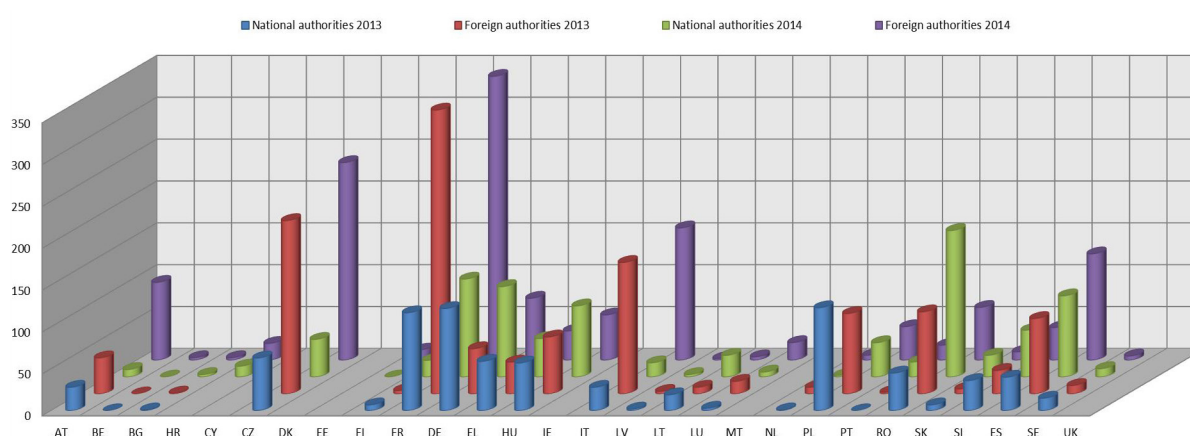
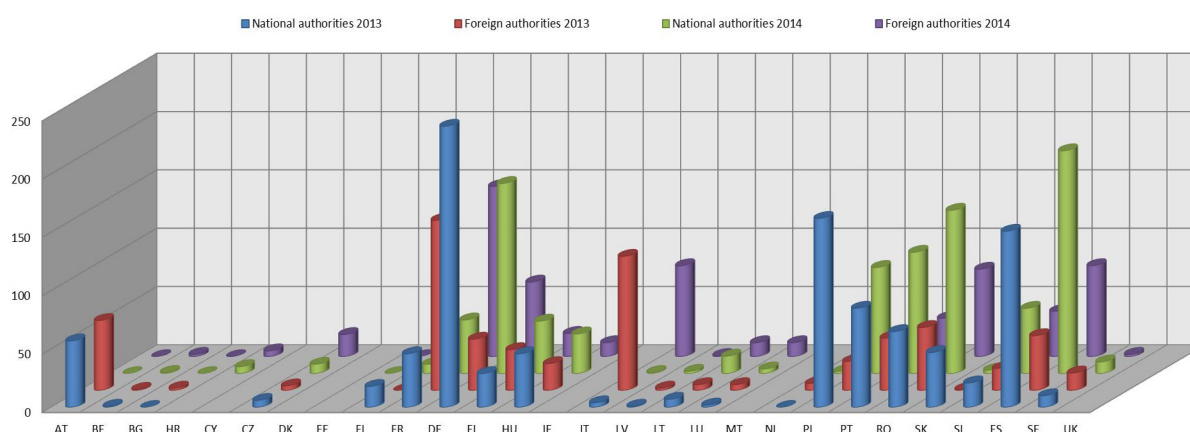


Figure 5: Providing assistance during the execution of an MLA request 2013-2014



¹ On the basis of the European Convention of 20 April 1959 on Mutual Assistance in Criminal Matters (CoE), the Convention of 29 May 2000 on mutual assistance in criminal matters between the Member States of the European Union and other multilateral conventions or bilateral treaties.

Figure 6: Providing assistance in cases of delay in the execution of an MLA request 2013-2014



1.2.2 PROVIDING ASSISTANCE IN ISSUING AND EXECUTING EUROPEAN ARREST WARRANTS

During 2013 and 2014, the European Arrest Warrant² (EAW) continued to represent the area of expertise in which the assistance of the EJM Contact Points was the most required, together with the support related to the request for mutual legal assistance. This is explained also by the fact that EAW procedures are arguably the most commonly used, and facilitating direct contact through the EJM is important.

The EJM Contact Points used their knowledge and experience as experts in judicial cooperation in criminal matters and provided relevant assistance to their colleagues in their own Member State or from other Member States when issuing or executing a EAW. In general terms, their support is demonstrated in various types of assistance, such as providing information on the legal requirements or the competent authorities in their country as executing Member State, speeding-up the execution of a EAW, acting as intermediary in requesting or providing supplementary information, etc.

Some EJM Contact Points were also in touch with their National Desks at Eurojust and facilitated the execution of simultaneous EAWs, following coordination meetings at Eurojust. The figures for 2013 and 2014 show the magnitude of the involvement of the EJM in EAW cases. Thus, the EJM Contact Points assisted the issuing, transmission and execution of 2 008 EAWs in 2013 and of 2 227 EAWs in 2014.

² On the basis of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

Figure 7: Providing assistance during the preparation of the issuing of an EAW 2013-2014

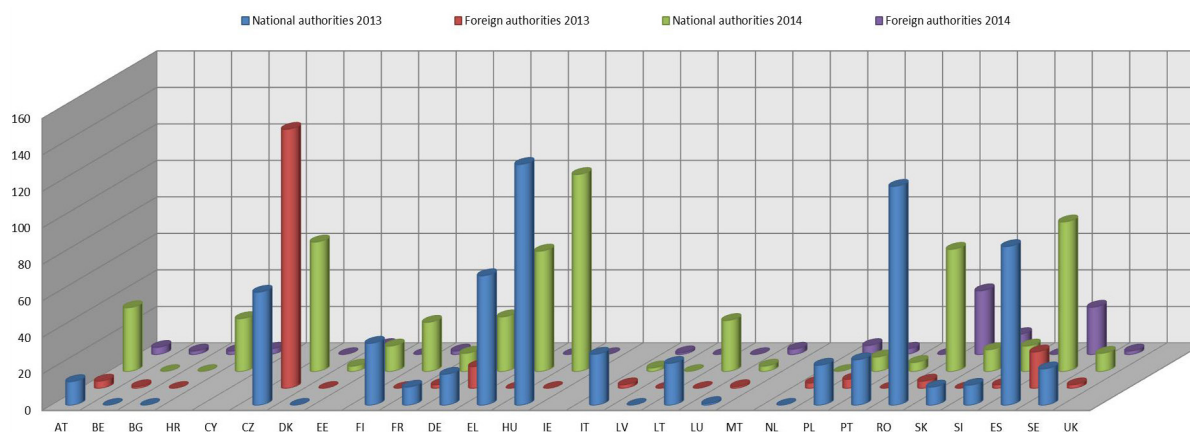
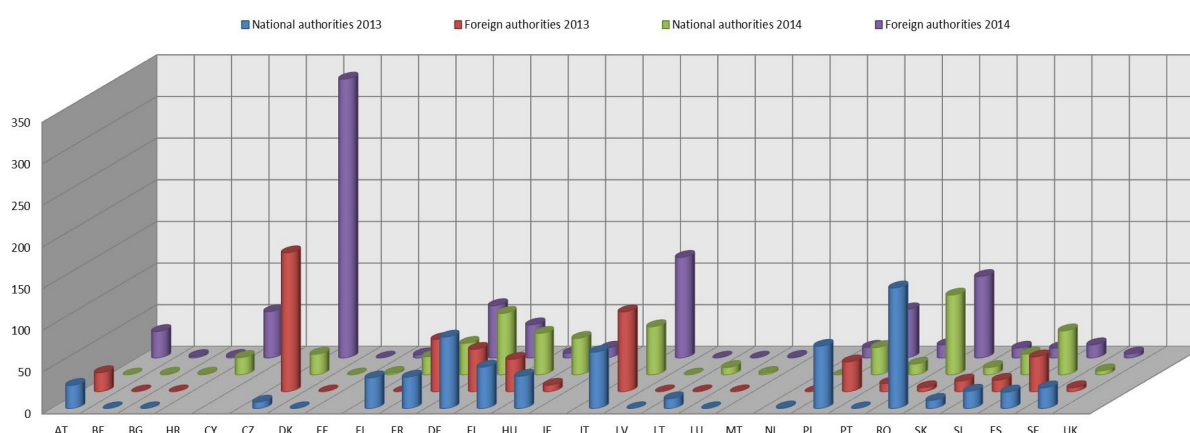


Figure 8: Providing assistance during the execution of an EAW 2013-2014



1.2.3 PROVIDING ASSISTANCE IN ISSUING AND EXECUTING OF OTHER MUTUAL RECOGNITION JUDICIAL DECISIONS

In addition to the European Arrest Warrant, the other instruments giving effect to the principle of mutual recognition require the involvement of the EJN Contact Points in several aspects, such as determining the competent authority in the executing Member State or specific requirements provided for in the national legislation of this state.

Thus, in the past years, the EJN Contact Points provided assistance related to the issuing or the executing of freezing and confiscation orders³, financial penalties certificates⁴, custodial sentences certificates⁵, supervision measures⁶ and probation measures⁷.

³ Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.

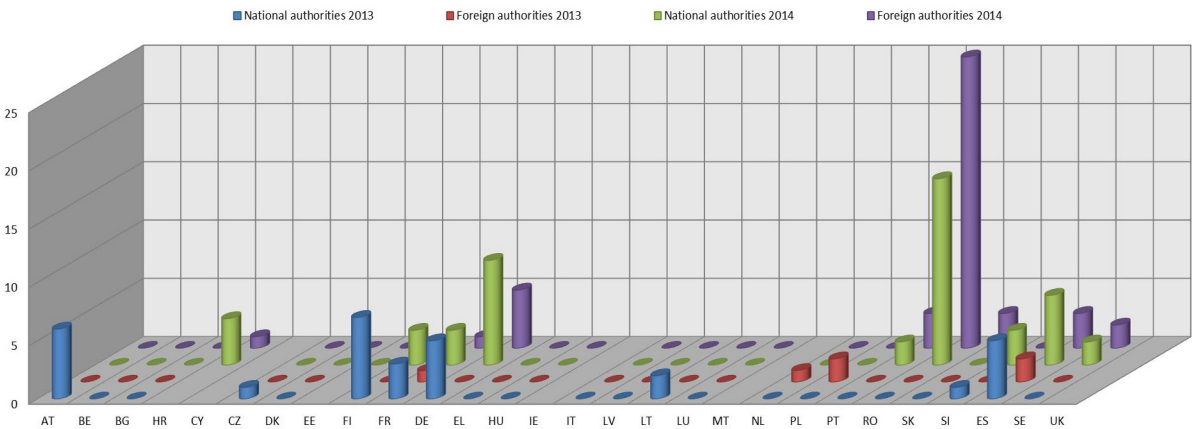
⁴ Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

⁵ Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union.

⁶ Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

⁷ Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions.

Figure 9: Providing assistance during the preparation of the issuing of a freezing order 2013-2014



1.2.4 ADVICE ON FOREIGN LAW

Apart from regular assistance in the issuing and executing of requests for judicial cooperation in criminal matters, the EJM Contact Points provide general advice and information on the legislation of their country, upon request from contact points or other judicial authorities from other Member States.

This assistance may consist of information about the national legislation implementing EU legal instruments, advice on particular requirements for different types of requests, information on the criminal law and criminal procedural law provisions in their Member State, information on the judicial organisation and legal system of their country etc.

Figure 10: Requests for assistance from national authorities in 2013

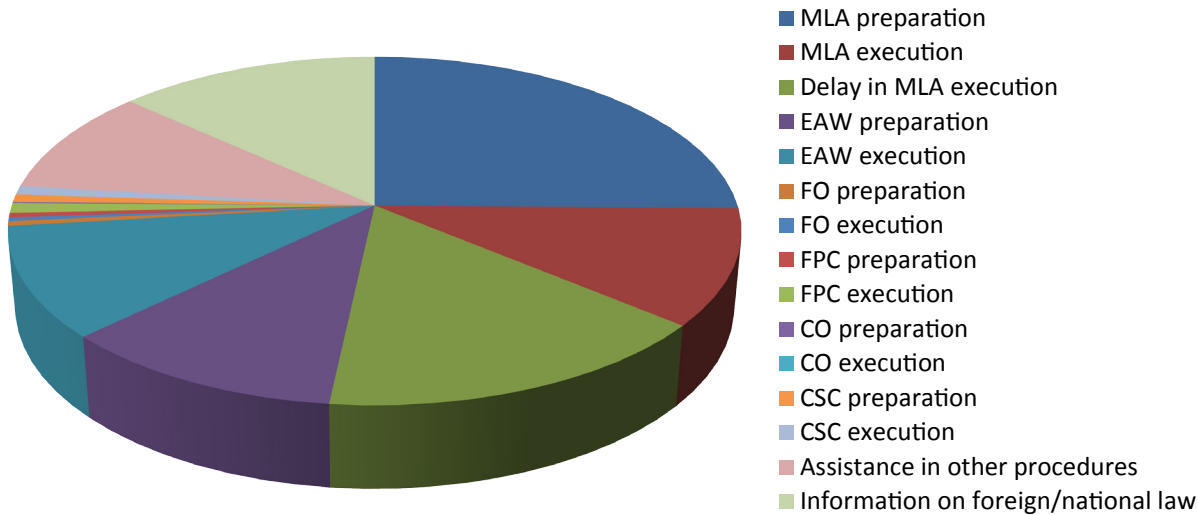


Figure 11:Requests for assistance from foreign authorities in 2013

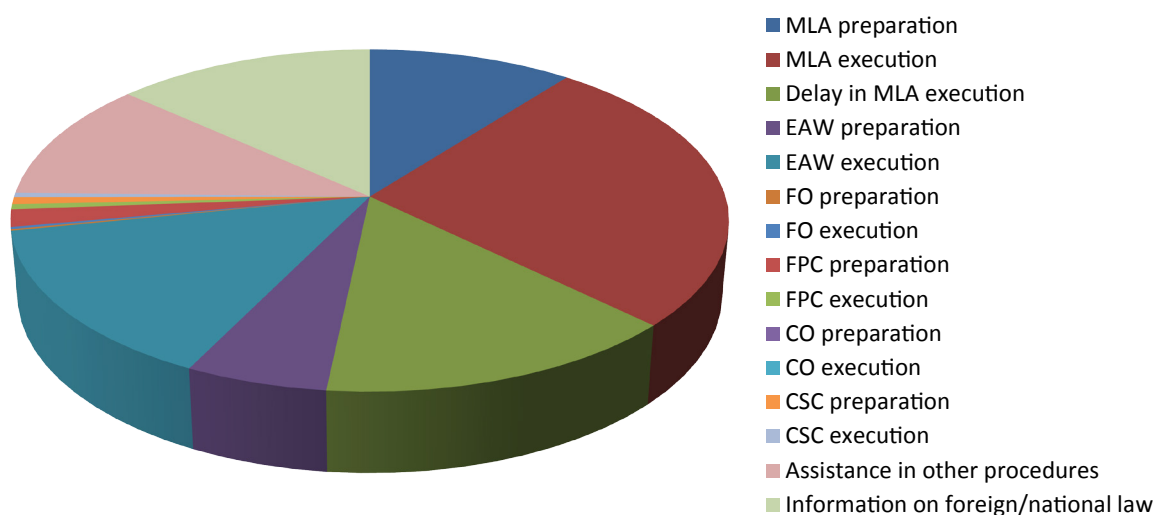


Figure 12:Requests for assistance from national authorities in 2014

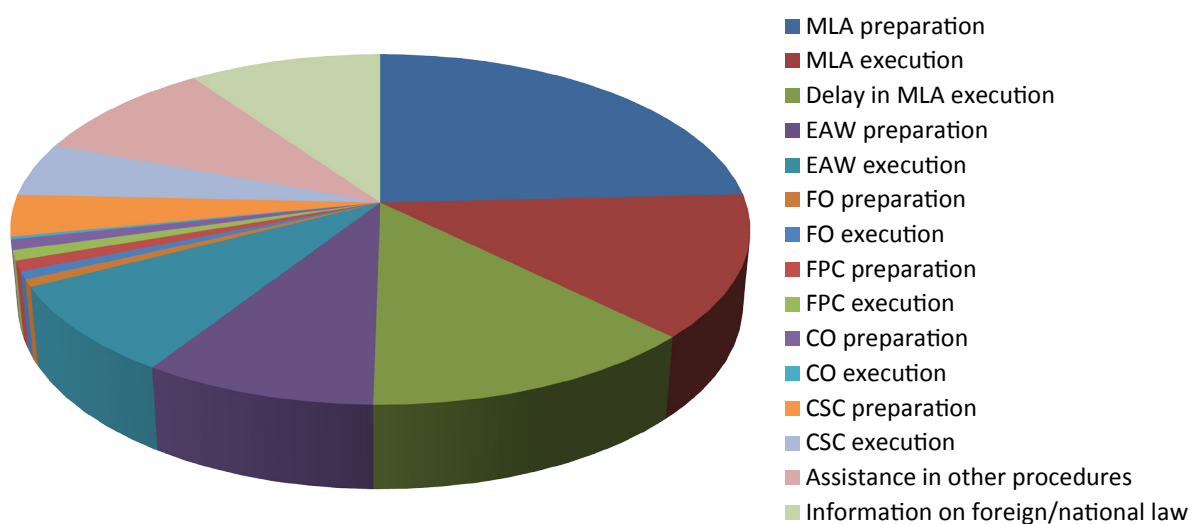
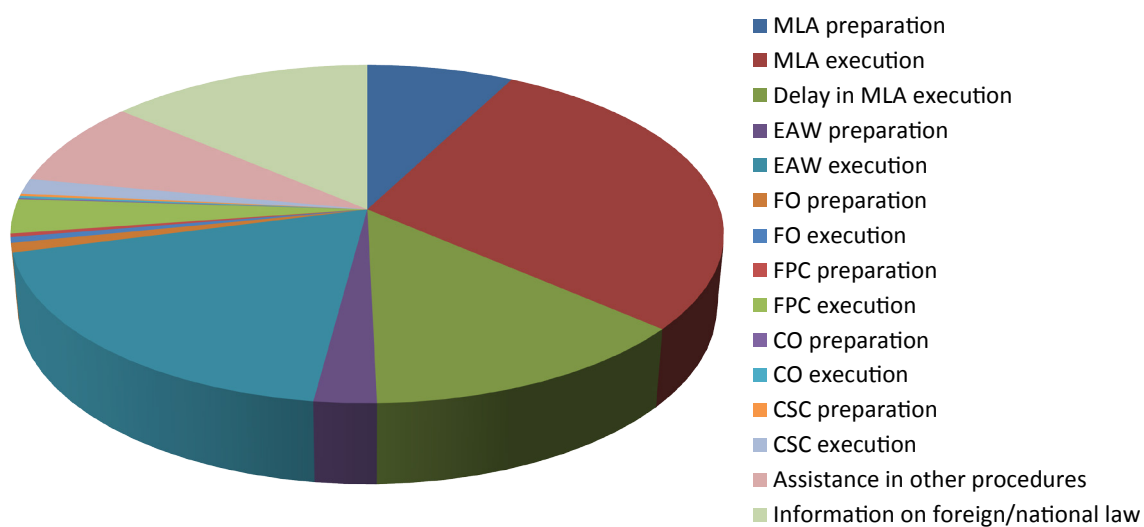


Figure 13:Requests for assistance from foreign authorities in 2014



1.3 OTHER ACTIVITIES OF THE EJM CONTACT POINTS

1.3.1 COOPERATION WITH THIRD COUNTRIES

The EJM Contact Points cooperate regularly with national authorities from third countries, namely in their capacity as national judicial authorities. In the past years, the EJM strove for a more institutionalised cooperation of the EJM Contact Points with third countries, either directly or through other judicial operational networks. To this end, during 2013 and 2014, co-operation with third countries had priority on EJM's agenda, from the Lithuanian Presidency, during which an Explanatory Memorandum was adopted, to the Italian Presidency, which dedicated the EJM plenary meeting to this topic. On the basis of this Explanatory Memorandum, a White Paper has been elaborated by the EJM Secretariat (see Annex 6).

The concrete cooperation of EJM Contact Points with authorities from third countries is of different character and the ways of communication differ. Here are some examples.

In Austria, most of the requests from third countries come via EJM Contact Points and some of them are forwarded from the Eurojust National Desk.

Bulgarian EJM Contact Points often have contact with authorities from Turkey and from the Balkan countries.

Romanian EJM Contact Points frequently cooperate with US and Turkish authorities.

1.3.2 INVOLVEMENT IN DELIVERING TRAINING IN JUDICIAL COOPERATION TO JUDICIAL AUTHORITIES

Another role of the EJM Contact Points, as defined in Article 4 of the EJM Decision, is to contribute to the training activities in judicial cooperation in criminal matters, including in cooperation with the EJTJ.

Some EJM Contact Points are instructors in the schools for the judiciary in their respective Member States, while others are involved as experts in training activities carried out by the EJTJ, ERA and other training providers, or within different projects financed by the European Union.

As experts on these matters, the EJM Contact Points are often invited to be moderators or chairs at conferences and seminars on judicial cooperation, as was the situation in 2013-14, during which several EJM Contact Points were speakers or experts at several ERA conferences and in EJTJ seminars, as well as in EU projects carried out in candidate and third countries.

Other EJM Contact Points have delivered training on judicial cooperation at their national schools for the judiciary or in training seminars organised by the Ministries of Justice or General Prosecution Offices.

In 2013 and 2014, the Czech EJM Contact Points from the Supreme Public Prosecutors' Office and from the Ministry of Justice participated in training seminars regarding the new *Act No. 104/2013 Coll., on Judicial Cooperation in Criminal Matters*, organised for public prosecutors, judges and the police in various locations in the Czech Republic.

In Finland, on several occasions, the EJC Contact Points were involved in training regarding the use of the EJC, organised by the National Bureau of Investigation. The Contact Points were also involved in training sessions regarding the EJC organised in all prosecution units.

The German EJC National Correspondents and other Contact Points were very active in 2013-14 in delivering training to judges, prosecutors and police officers on the EJC and judicial cooperation in criminal matters in events such as

- German Judges' Academy course for judges and prosecutors;
- EJC seminar in Brussels and at the Academy of European Law (ERA) in Trier;
- meeting of German EJC Contact Points in Berlin;
- international conference on the EPPO in Munich;
- meeting of the German ENCS in Berlin, Bonn and The Hague;
- EU Twinning Project in Turkey, *Strengthening Capacities against Cybercrime*;
- study visit of judges, prosecutors and members of the Ministry of Justice of Kosovo, together with the German Foundation for International Cooperation (IRZ);
- representing EJC in a Dutch-German working group of prosecutors;
- providing information on MLA and the EJC in several meetings of specialised prosecutors, police, tax and customs officers;
- EU Twinning Project in Kosovo regarding mutual legal assistance: giving lectures, drafting guidelines for mutual legal assistance, assisting in setting up a network of focal points for mutual legal assistance;
- EU Twinning Project in Croatia in connection with accession of Croatia to the European Union, especially in MLA and the EAW, as well as other forms of mutual recognition

The Latvian EJC Contact Points from the Ministry of Justice during 2013 and 2014 delivered lectures for judges and judges' assistants on the topic of successful judicial cooperation in criminal matters, especially regarding the Council of Europe Convention of 20 April 1959 on Mutual Assistance in Criminal Matters, the EU Convention of 29 May 2000 on Mutual Assistance in Criminal Matters, Council Framework Decisions on the application of the principle of mutual recognition to financial penalties, the European Convention of 1970 on the International Validity of Criminal Judgment treaties and the European Convention of 1983 of the Transfer of Sentenced persons.

All Polish EJC Contact Points participated in the second national training, held in Cracow on 2-4 December 2013. Training on the EJC was also delivered to prosecutors from the Warsaw area.

In 2013 and 2014, the Romanian Contact Points delivered training on the EJC, Eurojust and the Schengen acquis to Romanian judges and prosecutors.

In 2013, the Slovenian Contact Points, together with the Eurojust National Member for Slovenia, organised a seminar for national judicial practitioners on judicial cooperation, including a simulation of a videoconference hearing; this seminar took place three times in three different locations. Three Slovenian Contact Points attended an EJC seminar on international judicial cooperation in criminal matters in Lisbon. In 2014, the Slovenian EJC Contact Points

attended the Slovenian national meeting and an EJM Contact Point acted as a trainer in a seminar on international judicial cooperation in criminal matters organised in Nicosia, Cyprus.

The Swedish Contact Points participated in two national seminars on judicial cooperation organised in Stockholm in November 2013 and in December 2014 for the International Public Prosecution Office. They also attended the Nordic Arrest Warrant meetings in Finland (2013) and Denmark (2014).

1.3.3 INVOLVEMENT IN EU AND INTERNATIONAL NEGOTIATIONS AND I DRAFTING LEGISLATION ON JUDICIAL COOPERATION IN CRIMINAL MATTERS

EJM Contact Points from most of the Member States participate in negotiations at EU level, including chairing the meetings when their country holds the Presidency of the Council of the European Union.

EJM Contact Points also actively participate in the activities of the relevant committees at the level of the Council of Europe (such as CDPC and PC-OC) and the United Nations (e.g. the Conferences of States Parties to the UN conventions and the Commission on Crime Prevention and Criminal Justice).

Some EJM Contact Points were also involved in drafting national legislation on international judicial cooperation in criminal matters, including implementing the EU legal instruments giving effect to the principle of mutual recognition.

Thus, the Czech EJM Contact Points from the Ministry of Justice are also national experts representing the Czech Republic in Council negotiations of legal instruments on criminal law.

One of the German National Correspondents participated in 2013 as expert in drafting a new Turkish law on international cooperation. The Romanian National Correspondent for the EJM has been involved in drafting the law on amending and supplementing the Romanian law on international judicial cooperation in criminal matters, implementing the new mutual recognition instruments.

The Portuguese National Correspondent for the EJM was elected Chair of the Council of Europe Committee of experts on the operation of the European conventions on cooperation in criminal matters (PC-OC).

Several EJM Contact Points participated as experts in the Sixth round of mutual evaluations on the EJM and Eurojust and the experts meetings on the EAW organised by the Council of the EU in Brussels.

CHAPTER II: ADMINISTRATION OF THE EUROPEAN JUDICIAL NETWORK AND ACTIVITIES IMPLEMENTING THE WORK PROGRAMMES 2013-14

2.1 GENERAL ASPECTS

The years 2013 and 2014 brought new challenges for the EJM, with the enlargement of the European Union in July 2013 by the accession of the Republic of Croatia and newly established contact points in candidate and third countries. In a period of budgetary constraints, the EJM has managed to further develop its activities, while reducing costs.

During these two years, the Presidency of the EJM was ensured by the Republic of Ireland, the Republic of Lithuania, Greece and Italy.

The Secretariat of the European Judicial Network (EJM Secretariat), working closely together with the EJM Presidencies, fully implemented the EJM Work Programmes for 2013-14, see annexes 4 and 5.

2.2 ADMINISTRATION OF THE EJM WEBSITE AND THE PLATFORM OF ELECTRONIC TOOLS

The administration, permanent enhancement and update of the EJM website represent important tasks of the EJM Secretariat, as the administrative unit of the EJM.

During 2013-14, the EJM Secretariat, supported by a contractor, implemented an important project for the EJM website: the revamp of the **Judicial Atlas**. The Judicial Atlas assists practitioners in locating the competent receiving/executing authority for a request for judicial cooperation. This tool, developed by the EJM at the beginning of 2000, was separated for several years into a Mutual Legal Assistance Atlas and a European Arrest Warrant Atlas, but is now again combined in one Atlas, for all types of legal instruments for judicial cooperation in criminal matters, both classical mutual legal assistance and mutual recognition instruments.

From a technical point of view, the comprehensive Judicial Atlas was finalised in December 2014 and was launched two months later.

In the same reporting period, the Judicial Library hosted on the EJM website has been enriched, and now contains extensive and useful information, ranging from transcripts of all relevant EU legal instruments on judicial cooperation in criminal matters to practical information related to each of the instruments, such as status of implementation, amending acts, notifications, declarations and statements, practical information, handbooks, reports, case law etc.

Judicial Atlas

The Atlas allows the identification of the locally competent authority that can receive your request for judicial cooperation and provides a fast and efficient channel for the direct transmission of requests according with the selected measure.

Select country to where your request is to be sent to, clicking on the map:

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		

Candidate countries

AL	MK	IS
ME	RS	TR

Associated Countries

LI	NO	CH
----	----	----

Or selecting from the list of countries:

Judicial Library

Search the Library

Categories

Advanced Search



Discussions regarding further development of the website started in 2013, and the revamp of other tools, such as the Compendium, the tool for drafting a request for judicial cooperation, was envisaged.

At the end of this reporting period, the development of the EJM website was positively assessed by the stakeholders.

To prepare the future migration of the EJM website to the e-Justice portal, the EJM Secretariat has held meetings with the Commission and the General Secretariat of the Council, including participation in the e-Justice Working Party. The migration process will represent one of the main challenges for the EJM in the coming years.

2.3 WEBSITE STATISTICS

The EJM website is the most important tool to promote the EJM and to share information. In the period 2013-14, the EJM website had approximately 4.2 million page views, an average of 175 000 visits per month! Each webpage of the site that is visited counts as one page view. Hence, during one visit to the website, the visitor normally generates several page views, especially when the Judicial Atlas is consulted. The Judicial Atlas and the Library are the most frequently visited sections of the EJM website

SECTIONS VISITED

Section	Percentage
Judicial Atlas	35.7
Home page	
Judicial Library	17.6
Contact Points	2.8
Compendium	2.2
Info on National Systems	2.0
Fiches Belges	1.8
News	1.3
Events	0.7
Quick Links	0.6
FAQs	0.2
Other pages	7.5

2.4 EJM MEETINGS

In 2013-14, the EJM Secretariat, in close cooperation with the Presidencies and other Member States, organised⁸ or supported the organisation⁹ of all meetings foreseen in the Work Programmes.

The EJM meetings provide an opportunity for the contact points to share their experience in dealing with judicial cooperation and to discuss concrete operational cases, as well as to participate in the EJM's administrative decisions

2.4.1 PLENARY MEETINGS

The **40th EJM plenary meeting** of the contact points of the European Judicial Network took place in Brussels on 19 June 2013 under the Irish Presidency. The topic of the meeting was *Fight against EU Fraud and Practical Application of Freezing and Confiscation Orders*.



The 40th plenary meeting in Brussels

In accordance with Article 5 of the EJM Decision, the plenary meetings of the EJM are usually held in the Member States. However, due to fiscal constraints as well as to the lack of human resources, Ireland was not in a position to host the 40th plenary meeting of the EJM in Ireland. Instead, the meeting was held at the premises of the Council in Brussels.

One of the most significant outcomes of the meeting was the endorsement by the EJM of the working document *Cooperation between the website of the EJM in criminal matters and e-Justice*.

⁸ Applicable for plenary meetings as of 2014, regular meetings, national correspondents and tool correspondents meetings.

⁹ Applicable for regional and national meetings and for plenary meetings before 2014.

The meeting represented an opportunity to discuss the responses to the questionnaire on the fight against fraud and the protection of the EU's financial interests. In addition, the practical application of the framework decisions on freezing and confiscation orders was debated.

The first workshop was devoted to the relationship between the EJM and the European Anti-Fraud Office (OLAF). Discussions focused on the level and quality of interaction between the EJM Contact Points and OLAF.

The workshop participants considered the recent OLAF annual report, which demonstrated a relatively small number of prosecutions arising from OLAF reports and disparities between Member States in acting on OLAF cases.

The role of the EJM in overcoming these obstacles was then discussed. Opinions were divided on the role of EJM Contact Points in relation to OLAF cases. Should OLAF deal directly with the national authority concerned in such matters or should the EJM play a role in facilitating contacts between OLAF and the national authorities? Participants agreed, however, that OLAF needs partners in the Member States. Some examples of the current situation in different Member States were provided by the participants.

Participants also generally agreed that, in relation to any existing information deficit, the EJM is ready and willing to take action. The EJM website would appear to be the appropriate place to disseminate relevant information concerning fraud against the EU's financial interests.

The second workshop focused on practical issues related to Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence and Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.

The **41st EJM plenary meeting** of the European Judicial Network took place on 19-21 November 2013 in Vilnius, Lithuania, under the Lithuanian Presidency.

The discussions were centred primarily on strengthening relations with other judicial networks dealing with judicial cooperation in criminal matters and cooperation with third countries, with a focus on Latin America and the Eastern Partnership countries. One of the primary outcomes of the meeting was the adoption of the *Explanatory Memorandum on the need for enhancing the collaboration and improving the interconnection between the EJM and similar judicial cooperation networks in criminal matters*.

Participants emphasised the importance of the introduction of similar structures around the globe and the creation of other judicial cooperation networks on the basis of the EJM model. Such structures include the Southeast European Prosecutors Advisory Group (SEEPAG) and the Ibero-American Network for International Legal Cooperation (IberRed). Moreover, cooperation has also been established with the networks created by the UNODC's Terrorism Prevention Branch and the Organised Crime and Illicit Trafficking Branch. Operational meetings have taken place between the EJM and the Judicial Regional Platform of the Indian Ocean Commission (IOC) and the Judicial Regional Platform of Sahel countries (SAHEL). Over time, a shift has taken place in initiatives for cooperation between networks. The EJM Secretariat has been requested by the European Commission to provide expertise and to get involved in projects concerning creating an effective network in the Balkan region (Western Balkan

Prosecutors Network). In addition, the EJM has also been involved in the Euromed Justice III Programme (in the Mediterranean region), funded by the Commission.

The second day of the plenary meeting focused on EU and EJM legal cooperation with Eastern partnership (EaP) countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and other third countries. The objective of this workshop was to exchange experience regarding legal and practical issues encountered when cooperating with the EaP and other third countries in cases of extradition and transfer of criminal proceedings, and how these problems are approached.

The **42nd EJM plenary meeting**, held under the Hellenic Presidency, took place in Athens from 23 to 25 June 2014.



The 42nd plenary meeting in Athens

The primary emphasis of the meeting was on achieving better understanding of the national laws focusing on practical implementation of the European Arrest Warrant. Furthermore, the EJM's role in assisting in EAW cases was discussed. The EJM Secretariat delivered presentations on the EJM business, i.e. the EJM website, its partners and cooperation with the European Judicial Training Network (EJTN). The Council Secretariat made a presentation on the background and the state of play of the establishment of the EPPO (European Public Prosecutor's Office).

A significant portion of the meeting was dedicated to a discussion of the practical problems that arise due to differences in legal wording of certain offences and those that arise from in the execution of the EAW due to differences in national legislation. The workshops continued the discussion on these topics. Workshop I focused on the issues that arise due to different wording of criminal law provisions in the Member States. The participants concentrated on procedural difficulties, EAW execution, conflicts between EAW and requests for extradition by third countries and solutions (EJM, Eurojust and other informal contacts). During Workshop

2, the participants discussed the practical handling of incoming EJM questions or legal information and the duty to respond by the EJM Contact Points.

The participants agreed on several points at the meeting. Firstly, the revised *Guidelines on the European Judicial Network meetings* were adopted. In addition, the Joint Paper EJM-Eurojust on judicial cooperation in criminal matters (produced by the EJM/Eurojust Joint Task Force) was adopted. Participants agreed that the original English document would be translated into the other 23 official EU languages, with the costs be shared by the EJM and Eurojust. Participants also agreed that the EJM Secretariat should work on the exchange of information on case law and tools on the website (Library) with the Committee of Experts on the Operation of European Conventions on Co-operation in Criminal Matters (PC-OC).

At this plenary meeting, the signing by the EJM Secretariat, on behalf of the EJM, of the Memorandum of Understanding between the EJM and the EJTJ and its relevant partners was endorsed. The main areas of cooperation with the EJTJ that were mentioned were sharing of information in relation to training needs' assessment, specific identification of training needs, dissemination of information on training activities and available materials, exchange of experts' data, identification of experts, and participation of the EJM in the EJTJ's training activities.



View to the Acropolis

The **43rd EJM plenary meeting** took place in Rome, from 19 to 21 November 2014, under the Italian Presidency.

The meeting was dedicated to the EJM's cooperation with third countries, with a focus on the Western Balkans and Latin America. Practical aspects and challenges in cooperation with these countries were discussed in three workshops.

During the meeting, during a discussion of EU judicial cooperation with Western Balkans, several good examples were offered. Hearing of a witness can be done through videoconference for all Western Balkan countries, apart from Albania, which nevertheless has this possibility with Italy based on a bilateral agreement.

The Italian experience with different Latin American countries was also presented.

On this occasion, the results of the *Study on judicial cooperation, mutual legal assistance and extradition of drug traffickers and other drug-related crime offenders, between the EU and its Member States and Latin American and Caribbean (LAC) countries*, funded by the European Commission, was presented. The fragmentation of central authorities, as well as lack of knowledge and training, rare use of cooperation networks and rare knowledge of the cooperation mechanism of anti-drug prosecutors, were noted as operational shortcomings. A general conclusion noted by the participants was that bilateral and regional treaties, rather than UN treaties, were preferably applied. The project team also noted an extremely formal application of the conventions. The authors of the study proposed to take the following actions: institutional strengthening and training of central authorities; creation of registers for MLA and extradition requests; making use of Eurojust's Liaison Magistrates; strengthening and extending the protocols between IberRed/ Eurojust and IberRed/EJN; creation of exchange/ internship programs; and, finally, elaborate compendia in hard copies and on a website.



Under the EJN business point of the agenda, the Administrative Director of Eurojust, Mr Klaus Rackwitz, announced and welcomed the new Secretary to the EJN, Mr Ola Löfgren, and thanked the EJN Secretariat and the outgoing Secretary to the EJN, Ms Fatima Martins, for the work done



The 43rd EJN plenary meeting

2.4.2 REGULAR MEETINGS

The **34th EJM regular meeting** took place under the Irish Presidency on 26 February 2013 in The Hague. One of the key topics of this meeting was the future migration of the EJM website to the e-Justice portal. To this end, Mr Paulino Pereira, Head of Unit at the General Secretariat of the Council of the European Union and President of the Working Group on Legal Data Processing (e-Law e-Justice) delivered a presentation about eJustice. Participants agreed to prepare a paper with the concerns of the EJM Contact Points and answers to those concerns. The formation of an ad-hoc group for the implementation of the cooperation between the EJM and eJustice jointly with the contact points, the EJM Secretariat, the Council Secretariat and the Commission was agreed.

Another important item on the agenda was the non-binding joint paper of Eurojust-EJM to reflect the types of services offered by both entities with respect to the distribution of cases.



The **35th EJM regular meeting** took place in The Hague, on 26 February 2014, under the Greek Presidency. This meeting focused on the EJM Work Programme 2014, the sixth round of mutual evaluations, and the role of the EJM within the Eurojust National Co-ordination System

The 35th Regular meeting

2.4.3 NATIONAL CORRESPONDENTS MEETINGS

The **5th EJM national correspondents meeting** took place under the Lithuanian Presidency on 21-22 October 2013 in The Hague. This meeting was mainly dedicated to cooperation with other judicial networks and third countries, as well as to the plans for further development of the EJM website. The execution of the 2013 budget, the Work Programmes 2014 and the forecast for the Work Programme for 2015 were also on the agenda.

The **6th EJM national correspondents meeting** took place under the Italian Presidency on 8 October 2014 in The Hague. At this meeting, a follow-up methodology for the implementation of the recommendations to the EJM from the reports of the sixth round of mutual evaluations was proposed by the EJM Secretariat. Other points on the agenda dealt with the EJM Work Programmes 2014 and 2015, the state of play of the preparations for the drafting of the EJM Report 2013-14, as well as the White Paper on the cooperation with third countries.



The 6th national correspondents meeting

2.4.4 TOOL CORRESPONDENTS MEETINGS

In 2013-2014, the **12th and 13th tool correspondents meetings** of the EJM took place in The Hague. As usual, these meetings were the *fora* for discussion of website-related projects, as well as the venue for concrete practical work of the tool correspondents and EJM Secretariat on various e-tools hosted by the EJM website

2.4.5 TRIO PRESIDENCY MEETINGS

During the reference period, Trio Presidency meetings took place as usual in the margins of the plenary meetings and the other EJM meetings held in The Hague. The purpose of these meetings is to ensure better coordination between the EJM Presidencies and the topics of the EJM meetings and to monitor the implementation of the EJM work programmes.

In 2013, Trio Presidency meetings took place on the occasion of the 34th EJM regular meeting, the 40th and 41st plenary meetings and the 5th national correspondents meeting (NCM).

In 2014, Trio Presidency meetings took place in the margins of the 35th regular meeting, the 42nd and 43rd plenary meetings and the 6th NCM

2.4.6 TASK FORCE MEETING

EJM Task Force meetings took place in 2013 on the occasions of the 34th regular meeting and the 5th NCM. During these meetings, the members of the Task force discussed issues related to the EJM/Eurojust Joint Paper and cooperation with third countries¹⁰.

2.4.7 REGIONAL MEETINGS

In 2013, the EJM Secretariat supported, from the dedicated budget line, the organisation of EJM regional meetings by Bulgaria (the meeting took place in Istanbul, Turkey, on 31 October – 1 November 2013), Portugal (Tavira, 26-27 September 2013) and Germany (Berlin, 13-14 May 2013).

The topic of the regional meeting organised in Istanbul by the Bulgarian EJM Contact Points was *Fighting against human trafficking and sharing experiences and regulations related to organising joint investigation teams*. Representatives from six countries attended this meeting: Bosnia and Herzegovina, Bulgaria, Germany, Greece, Romania and Turkey. The Secretary to the EJM also participated in the meeting. The participants presented their national legal framework and practical experience with JIAs and fighting trafficking in human beings.

The regional meeting organised and hosted by Portugal dealt with *Cross – border cooperation under recent Council Framework Decisions based on the principle of Mutual Recognition*

¹⁰ The EJM Task Force was created as an ad hoc working group to consider the implementation of the EJM Decision and to discuss topics for the EJM.

(the special cases of Framework Decisions on financial penalties, on custodial sentences or measures involving deprivation of liberty and on probation and other measures). Participants from Germany, the Netherlands and Portugal, as well as the Secretary to the EJM, attended this meeting.

The regional meeting organised by the German EJM Contact Points, gathered participants from Greece, Denmark and France. The Secretary to the EJM also attended the meeting.

A regional meeting with EU financial support took place in Göteborg, Sweden, in January 2013. This meeting focused on controlled deliveries.

In 2014, four EJM regional meetings were financed from the EJM budget, as follows: regional meeting organised by Finland (Helsinki, 13-14 May 2014), regional meeting organised by Slovenia (Čatež, 4-5 June 2014), regional meeting hosted by Austria (Vienna, 24-26 September 2014), and regional meeting organised by Hungary (Budapest, 11-12 September 2014).

The main purpose of the regional meeting hosted by Finland was to find solutions to practical problems and make the MLA more efficient, especially in urgent situations between Finland, Estonia, Latvia and Lithuania. In this meeting, EJM Contact Points from the above-mentioned countries participated.

The regional meeting organised by the Slovenian EJM Contact Points had two main purposes: to introduce five new Contact Points from Slovenia and some new Contact Points from Croatia to Contact Points from other countries and to inform all of the new Contact Points about their work and tasks in this capacity, as well as discussing practical problems in the field of MLA, such as obtaining information on bank accounts, assets, sequestration of assets, freezing of bank accounts, and confiscation. The meeting was attended by EJM Contact Points from Austria, Croatia, and Greece, a prosecutor from Serbia, and Contact Points and members of the Slovenian National Desk at Eurojust.

The regional meeting organised by the Austrian EJM Contact Points gathered participants from the host country, as well as from the Czech Republic, Germany, Hungary, Poland and Slovenia. The main topic discussed was confiscation and freezing of assets.

2.4.8 NATIONAL MEETINGS

No applications for financing national meetings were received **in 2013**. Nevertheless, national meetings were organised without financial support from the EJM budget.

Thus, in the Czech Republic, a meeting of national EJM Contact Points and prosecutors specialised in MLA was arranged by the Supreme Public Prosecutor's Office in Brno on 29 May 2013.

National meetings were also held in Stockholm, by the Swedish Contact Points, in March 2013 and in March 2014.

In Finland, Romania and Slovenia, national meetings for EJM Contact Points are organised twice per year. National meetings are also organised without EU financial support by the Bulgarian Contact Points.

In 2014, the EJM national meetings organised by Germany (Berlin, 12-13 May 2014), Romania (Bucharest, 11-12 September 2014) and Belgium (23 October 2014) received financial support from the EJM budget.

The 2014 national meeting of the German EJM Contact Points was organised in the margins of the regional meeting.

The Romanian meeting focused on the complementarity between EJM and Eurojust and represented a good opportunity to discuss the role of the EJM Contact Points within the Eurojust National Coordination System.

The Belgian national meeting involved the EJM Contact Points and the Contact Points of the National Network on International Cooperation in Criminal Matters to raise awareness about the work of the EJM and its tools and, at the same time, facilitate a mutual exchange of information about new legislation implementing EU instruments in the field of criminal law and judicial cooperation in criminal matters. Special emphasis was placed on the role of different actors in judicial cooperation and the possible channels for engaging in judicial cooperation. The EJM webmaster also gave a presentation about the EJM website. This national meeting took place on 23 October 2014 in Ruisbroek, Belgium.

2.5 LANGUAGE TRAINING FOR THE EJM CONTACT POINTS

The fourth language training course for the EJM Contact Points was held on the premises of Eurojust in The Hague in April 2013. The fifth language training course, organised by the EJM Secretariat, was held on the premises of Eurojust in September 2014.

These training sessions on legal language, with a focus on judicial cooperation in criminal matters terminology, have become an important activity for the EJM. The trainings are much appreciated by the EJM Contact Points and represent a way to improve their language skills, which are essential in their daily work



Language training session

2.6 COOPERATION WITH PARTNERS AND EXTERNAL ACTIONS

In 2013 and 2014, the EJNI, through its presidencies, contact points and Secretariat, has cooperated extensively with partner institutions, organisations and other structures, as well as with third countries (described in Annex 6).

Below is an outline the most important aspects of this cooperation during 2013-14.

2.6.1 RELATIONS WITH EU INSTITUTIONS AND AGENCIES

RELATIONSHIP WITH EUROJUST

The EJNI and Eurojust have developed their relationship, based on consultation and complementarity, in several common activities. The most important outcome was the Joint Paper elaborated by the Joint Task Force EJNI – Eurojust. This objective of this document, available online on the EJNI and Eurojust websites, is to clarify the complementary roles of the EJNI and Eurojust and provide guidance on which body is better placed to deal with a judicial cooperation case.

In the reporting period, the Eurojust National Coordination System (ENCS) was implemented in a number of Member States. The EJNI produced a document presenting its perspective on the ENCS and the role of the EJNI Contact Points in this mechanism. The ENCS has been identified by most of the EJNI Contact Points as the best way to ensure operational cooperation between the EJNI and Eurojust, and it could also have a stronger role in a better division of tasks between the EJNI and Eurojust.

During this period, the established tradition of joint meetings between the EJNI Trio Presidencies and the Eurojust Presidency Team continued. Such meetings took place in October 2013 and December 2014.

RELATIONS WITH THE GENERAL SECRETARIAT OF THE COUNCIL OF THE EUROPEAN UNION

The EJNI Secretariat has had several meetings with the General Secretariat of the Council and was invited to the Council's Working Parties (WPs) meetings.

In July 2014, the EJNI Secretariat had a meeting in Brussels with the Council Secretariat. On 30 October 2014, the EJNI Secretariat was invited to the GENVAL Working Group by the Italian Presidency to present the document *The EJNI's Perspective on the ENCS* and to introduce *the Report on the management and operation of the EJNI 2011-12*. Also in October 2014, the EJNI Secretariat was also asked by the General Secretariat of the Council to provide its comments on the draft of the Final Report of the sixth round of mutual evaluations.

In addition, the EJNI Secretariat agreed with the Council Secretariat that the EJNI Secretariat would be invited to Council WPs when topics relevant to the EJNI are being discussed.

COOPERATION WITH THE EUROPEAN COMMISSION

In July 2014, the EJM Secretariat had a meeting with the Commission, DG Justice (COM) in Brussels. The parties agreed to look into the possibility for closer cooperation between the EJM Secretariat and the Commission and to involve the Commission in advance in discussions on the topics of the EJM plenary meetings.

COOPERATION WITH OTHER EU AGENCIES, BODIES AND NETWORKS

Particular attention was paid during this period to the strengthening of cooperation with the European Judicial Training Network (EJTN), taking into account the common interest in providing adequate training in international judicial cooperation in criminal matters.

Cooperation with the EJTN was formalised through the signing of a Memorandum of Understanding in 2014. Building on this momentum, the EJM Secretariat was invited to attend meetings of the EJTN in which important decisions for the training on criminal matters are taken. Thus, the EJM Secretariat attended the meeting of the sub-working group on criminal matters, held in Paris, on 28 October 2014. A meeting between the Secretary General of the EJTN and the EJM Secretariat then took place in The Hague on 10 November 2014, in which the participants agreed that, in the six seminars scheduled in 2015 on “EAW and MLA simulations” and in future similar events, a EJM representative would be invited to deliver a presentation on the EJM's role in fostering judicial cooperation in criminal matters. Participants also agreed to organise, in cooperation with the EJTN, trainings for EJM Contact Points, starting with language training. In addition, the EJM Secretariat committed itself to raising awareness regarding EJTN training activities.

In 2014, the EJM Secretariat initiated cooperation with the IPA Project Team's 2014 project, *Fight against Organised Crime and Corruption: Strengthening the Prosecutors' Network in the Western Balkans* (Albania, Bosnia and Herzegovina, FYROM, Kosovo, Montenegro and Serbia). The EJM Secretariat supported the IPA Project in its activities to create a similar regional network specialised in judicial cooperation in criminal matters.

2.6.2 COOPERATION WITH COMMITTEES OF THE COUNCIL OF EUROPE

In 2013 and 2014, the EJM Secretariat participated as observer in the plenary meetings of the European Committee on Crime Problems (CDPC) and the Committee of experts on the operation of the European conventions on cooperation in criminal matters (PC-OC). The Secretary of PC-OC was invited to attend the EJM plenary meetings. Cooperation with PC-OC commenced in relation to the development of PC-OC's e-tool on judicial cooperation in criminal matters, bearing in mind the relevant experience of the EJM in this field.

In December 2014, the EJM Secretariat attended the CDPC meeting and presented the e-tools hosted on the EJM website.

2.6.3 COOPERATION WITH THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

Bearing in mind the activities of the UNODC in supporting the creation of judicial networks in different regions of the world, in the past years the EJM was involved in close cooperation with this office of the United Nations. A meeting with representatives of the UNODC took place in December 2013.

2.6.4 COOPERATION WITH OTHER JUDICIAL NETWORKS

During the period 2013-14, pre-existing cooperation between the EJM and other similar judicial networks was enhanced through the adoption at the EJM Plenary meeting in Vilnius in November 2013 of the *Explanatory Memorandum on the need for enhancing the collaboration and improving the interconnection between the EJM and similar judicial cooperation networks in criminal matters*, followed by a White Paper, adopted in Rome, which contains detailed information on the various partner networks.

During this period, the EJM continued to have close relationships with IberRed and the South East European Prosecutors Advisory Group (SEEPAG) and developed contact with the Commonwealth Network of Contact Persons and other judicial operational networks.

On 23 and 24 January 2013, the EJM Secretariat held a meeting in The Hague with representatives of the Euromed Project and the Moroccan network of judicial cooperation to enhance cooperation with the Euro-Mediterranean countries.¹¹

2.6.5 RELATIONS WITH THIRD COUNTRIES

From 21 to 24 July 2013, the Secretary to the EJM welcomed the President of the National Council of Attorneys General from Brazil, to The Hague. The primary objective of the meeting was to implement the Memorandum of Understanding between the EJM and this Council, signed in Salvador de Bahia, Brazil, in August 2012. On 4-6 September 2013, the EJM Secretariat hosted a visit of judicial authorities from the Arab League States.

¹¹ Along with the 28 EU Member States, 15 southern Mediterranean, African and Middle Eastern countries are members of the Union for the Mediterranean (Euromed): Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, Palestine, Syria (suspended), Tunisia and Turkey.

CHAPTER III: CRIMINAL POLICY ISSUES AND PROPOSALS TO IMPROVE JUDICIAL COOPERATION IN CRIMINAL MATTERS

3.1 GENERAL REMARKS

As a network composed of practitioners in international judicial cooperation in criminal matters, the EJM may present a clear picture of the current legal and institutional framework and could help to identify ways to improve this framework.

The EJM plenary meetings present excellent opportunities to share views on the practical issues of judicial cooperation in criminal matters.

In the past two years, the EJM Contact Points have noticed as a recurring problem in EU judicial cooperation in criminal matters not only the way the Member States have implemented the EU legal instruments (mainly the framework decisions), but also the delay in implementing them.

The *delays in the execution* of requests for judicial cooperation continued to be a serious concern.

A *proportionality check* as well as *procedural guarantees* in relation to the execution of European Arrest Warrants also appeared as aspects that may lead to practical difficulties.

The EJM Contact Points considered the increasing burden for practitioners to deal with multiple EU languages. Therefore, a suggestion was made to limit the number of languages used and to encourage the Member States to accept requests in other languages than their own official languages.

Another important aspect is the *gaps* still existing in EU and international legislation on judicial cooperation in criminal matters, which render cooperation in certain areas, such as transmission of communication data and classified information, difficult.

The differences between the legal systems of the 28 Member States, as well as the heterogeneous EU legal framework on judicial cooperation in criminal matters, were also mentioned among the challenges to effective judicial cooperation.

The need for *continuous training* in judicial cooperation in criminal matters has been underlined on every occasion.

3.2 ISSUES AND SOLUTIONS RESULTING FROM THE OUTCOME OF THE EJM PLENARY MEETINGS

On the occasion of the **40th EJM plenary meeting**, held under the Irish Presidency on 19 June 2013, a number of issues related to the issuing and executing of **freezing and confiscation** orders emerged.

Firstly, concerning orders for freezing of property or evidence, the EJM Contact Points considered that the current MLA procedure works satisfactorily and covers almost all needs, and this is one of the reasons why, even though implemented by 24 Member States, this mutual recognition instrument is not so widely used by practitioners.

Secondly, the framework decision on freezing orders was considered a complicated instrument when compared to MLA. Some EJM Contact Points observed that the freezing order certificate does not contain all the essential information for immediate execution, especially the exact property that needs to be frozen.

Thirdly, concerning the confiscation order, the limited experience from practitioners in using this legal instrument was underlined.

In conclusion, participants found that the EJM website is the most important source of information on the practical application of those instruments.

Training of judges and prosecutors was seen as another key element. “Advertising” the instruments to practitioners to overcome lack of awareness was considered to be important, as was keeping close contact with other EJM Contact Points to learn more about national systems in other Member States.

Finally, development of a handbook/non-binding guidelines at EU level (similar to the Handbook on the European Arrest Warrant) was seen as an aid to encourage and harmonise practical application of the instruments. Participants considered the importance of assisting other Member States that have not yet implemented the framework decisions while in the transposition phase.

At the 41st EJM plenary meeting held in Vilnius on 19–21 November 2013, discussions focused on cooperation of the EJM with other judicial networks and third countries. On this occasion, the main issues raised regarding difficulties in cooperation with third countries were related to extradition and the transfer of criminal proceeding. Some of those issues included the poor quality of translations, lapse of time, length of the procedures, human rights perspectives etc. Some solutions were proposed: speeding up ratification of the additional protocols of the European Convention on Extradition (1957) and the European Convention on the transfer of criminal proceedings (1972) would facilitate the procedures; requesting transfer of criminal proceedings, when appropriate, rather than mutual legal assistance, would also contribute to overcoming problems; approaching the EJM Contact Points as intermediaries to facilitate cooperation with third countries has also proved to be a method of overcoming practical problems.

During the Hellenic Presidency, particular attention was paid to the **EAW**. Therefore, the **42nd EJM plenary meeting** held in Athens on 23–25 June 2014 was dedicated to issues related to the practical application of this instrument. Overall, the participants in the 42nd plenary meeting agreed that the EAW has been a success. However, the different approaches adopted by the Member States when implementing the EAW Framework Decision were considered problematic in both legal and practical terms. Participants agreed that 90 per cent of all EAW procedures work without any problems; for the small fraction that present obstacles, the EJM could act as an intermediary to overcome the barriers encountered.

Proportionality was identified as one of the main issues to be resolved. One of the proposals made at the plenary meeting was to add the appropriate EJM contact point details in the EAW form as a way to solve problems.

One of the workshops at this plenary meeting focused on EAW practical issues arising from the different wording of criminal law provisions in the Member States’ national legislation. Nature

and legal classification of the offence was said to be a problem from time to time. Therefore, participants emphasized the importance of describing the offence in such a way that the executing Member State, when necessary, can easily interpret the meaning of the offence in relation to its national law. For example, the French “version” of organised or armed robbery includes theft. In addition, requests for clarifications cause delays. Participants mentioned during the discussions that the list of crimes facilitates the process.

Requests for additional information can delay proceedings, in some cases, even leading to non-execution. To overcome this difficulty, direct contacts must be established, involving the EJM Contact Points if necessary. Eurojust or Interpol could also be approached.

Another topic for discussion was the execution of an EAW for a crime committed completely or partially in the territory of the executing Member State. Some countries, e.g. Greece and Austria, cannot execute EAWs for crimes committed in their countries. Most Member States, though, execute EAWs for offences committed on their own territory.

The procedure in the Member States in the event of multiple EAWs issued for the same person, or conflict between an EAW and a request for extradition presented by a third country, was also discussed. The different criteria used by Member States to resolve the issue were discussed, as well as whether these criteria are determined by the national legislation and/or by the jurisprudence. Consideration is given to the seriousness of the crimes, the place and the date of the offences and the purpose of the EAW (execution of a custodial sentence or a detention order). Nationality could also be an aspect to consider.

In most Member States, the decision regarding the procedure for multiple EAWs and extradition requests is taken by a judge. In other Member States, however, such as Greece, Italy, Spain and the UK, the procedure involves the Minister of Justice/Home Secretary when deciding between EAWs and extradition.

The Italian Presidency prioritised the concrete steps in enhancing judicial cooperation with **third countries**, with a focus on the countries of the Western Balkans and Latin America. Thus, in the **43rd EJM plenary meeting**, which took place in Rome on 19–21 November 2014, the objective of the three workshops and the plenary discussions was to find the most appropriate ways to facilitate cooperation between the EU Member States and third countries through the active involvement of the EJM. The main conclusions were that the EJM should promote contacts with these countries and make available on its website relevant information on contact persons and legislative requirements in third countries.

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 OF 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: GUIDELINES ON THE STRUCTURE AND FUNCTIONING OF THE EUROPEAN JUDICIAL NETWORK

This document is intended to provide guidance on the structure and operation of the European Judicial Network (hereinafter “the EJN”), in the light of the Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network (hereinafter “the EJN Decision”) and taking into account the Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, as amended by the Decision 2009/426/JHA of 16 December 2008 (hereinafter “the Eurojust Decision”).

Nothing in this document shall be construed as affecting the flexible nature of the EJN, informal contacts between the EJN contact points, their daily work or internal relations within the Member States.

I. The Presidency of the European Judicial Network

The Presidency of the European Judicial Network (EJN) is assumed by the Member State holding the rotating Presidency of the Justice and Home Affairs (JHA) configuration of the Council. This Member State will work in close cooperation and coordination with the Member States which form part of the Trio Presidencies of the JHA configuration of the Council in accordance with the Decision of 1 December 2009 on the exercise of the Presidency of the Council (2009/881/EU), published in the Official Journal of the European Union (OJEU 2.12.2009 L 315/50).

The Presidency Member State, assisted by the two incoming presidencies, hereinafter referred to as the “EJN Trio Presidencies”, should work in close cooperation with the EJN Secretariat in the interest of the Network and of the continuity of its activities.

Ensuring the **continuity** of the EJN activities is one of the core tasks of the EJN Secretariat, as responsible for the Network’s administration in accordance with the EJN Decision. The Trio Presidencies mechanism would represent an added value in ensuring the coherence of the EJN activities according to its annual Work Programmes with the Work Programmes of the rotating Presidencies of the J.H.A. Council configuration.

The EJN Trio Presidencies should function and cooperate with the EJN Secretariat on the basis of common principles and best practices, such as those identified so far by the first formal EJN Trio composed of Spain, Belgium and Hungary, in their meeting of 4 February 2010:

- (1) In the case of the European Judicial Network, the Trio Presidencies have to work closely with the EJN Secretariat for the implementation of the Work Programme during the respective 18 months.
- (2) The Trio Presidencies and the Secretariat of the EJN should meet regularly and at least in the preparation of each of the EJN meetings and to decide on the agenda of the EJN meetings and on future activities and projects within the 18 month time frame. These meetings “EJN Trio meetings” will be organised either in the premises of Eurojust, in The Hague or in the Member State holding the rotating presidency of the Justice and Home Affairs configuration of the Council.
- (3) The EJN Secretariat should prepare the Work Programme in close cooperation with the EJN Presidency, assisted by the two other Member States composing the EJN Trio Presidencies.

- (4) Further proposals of a member of the Trio or from the EJM Secretariat on future projects and activities of the European Judicial Network should be subject of discussion in the EJM Trio Presidencies meetings.
- (5) In the beginning of the last semester of an 18 months cycle, on the occasion of the EJM National Correspondents meeting, the acting Trio Presidencies would have to handover the EJM "dossier" to the incoming Trio. To that end, a joint meeting of the current and incoming Trio has to be organised on that occasion. The incoming Trio Presidencies will present their objectives and activities for EJM in the plenary meeting before the takeover of the Trio.
- (6) The EJM Secretariat is entrusted by the Trio Presidencies in the administrative matters of the EJM, particularly the information system and the telecommunication tools, and the management of the relevant projects for the effective implementation of the EJM Decision and of the EJM Work Programmes.
- (7) Taking into account that there is a chronological difference between the Council' s configurations Trio presidencies cycle (18 months) and the civilian calendar, the EJM Secretariat will continue to manage its annual / biannual planning inside Eurojust in conformity with the objectives of the Trio Presidencies.
- (8) In order to contribute to the strengthening of the privileged relations between the EJM and Eurojust, the EJM Trio Presidencies and the EJM Secretariat will gather informally with the Eurojust Presidency Team, the National Members of the Trio Presidencies of the JHA Council and the Administrative Director of Eurojust to discuss common interests or matters related to both structures. With the view of enhancing the relations and the coordination between both structures the Trio alongside with the Secretariat may participate in Eurojust internal meetings at the invitation of its College or Administration.

Henceforward, it will be taken into account the working methodology resulting from the best practices between the Trio Presidencies of the EJM and the EJM Secretariat.

II. The Administration of the Network (Articles 2(8), 7, 9(1), 11, 13 of the EJM Decision)

The EJM Secretariat shall be responsible for the administration of the EJM (Article 2(8) of the EJM Decision). It is therefore essential that the EJM Secretariat may provide effective support to the work of the EJM contact points in general and also assistance to the Member State holding the Presidency of the Council.

As the administrating unit which should be able to provide the necessary professional experience, history and continuity, its tasks should in practical terms *inter alia* include:

- ensuring the proper administration of the EJM (including the financial and budget management in close cooperation with the Budget unit of Eurojust), with a view to enabling the EJM contact points to fulfill their tasks and keeping the EJM identity;
- setting up, maintenance and improvement of the EJM information system/website;
- drafting documents related to the activities of the EJM (including reports referred to in the Article 13 of the EJM Decision);
- keeping a general up-to-date record of projects and decisions taken within the EJM;
- providing support to the Member State holding the Presidency of the Council in relation to the organization of the meetings;

- sharing of information on the challenges, achievements, difficulties and any other issues of general interest for the EJM with the EJM contact points on a permanent consultation basis (e. g. through a newsletter);
- preparation of draft Action plans for the new and ongoing projects of the EJM after consultations with the national correspondents;
- establishment and maintenance of relations with other bodies and structures in the field of judicial cooperation in criminal matters within and outside the EU; and
- promotion of the EJM, including presentation of the EJM in meetings, conferences or other events organized both within the EU or outside by partners in the third countries or international organizations.

In accordance with the best practice within the EJM, the EJM Secretariat may establish, on an *ad hoc* basis, a sub-group for a specific purpose and within a specified time frame, when it considers it important for the accomplishment of the specific outcomes, in particular regarding the EJM information tools and the drafting of the EJM biannual reports in accordance with article 13 of the EJM Decision.

The role of the EJM Secretariat is of the utmost importance for the effective functioning of the EJM as such. The EJM Secretariat shall have its own identity to be able not only to represent the EJM in close consultation and coordination with the Member State which holds the Presidency of the Council and to fulfill its tasks according to the EJM Decision, but also to be a visionary team, to identify new areas where the EJM may be involved or focused on, taking advantage of its strategic position and transmitting to the national correspondents updated information concerning what is going on in the field of the international judicial cooperation. For those reasons, the EJM Secretariat has to be equipped by all the means necessary in order to fulfill its important tasks, including human, financial and other material resources.

The EJM Secretariat is located on the premises of Eurojust and the staff of the EJM Secretariat is part of the staff of Eurojust. The EJM Secretariat may draw on the administrative resources of Eurojust which are necessary for the performance of its tasks. It should be able to fully use and benefit from all the means which are at the disposal of Eurojust, such as the legal, IT and financial support. This should allow for the effective functioning of the EJM Secretariat, while at the same time keeping its low cost profile, which has been continuously considered as a very good example of cost-efficient administration. This should not preclude a possible need to increase the human or financial resources of the EJM Secretariat subject to concrete and reasonably presented facts.

III. The EJM Meetings

1. The Plenary meetings

The plenary meetings of the EJM Contact Points shall take place at least three times a year, being organised by the Member State holding the Presidency of the Council in close cooperation with the Secretariat of the EJM (Article 5(1)(3) of the EJM Decision). The first plenary meeting held in Brussels or in The Hague will usually take place during February, the other two meetings will usually take place towards the end of the Presidency period in the Member State which holds the Presidency of the Council.

1.1. The Plenary meetings of the EJM Contact Points in the Member State holding the Presidency of the Council (Article 5(1)(3) of the EJM Decision)

At least three contact points per Member State shall be invited to the plenary meeting organised in the Member State holding the Presidency of the Council. The meeting should consist of two parts:

- One part should be devoted to the matters related to the functioning of the EJM, which have been discussed and prepared in advance by the national correspondents meeting (NCM), and submitted to the plenary meeting for discussion and adoption of final decisions. The role of the NCM in identifying matters for discussion at the plenary meeting is described below in the part related to the NCM.
- The other part should be left to the organising Member State who will decide on the theme of the conference (in general related to the practical and legal problems encountered by the Member States in the context of the judicial cooperation in criminal matters within the EU (Article 5(1)(b) of the EJM Decision)).

The EJM Contact Points should exchange information and share best practice during the plenary meeting. Workshops may be used as a forum to enable a proper operational discussion on concrete subject matters (e. g. specific case examples or the theme of the conference).

1.2. The regular meetings of the EJM contact points in Brussels / The Hague (Article 5(3) of the EJM Decision)

The regular meeting of the EJM contact points may be held on the premises of the Council in Brussels or on the premises of Eurojust in The Hague once a year (Article 5(3) of the EJM Decision). Two EJM contact points per Member State shall be invited to this meeting.

It is a specific, more limited, form of the plenary meeting which otherwise takes place at the end of the Presidency period and is organized in the Member State holding the Presidency of the Council, on the other hand providing greater number of participants than the NCM.

The regular meeting shall have different objectives and role in comparison to the plenary meetings organized in the Member State holding the Presidency of the Council and the NCM. It should be devoted to practical and organizational matters of the EJM or new initiatives on the judicial cooperation in the EU. Its particular content shall be determined by the Member State holding the Presidency of the Council in close cooperation with the EJM Secretariat, the Council Secretariat and the European Commission. It should be restricted to the EJM contact points only, unless the Member State holding the Presidency of the Council decides otherwise. If the meeting is held in Brussels, the travel expenses cannot, as from 2010, be paid out of the Council's budget.

2. Meetings of national correspondents (NCM) (Articles 2(3), 4(4), 6(1), 10 of the EJM Decision)

The NCM should act as a steering committee of the EJM. The objective of the NCM should be to ensure detailed examination of the relevant activities of the EJM, discussion thereof and preparation of possible solutions, which are subsequently submitted to the plenary meetings of the EJM Contact Points for discussion and adoption of final decisions. Tasks of the NCM, performed by the national correspondents in close cooperation with the EJM Secretariat, should *inter alia* include:

- preparation and execution of the budget of the EJM and other budgetary issues;
- internal policy of the EJM, including administrative matters, documents or rules to be applied within the EJM and relevant statistics on the workflow in each Member State;

- external policy of the EJN, including public relations and the list of activities arranged or likely to take place in the field of the external relations of the EJN towards partners in the third countries over a given period;
- preparation of strategic decisions concerning further developments of the IT tools within the EJN website (the tool correspondents are responsible for the technical preparation), including the allocation of the financial resources;
- providing feedback from the EJN Contact Points and up-to-date information on the main issues of concern from the national practitioners;
- providing feedback on the implementation of the Council Decision on the EJN in the Member States; and
- preparation, elaboration and implementation of possible Action plans on the new and ongoing projects of the EJN.

Should the NCM consider it appropriate, it may on the request of the EJN Secretariat or any Member State on an *ad hoc* basis, establish a sub-group for a specific purpose and within a specified time frame.

According to the EJN Decision, the NCM shall take place on an *ad hoc* basis, at least once a year (Article 6(1) of the EJN Decision). Taking into account the challenges of the EJN and the foreseen role of the NCM, the NCM should be held regularly twice a year (usually in October and March/April) in order to examine the relevant activities of the EJN and prepare the plenary meetings organised in the Member State which holds the Presidency of the Council at the end of the Presidency period.

The NCM should take place on the premises of Eurojust in The Hague and should be prepared and chaired by the national correspondent of the Member State which holds the Presidency of the Council, with the support and close cooperation of the EJN Secretariat (Article 6(1) of the EJN Decision).

Each Member State shall be represented in the NCM by its national correspondent (Article 6(1) of the EJN Decision). The contact point of the European Commission shall also be invited to the NCM (Article 2(7) of the EJN Decision). Travel and accommodation expenses of the national correspondents (one representative per Member State) are reimbursed from the EJN budget. Whether a participation of a second EJN contact point for each Member State (without the possibility of reimbursement of the costs) is also allowed, should be determined on a case-by-case basis by the Member State which holds the Presidency of the Council. It should be borne in mind that one of the main advantages of the NCM is its format as a small and effective group.

3. Meetings of tool correspondents (Articles 2(4), 4(5), 6(2), 7, 8 of the EJN Decision)

The meetings of tool correspondents shall take place at least once a year (Article 6(2) of the EJN Decision). The tool correspondents meetings should take place on the premises of Eurojust in The Hague and should be prepared and chaired by the tool correspondent of the Member State which holds the Presidency of the Council, with the support and close cooperation of the EJN Secretariat (in particular the EJN webmaster). Tasks of the tool correspondents should *inter alia* include:

- ensuring that the information referred to in Article 7 of the EJN Decision is provided and updated in accordance with Article 8 of the EJN Decision (Article 4(5) of the EJN Decision);

- discussion on the new EJM information tools and further development of the existing EJM information tools;
- discussion on the technical details concerning the EJM website;
- assessment of the state of play of questionnaires distributed within the EJM;
- training issues relating to the handling of the EJM information tools.

4. Budgetary matters and time frame for the preparation, adoption and execution of the EJM budget

According to the EJM Decision, in order for the European Judicial Network to be able to carry out its tasks, the budget of Eurojust shall contain a specific part related to the activities of the Secretariat of the EJM (Article 11 of the EJM Decision).

In accordance with the Eurojust Decision, the EJM shall be informed on the parts related to the activity of its Secretariat "in due time before the forwarding of the estimate to the Commission" (Article 35 paragraph 1 b).

In order to ensure an effective consultation of the Network and an active involvement of the EJM at an early stage in the process of preparation of the part of the Eurojust budget related to the activity of its Secretariat, the following steps should be taken on an annual basis:

By October:

- the EJM Secretariat presents the initial draft budget of the EJM for two years in advance in the NCM;
- the EJM Secretariat informs about the execution of the budget in the course of the budgetary period for which the budget has been adopted in the NCM;
- after the October NCM, the EJM Secretariat submits to Eurojust College their proposal pre-agreed in the NCM for the forthcoming year;
- the EJM (EJM Presidency and Secretariat) attends Eurojust College plenary to discuss their budget proposal for the forthcoming year.

Subsequently, **the EJM plenary meeting at the end of the calendar year** agrees on:

- the draft of the EJM budget for two years in advance;
- the draft of the EJM budget for the next year in accordance with Eurojust College's approval, and;
- the execution of the budget in the course of the budgetary period for which the budget has been adopted.

An official notification from the College of Eurojust is given to the EJM Secretariat about their adopted budget.

In March:

The European Commission gives feedback to the Eurojust's draft budget for the forthcoming year and consequently to EJM budget (lines).

There may be a short turnout time between receiving feedback from the European Commission and the deadline for submitting the adjusted budget. This may mean that the EJM may be required to execute cuts at short notice. Should these cuts occur, the EJM Secretariat, in cooperation with the Budget and finance unit of Eurojust will redraft an adjusted budget with indications of key items for the execution of EJM activities where cuts are not desirable.

Once the EJM budget is finally approved by the European Commission through Eurojust's budget, the EJM Secretariat will inform the national correspondents accordingly.

At **the March/April NCM** and **the EJM plenary meeting in the middle of the calendar year** the EJM Secretariat informs about the interim execution of the budget in the course of the budgetary period for which the budget has been adopted.

Should the EJM Secretariat consider it necessary to reallocate expenditures between the budget lines within the already approved budget during the course of the budgetary period for which the budget has been adopted, it may do so solely up to a maximum of 1% of the total EJM budget and on condition that the transfer does not lead to the full cancellation of a project for which the financial resources have been allocated. For reallocation of higher sums or reallocation resulting from the full cancellation of a project, approval of the NCM has to be secured before any reallocation is made. Decision on such reallocation shall be adopted by a simple majority of the national correspondents, who may communicate their decision by email.

Where approval has been sought by email, the national correspondents shall have a reaction period, according to the EJM budget cycle constraints, in which they assess on such reallocation. After this time-limit, reallocation shall be deemed to have been approved if majority of the national correspondents has agreed or remained silent.

ANNEX 4: EJM WORK PROGRAMME 2013

EJM SECRETARIAT WORK PROGRAMME FOR 2013	
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 34 th Regular meeting of the EJM CP's	28,000
1.3. Organisation of the 5 th National Correspondents Meeting	16,000
1.4. Organisation of the 12 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: To ensure the proper functioning of the EJM website	
2.1. Maintenance of the website	39,000
Objective 3: Improvement of the EJM information platform	
3.1. General enhancement of the EJM website and 3.2. Activities to be decided in the EJM Tools Correspondent meeting	164,000
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: 2011/2012	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 practitioners	7,000
5.2 Providing support for the organisation of meeting of the EJM Contact Points	10,000
Objective 6: To foster a 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: EJM WORK PROGRAMME 2014

EJM SECRETARIAT WORK PROGRAMME FOR 2014	
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 35 th Regular meeting of the EJM CP's	28,000
1.3. Organisation of the 6 th National Correspondents Meeting	16,000
1.4. Organisation of the 13 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: To ensure the proper functioning of the EJM website	
2.1. Maintenance of the website	39,000
Objective 3: Improvement of the EJM information platform	
3.1. General enhancement of the EJM website	104,000
3.2. Activities to be decided in the EJM Tools Correspondent meeting	60,000
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	3,000
Objective 5: To increase awareness of the EJM among practitioners	
5.1 Activities in different MS to increase awareness of the EJM among practitioners	7,000
5.2 Providing support for the organisation of meeting of the EJM Contact Points	15,000
Objective 6: To foster a 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 6: EXTRACT FROM THE WHITE PAPER ON THE IMPLEMENTATION OF THE EXPLANATORY MEMORANDUM ON THE NEED FOR ENHANCING THE COLLABORATION AND IMPROVING THE INTERCONNECTION BETWEEN THE EUROPEAN JUDICIAL NETWORK (EJN) AND SIMILAR JUDICIAL COOPERATION NETWORKS AND STRUCTURES IN CRIMINAL MATTERS; AND THE REGIONAL COOPERATION WITH THIRD COUNTRIES” AND COOPERATION WITH OTHER EJN PARTNERS

List of Networks and similar structures partners of the EJN

	Name of the structure	Abbreviation	Member countries
a)	The Ibero-American Network of International Legal Cooperation	IberRed	Spain, Portugal, Andorra, and Argentina, Bolivia, Brazil, Chile, Columbia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Puerto Rico, Uruguay, and Venezuela
b)	The Network of judicial international cooperation of the Portuguese speaking countries (Rede Judiciária da CPLP)	CPLP	Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal, Sao Tome and Principe, and Timor-Lest
c)	The Commonwealth Network of Contact Persons	CNCP	Antigua and Barbuda, Australia, the Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Cameroon, Canada, Cyprus, Dominica, Fiji, Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, the Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, Samoa, the Seychelles, Sierra Leone, Singapore, the Solomon Islands, South Africa, Sri Lanka, St Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Swaziland, Tonga, Trinidad and Tobago, Tuvalu, Uganda, the United Kingdom, the United Republic of Tanzania, Vanuatu, and Zambia
d)	The South Eastern European Prosecutors Advisory Group	SEEPAG	Republic of Albania, Bosnia and Herzegovina, the Republic of Bulgaria, the Republic of Croatia, the former Yugoslav Republic of Macedonia, the Hellenic Republic, Hungary, the Republic of Moldova, Montenegro, Romania, the Republic of Serbia, and the Republic of Turkey
e)	Judicial Regional Platform of the Indian Ocean Commission	IOC	Comoros, France (Réunion), Madagascar, Mauritius and the Seychelles
f)	Judicial Regional Platform of Sahel countries	SAHEL	Burkina Faso, Mali, Mauritania and Niger

g)	EuroMed Justice III project	EuroMed	People's Democratic Republic of Algeria, the Arab Republic of Egypt, Israel, the Hashemite Kingdom of Jordan, Lebanon, the Kingdom of Morocco, the Palestinian Authority, the Syrian Arab Republic (<i>formally part of the project even if there is a partial and temporary suspension of the EuroMed Justice III project in terms of Syrian participation</i>), the Republic of Tunisia, and Libya
h)	EU funded Pre-Accession Assistance (IPA) 2010 project "Fight against organised crime and corruption: Strengthening the Prosecutors' Network" in the Western Balkans	WBPN	Albania, Bosnia and Herzegovina, Kosovo (<i>this designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence</i>), the former Yugoslav Republic of Macedonia, Montenegro, and Serbia
i)	Judicial Cooperation Network of Morocco (<i>Réseau Marocain de Coopération Judiciaire Internationale</i>)	RMCJI	Kingdom of Morocco
j)	National Council of the Prosecutors-General (<i>Conselho Nacional dos Procuradores-Gerais</i>)	CNPG	All 27 states of Federative Republic of Brazil (27 <i>Procurador-Geral de Justiça</i>), the Prosecutor-General (<i>Procurador-Geral da República</i>), the Ministry of Labour (<i>Ministério Público do Trabalho</i>), and the Ministry of Defence (<i>Ministério Público Militar</i>)

List of Memoranda of Understanding (MoU) or similar documents concluded by EJM

	Partner	Place & time	Status
a)	IberRed: MoU between the EJM and IberRed	June 2010 Madrid, Spain	Exchange of lists confirmed at the meeting between the Secretary to the EJM and Secretary General of IberRed in May 2014
b)	ERA: European Academy of Law	November 2010 Trier, Germany	Roadmap with ERA for enhanced cooperation
c)	CNPG: MoU for Mutual Legal Assistance with the National Council of Attorneys General	August 2012 Salvador de Bahia, Brazil	CNPG nominated an informal contact point for EJM
d)	EJM: MoU between EJM and its partners	June 2014 Brussels, Belgium	Signed and to be implemented
e)	CNCP: MoU between EJM and Commonwealth Network of Contact Persons	<i>In progress</i>	Willingness for more formal cooperation was expressed by CNCP after the 42 nd plenary meeting of the EJM contact points; MoU currently being drafted by the CNCP

List of third countries cooperating/requesting cooperation with EJM

	Country
a)	Bosnia and Herzegovina
b)	Burkina Faso
c)	Canada
d)	Commonwealth of Australia
e)	Federal Republic of Nigeria
f)	Federative Republic of Brazil
g)	Georgia
h)	Hashemite Kingdom of Jordan
i)	Japan
j)	Kingdom of Morocco
k)	Macao Special Administrative Region of the People's Republic of China
l)	Republic of Azerbaijan
m)	Republic of Chile
n)	Republic of Guinea-Bissau
o)	Republic of Korea
p)	Republic of Serbia
q)	Russian Federation
r)	State of Israel
s)	United Mexican States
t)	United States of America

List of third countries requested by EJM Contact Points

	Country
a)	Argentine Republic
b)	Bolivarian Republic of Venezuela
c)	Commonwealth of The Bahamas
d)	Federative Republic of Brazil
e)	Hong Kong Special Administrative Region of the People's Republic of China
f)	Republic of Chile
g)	Republic of Ecuador
h)	Kosovo ¹²
i)	Republic of Montenegro
j)	Republic of Peru

¹² This designation is without prejudice to positions on status, and is in line with United Nations Security Council Resolution 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

k)	Republic of Seychelles
l)	Republic of Singapore
m)	Republic of South Africa
n)	Russian Federation
o)	United Arab Emirates

EU institutions and EU related structures

	Partner
a)	European Commission
b)	Council of the European Union
c)	Council of Europe
d)	eJustice
e)	Eurojust
f)	Network of National Experts on Joint Investigation Teams
g)	European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes
h)	European Academy of Law (ERA)
i)	CARIN (Europol)
j)	EUROPRIIS
k)	European Organisation for Probation (CEP)
l)	Fundamental Rights Agency (FRA)
m)	Victim support groups in EU

Other Partners

	Partner
n)	European Judicial Training Network (EJTN)
o)	United Nations Office on Drugs and Crime (UNODC)
p)	United Nations (UN)
q)	Justice Sector Peer-Assisted Learning (JustPAL) Network
r)	European Union Co-ordinating Office for Palestinian Police Support (EUPOL COPPS)
s)	International Criminal Tribunal for the former Yugoslavia (ICTY)
t)	International Criminal Court (ICC)

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