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COVER NOTE

from:	Mr. Ivan Korčok, Ambassador, Permanent Representative, Permanent Representation of the Slovak Republic to the European Union
to:	Mr. Rafael Fernández-Pita y González, Deputy Director-General, Council of the European Union
date of receipt :	29 March 2012
Subject :	Notification on the implementation of the Council Framework Decision 2009/426/JHA

Reference: 100402/2012-BESZ/2

Dear Mr Fernández-Pita y González,

It is my pleasure to inform you that the Slovak Republic has transposed Council Decision 2009/426/JHA on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, pursuant to Article 2 thereof. The Decision was transposed into Slovak legislation by the adoption of Act No 383/2011 of 19 October 2011 on representation of the Slovak Republic in Eurojust. That Act entered into force on 1 January 2012.

In accordance with the aforementioned Act, and Article 9a(3) and Article 41 of Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, as amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, I am pleased to inform you of the following appointments/confirmation of appointment:

1. Dr Ladislav Hamran was appointed as the national member for the Slovak Republic on 15 August 2011.

Following the appointment of the national member and the entry into force of Act No 383/2011, the enclosed mandate of the national member for the Slovak Republic in Eurojust was also adopted (Annex 1).

2. Mr Dušan Ďurian was appointed as representative of the Slovak Republic in the Joint Supervisory Body of Eurojust on 22 March 2012.
3. Confirmation of the appointment as Eurojust national correspondent of Dr Jozef Szabó on 10 May 2004 and of Ms Dagmar Fillová on 9 September 2008.
4. Confirmation of the appointment of Dr Stanislava Juričeková on 6 May 2009 as contact point for the European Judicial Network in criminal matters.

Yours sincerely,

(s.)

MANDATE
OF THE NATIONAL MEMBER OF THE SLOVAK REPUBLIC
IN EUROJUST

On the basis of the Act No. 383/2011 Coll. on representation of the Slovak Republic in Eurojust in compliance with objectives, competencies and tasks of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by the Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime (hereinafter „Decision“), the National Member of the Slovak Republic in Eurojust has the following competences and duties:

1. Competence of the National Member on national level

I. Ordinary Competences

National Member has a position of the prosecutor of the General Prosecutor's Office of the Slovak Republic. For purposes of fulfillment of tasks of Eurojust under the conditions set relevant national law, National Member is authorized:

- a) receiving requests for mutual legal assistance (letters rogatory) and decisions issued by competent authorities of the Slovak Republic related to judicial cooperation in criminal matters and these documents proceed to competent authorities of Requested State
- b) participate on facilitating of execution of requests for mutual legal assistance and of execution of decisions, which have an impact according principle of mutual recognition
- c) find out the state of play of execution of request for mutual legal assistance and these determinations proceed to the National Member of Requested State
- d) monitor the execution of requests for mutual legal assistance and decisions issued by competent authorities of the Slovak Republic related to judicial cooperation in criminal matters and in case of determination of failures or delays in proceedings signalize them to the Minister of Justice of the Slovak Republic and to the General Prosecutor of the Slovak Republic
- e) look into the relevant criminal file related to the criminal case, in which Eurojust acts, make remarks from this file or request for its copy or copy of its chosen parts
- f) obtain data from databases and recordings led by the Police Corps of the Slovak Republic
- g) obtain data from recordings and registries led by the Prosecution of the Slovak Republic, including the Register of Convictions
- h) obtain data from recordings and registries led by courts and the Ministry of Justice of the Slovak Republic
- i) directly to contact the competent Prosecutor's Office, court, the Police Corps of the Slovak Republic, Military Police, the Corps of Prison and Court Guard, customs authorities, tax authorities, Slovak Information Service and Military Intelligence and other public authorities and require to provide cooperation and information necessary for fulfillment of tasks of Eurojust from these authorities
- j) submit proposals and requirements to provide fulfillment of Eurojust to the Minister of Justice, the Minister of Interior or the General Prosecutor

- k) in compliance with national law, on the basis of the Mandate of the General Prosecutor and within its limits, in the name of the General Prosecutor's Office of the Slovak Republic to close an agreement on establishing of Joint Investigative Team
- l) be a Member of Joint Investigative Team

II. delegated competences

Within conditions set by relevant national law National Member is authorized:

- a) issue and add letters of rogatory for judicial cooperation and decisions about judicial cooperation including requests and decisions related to Instruments, which recognize the effect according the principle of mutual recognition
- b) handle requests for judicial cooperation and execute decisions about judicial cooperation
- c) allow and coordinate controled deliveries

2. Competences in relation to the Member States of European Union and tho the States, with which Eurojust has closed an Agreement on Cooperation

National Member is for fulfillment of tasks of Eurojust authorized:

- a) receive requests for mutual assistance and decisions about judicial cooperation and these documents submit to competent judicial authorities in the Slovak Republic
- b) participate on facilitation of handling with letters of rogatory and execution of decisions, which recognize the effect according the principle of mutual recognition, particularly by sending additional information, preparation of translations or sending other information facilitating handling with letters of rogatory or execution of decisions about judicial cooperation
- c) find out the state of play of handling with letters of rogatory and their findings submit to competent national authorities
- d) request via National Member of other Member State of European Union competent authorities of this State, to transfer criminal proceedings or to accept, that Slovak Republic has better conditions for investigationn or criminal proceedings for concrete acts and transfer criminal proceedings to the Slovak Republic, if the General Prosecutor of the Slovak Republic for this requests.

3. Competences in relation to European Judicial Network and other Networks of European Union connected to cooperation in criminal matters

National Member is for fulfillment of tasks of Eurojust authorized:

- a) submit to competent contact points of European Judicial Network of Requesting State criminal cases, which do not fall below the competence of Eurojust
- b) communicate with contact points of European Judicial Network of Requesting State and require the information from them
- c) communicate with contact points of other Networks of European Union connected to cooperation in criminal matters and require the information from them

4. Competences in relation to institutions, authorities and agencies of European Union

National Member is for fulfillment of tasks of Eurojust authorized:

- a) attend on operative meetings in the frame of particular analytical working files of Europol with the aim to facilitate exchange of information between Member States of

European Union and competent authorities of the Slovak Republic by detecting, investigating and prosecuting of criminal offences belonging to competence of Eurojust

- b) after previous consent and within limits of Mandate submit to Europol information about criminal activity investigated by competent authorities of the Slovak Republic and require from Europol analytical support or other cooperation, for which Europol is authorized
- c) receive or submit information from competent authorities of the Slovak Republic to institutions, authorities and agencies of European Union, which can help to detect, investigate or prosecute national organised criminal activity or criminal activity threatening interests of European Union

5. National Member is for purposes of Regulation (EC) No. 1073/1999 and (Euratom) No. 1074/1999 of 25 May 1999 related to investigation led by European Anti-Fraud Office considered according Article 26 para 4 of the Decision on Eurojust for competent person.

6. Competences in relation to third States, with which Eurojust has closed an Agreement on Cooperation

National Member is for fulfillment of tasks of Eurojust authorized:

- a) provide Non Member States of European Union with information necessary for investigation and prosecution led on the territory of Non Member State of European Union, if it is not in apparent contradiction with aims and tasks of Eurojust
- b) on request of competent authority of the Slovak Republic and after previous consent of College of Eurojust assist by exchange of information about ongoing investigations and prosecutions between competent authorities of Non Member States of European Union and competent authorities of the Slovak Republic, if it is not in apparent contradiction with aims and tasks of Eurojust
- c) on the basis of request of competent authority of the Slovak Republic, after previous consent of College of Eurojust, provide to competent authorities of the Slovak Republic cooperation with the aim to facilitate handling of letters of rogatory addressed to competent authorities of Non Member State of European Union