



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from:	Presidency
to:	Working Party on Cooperation in Criminal matters
Subject:	Draft Council Conclusions on the Eurojust Annual Report 2012

Following the discussions at the COPEN meeting on 19 September, delegations are asked to agree to the attached revised draft of the Council conclusions on the Eurojust Annual report 2012.

Modifications in relation to the original version of the document are marked with underlined or [...]. Any comments or suggestions from the delegations should be sent to the Presidency and the Council Secretariat by 6 October 2013.

Draft Council Conclusions on the Eurojust Annual Report 2012

The Council,
having examined the Annual Report,

1. Welcomes the Eurojust Annual Report 2012¹; Notes that most of the objectives to be achieved in 2012 and as set out in the Annual Report for 2011 have been successfully attained or are in progress to be accomplished;
2. Appreciates in particular the developments related to the operational activities of Eurojust in identifying and solving obstacles to judicial cooperation in criminal matters that illustrate the added value brought to the work of practitioners; Encourages Eurojust to pursue in that direction in its future reports; Takes note of the initiatives undertaken by Eurojust in the course of 2012 to finalise the process of implementation of the Eurojust decision, to improve its organisational and operational capacities and to further stimulate coordination between the competent national authorities and cooperation with third States and other European Union bodies;
3. Notes with contentment [...] the positive development, quantitatively as well as a qualitatively, of its coordinating and facilitating role. Considers that coordination meetings and coordination centres are valuable tools to support and improve cooperation between the competent authorities of the Member States; In particular, encourages Member States' competent authorities to continue using Eurojust as a case coordinator;

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4. Recalls that the Eurojust Decision provides for an evaluation in 2014; Suggests that in that perspective Eurojust proceeds to a qualitative evaluation of its activities, taking into account the feedback given during the 6th round of mutual evaluations [...] and seeking additional [...] feedback from practitioners where necessary; Encourages Eurojust in that perspective to adopt adequate and objective evaluation tools;
5. Welcomes the support given by Eurojust to Joint Investigation Teams and notes the increase of the number of Joint investigation teams (JITs) established in the course of 2012; notes [...] namely the increase in funding awarded under the JIT funding project, from €265 161 in 2010 to €815 886 in 2012, which has proved an efficient promotion tool for the development of that instrument of cooperation; Asks Eurojust to further support, including financially, the creation, implementation and evaluation of JITs and to continue developing best practices and sharing information on judicial experience and case results;
6. Invites the Commission and other competent stakeholders to investigate [...] the financial possibilities offered to Eurojust to financially support the setting up and functioning of JITs, Encourages Member States to make use of JITs operational capacities as well as of the assistance of Eurojust, including its coordinating and facilitating role;
7. Supports the development by Eurojust of projects aimed at enhancing best practices in the fight against specific forms of serious crimes, such as Trafficking in Human beings and Drug Trafficking; Encourages the development of such projects in the future.
8. [...] Notes that different rules on the sharing [...] and disclosure of evidence may limit cooperation, [...], and welcomes the fact that Eurojust serves as a centre of expertise for best practices in this area; Calls on all parties to advance, as a matter of priority, the work on [...] the European Investigation Order to ensure that there is an effective and streamlined instrument to assist cooperation, investigation, and gathering of evidence across borders;

9. Notes Eurojust's reporting of [...] some other obstacles encountered in judicial cooperation and encourages competent authorities to seek the help of Eurojust at an early stage of the proceedings to come to terms with such obstacles; Considers that some of the practical difficulties identified by Eurojust in the Annual report 2012 may be due to national authorities giving priority to domestic investigations and prosecutions rather than for example the multilateral dimension of cases requiring the organisation of coordination meetings, and therefore encourages Member States to address these issues by strengthening the cooperation between each other and with Eurojust further;
10. Welcomes the continuous strengthening of the cooperation between Eurojust and Europol; Invites Eurojust to maintain its practice of associating Europol, when[...] appropriate [...], in the coordination process in respect of cases submitted to Eurojust, in particular by providing Europol with information about the submission of the case, where [...] necessary; Calls on Eurojust and Europol to continue to seek complementarity between their work in support to national authorities;
11. Notes that OLAF is a privileged partner in the fight against fraud, corruption and other crimes affecting the financial interests of the European Union, and calls on Eurojust and OLAF to further strengthen their cooperation on relevant cases in this field.
12. Welcomes the support offered by Eurojust – in line with the Stockholm Programme - to the activities of the Forum of Public Prosecutors and Directors of Public Prosecution that brings the practitioners closer to the EU decision and policy makers. [...]
13. Notes that the use of Eurojust to facilitate the execution of requests is particularly relevant regarding EAW and MLA requests; Notes that the cases related to execution of EAWs still constitute as much as about 16,8% of all cases referred to Eurojust, and appreciates the expertise and assistance provided by Eurojust in the resolution of these cases, in particular where it comes to the provision of a Eurojust opinion in cases of competing EAWs;

14. Remarks with a certain regret that certain problems with the execution of EAWs identified by Eurojust are recurring from previous years; Invites national authorities confronted with recurrent refusals and difficulties concerning the execution of requests to refer them to Eurojust in accordance with Article 7(3) and 13 (7) of the Eurojust Decision; Invites Eurojust to actively support and disseminate best practices in the field and, where appropriate, convene meetings amongst competent authorities aimed at seeking solutions to recurrent issues;
15. Reiterates its call for an efficient and prompt implementation of the Council Decision on the strengthening of Eurojust, amending the Decision of 28 February 2002 setting up Eurojust. Notes with regret that by the end of 2012 [...] not all Member States appear to have fully complied with this obligation; Welcomes the implementation support to Member States provided by Eurojust and the results achieved by the Informal Working Group of Eurojust, in particular the further development of the “smart” Article 13 PDF Form and the work devoted to the technical connection between the ENCS members in the Member States and the Eurojust’s CMS; Welcomes the initiative taken by Eurojust to organise the 1st meeting of National Correspondents for Eurojust (12 November 2012) and encourages Eurojust to investigate whether [...] such meetings should also be organised in the future [...];
16. Invites Eurojust to report more substantially on the follow-up given to information received in accordance with Article 13 of the Eurojust Decision and on the feedback provided to practitioners in accordance with Article 13a of the Eurojust Decision.
17. Notes the [...] start to the 6th Round of Mutual Evaluations, on the practical implementation and operation in the Member States of the Decisions on Eurojust and the European Judicial Network, and expresses its conviction that these evaluations will contribute to a full and efficient implementation of the Eurojust Decision.
18. Invites Eurojust and Member States to advance the implementation of the secure connection allowing for access to the Case Management System at national level [...] for all Member States; [...]

19. Notes that practitioners have expressed very positive views about the EPOC IV project (European Pool against organised crime), in that it allows the exchange of data with national case management systems, and invites stakeholders to consider how the results of this project can be taken forward;
20. Asks Eurojust to evaluate the setting up of the On-call coordination in urgent cases as foreseen under Article 5a of the Eurojust Decision and invites Eurojust to report on that evaluation in the next Annual Report;
21. Invites Member States, the relevant Council preparatory bodies, the European Parliament and the Commission to analyse the Annual Report(s) of Eurojust also with a view to identifying main criminal policy problems and possible courses of action to enhance the effectiveness of judicial cooperation and coordination in Europe;
22. Invites Eurojust to report in its next Annual Report on the implementation of these conclusions.
