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**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
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Subject:	Draft Council Conclusions on the Eurojust Annual Report 2016

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Article 32 of the Council Decision of 28 February 2002 setting up Eurojust reads "*The President, on behalf of the College, shall report to the Council in writing every year on the activities and management, including budgetary management, of Eurojust*".

Eurojust delivered its Annual Report 2015 (doc. 7971/17) on 31 March 2017.

As usual, the Presidency has proposed draft Council conclusions following this report. These draft conclusions were discussed at the CATS meeting on 24 May 2017.

Delegations' comments, including written comments received until 29 May 2017, have been integrated into the draft Council conclusions.

***COREPER is requested to invite the Council to adopt the draft Council Conclusions on the Eurojust Annual Report 2016 as set out in the Annex.***

**DRAFT COUNCIL CONCLUSIONS ON THE EUROJUST ANNUAL REPORT 2016**

**THE COUNCIL HAS ADOPTED THE FOLLOWING CONCLUSIONS:**

1. The Council welcomes Eurojust's annual report 2016, and the overall progress made by Eurojust in fulfilling its mission as a key player in facilitating and strengthening judicial coordination and cooperation between national authorities in the investigation and prosecution of the most serious forms of cross-border of crime.
2. With a view to enhancing the judicial response to the evolving security threats and challenges affecting the security of the European Union, Eurojust is encouraged to further develop its structure and working methods as well as its strategic and operational goals and activities, as outlined below.
3. While acknowledging that the core of the Eurojust's work lies and has to lie in its support provided in particular cases of international judicial cooperation, sufficient financial means are an essential prerequisite for its proper functioning and for the development of all the further mentioned strategic and operational activities.

**I - EUROJUST'S STRUCTURE AND WORKING METHODS**

In this framework, Eurojust should:

4. continue to facilitate and promote a more effective and extensive use of coordination meetings, coordination centres and Joint Investigations Teams (JITs), including JIT funding, in coordination with Europol, and other practical tools, with a view to rapidly overcoming the legal and practical difficulties encountered by the competent national authorities in transnational judicial cooperation in criminal matters;

5. building upon the results already achieved by improving its Case Management System (CMS), by further extending the secure network connection with the Member States and by introducing a more user-friendly version of the Article 13 form, develop further initiatives for a more efficient, structured and reliable information exchange with and among the Member States;
6. enhance its role as a Centre of judicial and legal expertise, by continuing to provide advise and other products for the use of practitioners, as the recently updated Guidelines on the prevention and settlement of conflicts of jurisdiction;
7. continue to host the Secretariats of the Genocide and JITs networks and of the European Judicial Network (EJN) and to support their activities and meetings, as well as those of the recently established European Judicial Cybercrime Network (EJCN);
8. continue to work closely and to further enhance cooperation and synergies with relevant institutions and stakeholders, in particular with Frontex and Europol, including its EC3 Cybercrime Centre, and to consider the possible designation of a "bridge-maker" at the Europol European Counter Terrorism Centre (ECTC) and of a Eurojust representative at the Europol European Migrant Smuggling Centre (EMSC);
9. further develop, within the limits of its mandate, its external relations with third States and international organizations, with the conclusion of new cooperation agreements, the secondment of more Liaison prosecutors at Eurojust, the extension of its worldwide network of judicial contact points, and, where appropriate, intensifying contacts with Immigration Liaisons Officers (ILOs), with a view to enhancing international judicial cooperation in criminal matters;
10. further promote the added value of its role, which is proven by the constant increase of its overall casework, by focusing mainly on complex cases involving several Member States or also third States and by undertaking awareness-raising initiatives aimed at increasing practitioners' knowledge of its services;

11. continue to contribute to the actions necessary for the implementation of the EU Policy Cycle, in particular to the Multi-Annual Strategic Plans (MASPs) and the Operational Action Plans (OAPs), as well to more actively contribute to the work of the Standing Committee on Operational Cooperation on Internal Security (COSI);
12. pursue its efforts for streamlining its internal working structures and practices with relevant organisational measures, whilst awaiting for the structural changes of its governance system foreseen in the draft Regulation on the European Union Agency for Criminal Justice Cooperation, currently under negotiations.

## **II- EUROJUST'S STRATEGIC AND OPERATIONAL GOALS AND ACTIVITIES**

13. Against this background, Eurojust has streamlined and should continue to align its strategic and operational goals and activities with the priorities set by:
- the European Agenda on Security;
  - the renewed EU Internal Security Strategy 2015-2020;
  - the European Agenda on migration;
  - the Council priorities for the fight against serious and organized crime for 2014-2017, as well as those that were agreed upon by the Council within the new EU Policy Cycle for 2018 -2021.
14. Eurojust has carried out several activities in the following crime areas, that it should continue to address as a matter of priority, by supporting operational cooperation, namely in the field of:
- a) Terrorism, in particular by:
- promoting the use of the Terrorism Convictions Monitor (TCM), developed as a tool aimed at supporting practitioners by providing an overview and analysis of terrorism-related cases;

- carrying out analysis of terrorism related issues, as recently on the phenomenon of Foreign Terrorist Fighters and of radicalization, including the possibility of alternatives to imprisonment and rehabilitation programmes, as requested by the Council in its 2015 Conclusions on enhancing the criminal justice response to radicalization leading to terrorism and violent extremism;
- monitoring the developments and trends in the legislative framework and in the case-law of the Member States, with a view to adapting the judicial response to the evolving trends in this area.

b) Trafficking in Human Beings (THB), in particular by:

- providing its assistance to the competent authorities of the Member States in the investigation and prosecution of cross-border THB cases, including with practical tools, such as the recent manual for experts on multidisciplinary cooperation against THB for labour exploitation,
- carrying out strategic activities in partnership with relevant stakeholders, with a view to enhancing the effectiveness of international cooperation in this area.

c) Illegal immigrant smuggling (IIS), in particular by:

- providing assistance to Member States in tackling the increasing phenomenon of illegal immigrant smuggling (IIS), and in particular their ability to dismantle and prosecute Organized Criminal Groups (OCGs);
- assisting Members States, in particular those facing significant pressure at their external borders, in ensuring judicial follow-up and coordination at EU level in this area;
- carrying out analysis and developing tools for practitioners to deal with IIS cases.

d) Cybercrime, in particular by:

- supporting the national judicial authorities, with a view to ensuring the effectiveness of investigations and prosecutions of cyber related offences;
  - promoting the use of the Cybercrime Judicial Monitor (CJM), recently developed as a reporting tool to support practitioners in cybercrime cases;
  - actively supporting the activities of the European Judicial Cybercrime Network (EJCN), and ensuring the monitor of its functioning, with a view to reporting to the Council after completion of the first two-year work programme of the network.
  - providing its advice as regards the on-going work on improving criminal justice in cyberspace.
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