



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From : Presidency
To : Working Party on General Matters including Evaluations (GENVAL)
Subject : Sixth round of mutual evaluations - Questions to Eurojust and the European
Judicial Network

In line with Joint Action 97/827/JHA, adopted by the Council on 5 December 1997, the Working Party on General Matters including Evaluations (GENVAL) decided in the meeting on 22 June 2011 that the sixth round of mutual evaluations will be devoted to the practical implementation and operation in the Member States of the Decisions on Eurojust and the European Judicial Network.

As agreed in GENVAL on 17 January 2012, Eurojust will be provided with a questionnaire, which can be found in the Annex of this note, including comments on the same following the 17 January GENVAL meeting.

GENVAL is invited to adopt the questionnaire to Eurojust.

6th round of Mutual Evaluations
**Practical implementation and operation of the Decisions on Eurojust and the European
Judicial Network in criminal matters**

QUESTIONNAIRE TO BE DIRECTED TO EUROJUST

A. Questions related to the tasks of Eurojust acting as a College

- A.1. According to Article 7 of the Eurojust Decision, a number of tasks have been conferred to Eurojust acting through the College. Please describe how the college operates in practice in relation to the tasks listed under this article.
- A.2. Could you please specify the number of formal requests issued since 2002 under Articles 6 and 7.
- A.3. Describe how Eurojust's cooperation framework and policy with other EU agencies (OLAF, Europol, Frontex) has been implemented and/or supplemented by the relevant statistics.
- A.4. How many of the cases transferred to Eurojust have proved as relevant for Eurojust in a sense that the assistance of Eurojust was actually needed, especially with view to an alternative involvement of the European Judicial Network?
- A.5. With respect in particular to Article 7.1 (e), how does Eurojust acting as a College cooperate in practice with the European Judicial Network? Has Eurojust already consulted the European Judicial Network (its secretariat or any national contact points or national correspondent(s) of the European Judicial Network), including by making use of and contributing to the improvement of the EJM documentary database? What is your experience so far?

- A.6. In accordance with the Council Conclusions on the EJ Annual Reports for 2009 and 2010, has Eurojust prepared internal guidelines for National Desks on redirecting requests to the EJM contact points?
- A.7. How does Eurojust co-operate in practice with Europol? How has the involvement of Europol in Eurojust cases contributed to their resolution? What is your experience so far?
- A.8. With respect in particular to Article 7.2, how are cases of conflict of jurisdiction been dealt with by Eurojust? Has Eurojust acting as a College already been asked to issue a written non-binding opinion in this respect?
- A.9. Has Eurojust prepared internal guidelines for the application of Article 7(2)? In general, how does Eurojust prevent and solve conflicts of jurisdiction?

B. Questions related to the tasks of Eurojust acting through its national members

Eurojust is invited to provide answers for each Member State to the following questions:

- B.1. A number of tasks have been conferred upon Eurojust acting through its national members. Please describe how the national member operates in practice (e.g. are formal requests according to Article 6 used or not).
- B.2. According to your experience, do the judicial authorities of your Member State provide sufficient information to Eurojust when asked without a formal request under Article 6?
- B.3. According to your experience, do the judicial authorities of other Member States provide sufficient information to Eurojust when asked without a formal request under Article 6? Please specify any observations you may have in this respect.
- B.4. According to your experience, do the judicial authorities of your Member State comply with other informal requests of Eurojust (i.e. without a formal request under Article 6, e.g. requests to coordinate or to take specific measures)?

B.5. According to your experience, do the judicial authorities of other Member States comply with other informal requests of Eurojust (i.e. without a formal request under Article 6, e.g. requests to coordinate or to take specific measures)? Please specify any observations you may have in this respect.

C. On-call coordination (OCC)

C.1. The on-call coordination has been operational since 4 June 2011. Have already requests from national authorities been processed through the OCC? Please explain.

C.2. Has Eurojust conducted an evaluation on the functioning of the OCC system?

D. Statistics

Eurojust is invited to provide specific answers for each Member State to the following questions:

D.1. For each Member State, please indicate which kind of criminal offences are most frequently referred to Eurojust and in relation to which other countries?

D.2. For each Member State, could you give, if available, a statistical overview for the past two years of the information sent to Eurojust under Article 13? If needed, please make a distinction depending on whether the new Eurojust Decision has already been implemented in the Member State concerned or not.

D.3. For each Member State, could you give, if available, a statistical overview for the past two years of the information sent to competent national authorities from Eurojust under Article 13a? If needed, please make a distinction depending on whether the new Eurojust Decision has already been implemented in the Member State concerned or not?

D.4. Could you give, if available, a statistical overview for the past two years of the number of coordination meetings each Member State participated in? Please, specify between, on the one hand, the estimated number of coordination meetings where the Member State concerned took the initiative and the estimated number of coordination meetings where the Member State concerned was invited?

D.5. Could you give, if available, a statistical overview for the past two years of the number of cross-referencing analysis and feedback with regard to operational cases Eurojust has delivered to the Member States in relation with Article 13a of the Eurojust Decision?

E. JITs, Article 7(3), Article 8 and Articles 9a to 9e EJD

E.1. Which assistance does Eurojust provide to Member States in the setting up of Joint Investigation Teams (JITs)? Please specify the number of JITs where National Members, Deputies or Assistants have participated in either as a competent national authority or on behalf of Eurojust. How many notifications has Eurojust received on the basis of Article 13(5) EJD? For how many JITs has Eurojust provided funding?

E.2. With respect to Article 7(3) EJD, how are cases in relation to recurrent refusals or difficulties concerning the execution of requests handled by Eurojust? Has Eurojust prepared internal guidelines for the application of Article 7(3)? Has Eurojust already been asked to issue a written non-binding opinion in this respect?

E.3. With reference to Article 8: Has Eurojust received any notifications in cases where national competent authorities have decided not to comply with a formal request of Eurojust on the basis of Articles 6 and 7 EJD?

E.4. Please describe the powers granted to Eurojust National Members in accordance with Articles 9a to 9e EJD, including those related to the right for a National Member to act in relation to foreign judicial authorities (Article 9(a)(4) EJD) – It should be noted that the record of powers is maintained by the Office of the President of Eurojust in accordance with Article 18 of the Rules of Procedure of Eurojust.

F. **Exchange of information**

F.1. Eurojust has developed a form for transmission of information to Eurojust pursuant to Article 13(5), (6) and (7) EJD. Please specify the number of forms Eurojust has received so far from national competent authorities and the type and general content of information provided.

F.2. Which kind of feedback does Eurojust provide to competent national authorities in accordance with Article 13a EJD?

G. **Operation of the Case Management System (CMS)**

G.1. How does the CMS contribute to the operational work of national competent authorities? How many requests have been addressed to Member States, on the basis of cross-referencing analysis, to initiate investigations?

G.2. Can Eurojust provide an overview of the measures taken to implement the provisions related to access to the CMS by ENCS members?

G.3. Has an evaluation on the connection of Member States to the CMS already been carried out by Eurojust?

H. **Follow-up to casework**

H.1. Has Eurojust put in place any follow-up/evaluation system with competent national authorities on feedback related to cases in which Eurojust was involved? If yes, can you please provide information on the implementation of the system?

I. Data protection / protection of fundamental rights

I.1. Could you please describe the measures that were specifically taken with view to improve data protection since the Eurojust Decision 2008 has entered into force and the exchange of information and intelligence is expected to increase?

I.2. Could you please describe, how it is ensured that data provided by Member States to Eurojust will not be transmitted to a third country or an international organisation without the consent of the Member State that provided the information or intelligence?

I.3. Do you think that the range of exchange of information between Member States and Eurojust has proved as appropriate and justified with view to the current tasks of Eurojust and the necessity of the protection of fundamental rights?
