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From : General Secretariat
To : Coreper / Council

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Subject : Draft Council Conclusions on the seventh Eurojust Annual Report
(calendar year 2008)

Delegations will find enclosed the Draft Council Conclusions on the seventh Eurojust Annual Report (calendar year 2008) as agreed on by the Article 36 Committee at its meeting on 20 May 2009.

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

**Draft Council Conclusions on the seventh Eurojust Annual Report
(calendar year 2008)**

The Council,

having examined the Annual Report,

1. Welcomes the seventh Eurojust Annual Report (calendar year 2008)¹ and notes with appreciation that most of the objectives to be achieved in 2008 and as set out in the Annual Report for 2007 have been successfully attained or are in progress to be accomplished. In particular, takes note of the progress made by Eurojust in the course of 2008 in improving its organizational and operational capacities and stimulating coordination between the competent national authorities, third States and other European Union bodies, particularly Europol and OLAF;
2. Takes note of the upward trend in caseload statistics, with 1 193 registered cases in 2008 compared with 1085 in 2007 (i.e. an increase of 10%), and of the related increase in the number of co-ordination meetings (91 in total, 25% more than in 2005). Draws Eurojust attention to the falling part of complex cases (28% in 2007 and 16% in 2008) in the overall caseload. (...) Invites Eurojust to focus on complex cases which require co-ordination; simple bilateral cases should in general be referred to European Judicial Network Welcomes the increased involvement of Member States both in casework at Eurojust and the requests for assistance to national authorities. Requests Eurojust to continue analysing (...), based on its expertise, the obstacles to international judicial cooperation and to report to the Council, the Commission and the European Parliament. Encourages Eurojust to further develop to that end its tools to evaluate its case-work and to strengthen its ability to give information on elements of the state of judicial cooperation within the European Union, and where appropriate to draw conclusions;

¹ Doc. 7677/09 EUROJUST 15.

3. Reiterates its requests to Member States to further encourage their national judicial authorities to make full use of Eurojust facilities and to refer complex and serious multilateral cases to Eurojust by involving the Unit, where possible, at an early stage of investigations.
Encourages the National Members, if necessary, to take any possible initiatives at national level to overcome any legal or practical obstacles; encourages the Member States to make the most use of the extended operational capacities offered by the Decision of the Council of 16 December 2008 amending Eurojust Decision and to further encourage the referrals being made to Eurojust.
4. Endorses the application by Eurojust of the new classification system for defining the quality and the nature of the cases. Invites Eurojust to continue the assessment of casework on this basis and to focus on complex, especially multilateral, cases which require co-ordination;
5. Shares the view of Eurojust underlining the importance of a systematic and comprehensive transmission of information from all Member States. Calls upon Eurojust to further strengthen its capacity to deal with and analyse received information effectively and welcomes the announced development of the CMS with a view to achieving cross-referencing analysis. Stresses the importance of exploiting the full potential of the Eurojust database with a view to possible requests to Member States, on the basis of cross-referencing analysis, to initiate investigations, thereby playing an active role in stimulating Member States' cooperation and coordination;
6. Notes with appreciation the implementation in the Member States of a secure e-mail system for the transmission of case related information between the National Members and their national authorities. Welcomes the enhancement of the development of the CMS by the results of the E-POC III project. Awaits further improvements of the system as announced for 2009, due account taken of the requirements for the interoperability;

7. Reiterates its recommendation to the Member States to provide Eurojust with high-quality, up-to-date information in particular, in view of the legal obligation under Council Decision 2005/671/JHA to transmit to Eurojust relevant information concerning prosecutions and convictions for terrorist offences;
8. Takes note of the fact that there is still a limited use of Eurojust powers under Article 7 of the Decision despite an increase in requests made under Article 6(a). Endorses Eurojust's assessment that the new Eurojust Decision includes improvements in the exchange of information and strengthening of the powers of the National Members and the College, thereby enhancing the possibility of a more active approach to coordinating investigations and prosecutions;
9. Reiterates its consideration that the expertise achieved by Eurojust through its casework related activities constitute a significant source of information to contribute to the identification of criminal trends or priorities that should be taken into account at European level in the shaping of an effective criminal policy, especially through its contributions to the Organised Crime Threat Assessment (OCTA) and the Russian Organised Crime Threat Assessment (ROCTA) and to the EU Terrorism Situation and Trend Report (TE-SAT).
10. Shares Eurojust's view about the significance of the efficient and prompt implementation of the modifications brought about by the new Council Decision on the strengthening of Eurojust, amending the Decision of 28 February 2002 setting up Eurojust. Welcomes the initiative taken by Eurojust in cooperation with the Trio-Presidency to convene an Informal Working Group in order to assist Member States in the implementation of the new Decision so that the objectives set out in the new Decision are met. Urges Eurojust to take the necessary steps to adjust its internal structures to the requirements of the new Eurojust Decision.

11. Welcomes the initiatives taken by Eurojust with a view to strengthening the cooperation with the EJM, in light of the Council Decision on the Strengthening of Eurojust and the Council Decision on the European Judicial Network. Notes in particular the importance of the initiatives taken in respect of the establishment of the Eurojust National Coordination System in the Member States and the common tasks of both entities based on consultation and complementarity;
12. Welcomes the introduction of a channel for secure information exchange between the Eurojust and Europol;
13. Recalls the Council statement of June 2008 urging Eurojust and Europol to prepare, before the end of 2008, amendments to their cooperation agreement, including in particular the mutual exchange of information necessary for the tasks of both Eurojust and Europol. (...)
14. Welcomes the initiatives taken by Eurojust to support and facilitate the creation and operation of the Joint Investigation Teams (JITs). Reiterates its request to Member States to make full use of JITs and calls on Eurojust to ask the relevant authorities in the Member States to consider setting up JITs (Articles 6 and 7 of the Eurojust Decision).;
15. Welcomes the initiative of Eurojust to host the sixth meeting of the European Network of Contact Points in respect of persons responsible for genocide, war crimes and crimes against humanity and reiterates the importance of further meetings being hosted by Eurojust;
16. Welcomes the continuous involvement of Eurojust into the child protection and thus welcomes appointment by Eurojust of a Contact Point for Child Protection and the setting up of a related webpage;
17. Appreciates the signing of the practical agreement on arrangements of cooperation between Eurojust and the European Anti-Fraud Office (OLAF) which aims at stepping up the cooperation between the two bodies in particular by enhancing the exchange of information;

18. Takes note of Eurojust's initiatives to further develop contacts with IberRed and the International Association of Prosecutors (IAP). Welcomes the conclusion in November 2008 of the cooperation agreements with Switzerland and with the Former Yugoslav Republic of Macedonia. Encourages Eurojust to continue to develop relationships with third countries according to the priority list set out for 2009. Underlines the importance of including clear provisions on data protection in forthcoming cooperation agreements with third countries;
19. Welcomes the progress made with the implementation of the IT facilities, in particular videoconferencing and the intensified use of the Schengen Information System (SIS) in Eurojust's casework and cooperation and coordination activities;
- 19bis. Points out that the core business of Eurojust's National Members is and should remain the work on cases. Invites Eurojust to consider measures in order to reduce the burden put on the College and on National Members stemming from tasks other than that provided for in Articles 6 and 7 of the Council decision.
- 19ter. Invites Eurojust to focus in its Annual Report more on examples of casework and on Eurojust's merits to improve judicial cooperation in specific operational cases including also its comments, conclusions and suggestions for the implementation of good practice; thereby make the Annual Report more attractive for practitioners and increase awareness among practitioners of the added value of Eurojust's involvement in cross-border cases of judicial cooperation.;
20. Invites Member States, the relevant Council preparatory bodies and the Commission to analyse the Annual Report with a view to identifying possible courses of action to enhance the effectiveness of judicial cooperation and coordination in Europe;
21. Invites Eurojust to report in its next Annual Report on the implementation of these conclusions.