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NOTE

From: Presidency
To: Working Party on Cooperation in Criminal Matters
Subject: Report from CATS meeting 2nd July 2014
- ***Cooperation between Eurojust and the European Judicial Network***

1. Recital 24 of the proposed Regulation states that "*Eurojust should maintain privileged relations with the European Judicial Network based on consultation and complementarity. This Regulation should help to clarify the respective roles of Eurojust and the European Judicial network and their mutual relations, while maintaining the specificity of the European Judicial Network.*" At its meeting on 2nd July, CATS delegates were invited to consider whether the draft Regulation adequately clarifies the respective roles of Eurojust and the EJM or if it should be developed further to include more specific guidance on when each entity should be used.
2. Delegates were advised that the Commission's proposal largely replicates the existing provisions in the 2009 Council Decision on Eurojust but that the 6th Round of Mutual Evaluation Report findings suggest that there are difficulties in practice when determining whether a particular case should be directed to EJM or EJ. Furthermore, several reports go so far as to suggest that clear guidelines should be developed. Moreover, it seems that several MS have already developed guidelines and/or instructions on the distribution of cases between EJM and Eurojust.

3. The recent Joint Task Force Paper prepared by the EJC and Eurojust on "Assistance in International Cooperation in Criminal Matters for Practitioners"¹ explains the difference between the entities and their respective roles in Mutual Legal Assistance although it does not go so far as to issue guidelines on when and how each entity should be contacted.

4. 10 delegations took the floor to intervene at CATS; 4 MS were opposed to developing the draft Regulation further as they deem it sufficient and working well in practice; 4 MS considered this a useful opportunity to address the difficulties which have been documented in the evaluation reports; 1 MS was flexible and 1 MS, although open to the idea, urged that any solution found be pragmatic and flexible.

The Presidency can accept that there are mixed views on the issue and therefore consider that the introduction of new provisions in the operative part of the text may not be the best solution. However, this should not stop experts from reflecting further on the issue in particular in the light of the findings of the 6th Round of evaluation.

The Presidency invites delegates to reflect on this issue and discuss some of these alternatives or others:

- introducing some broad criteria into the Recitals of the text regulation (Recital 24)
- awaiting the outcome of the 6th Round Evaluation to see whether any measures outside the framework of the legal instrument could present a viable alternative solution; e.g. Council Conclusions with annexed guidelines.
- inviting Eurojust to draft guidelines together with the EJC.

The Presidency suggests that COPEN should return to this issue at a future date.

¹ This paper was presented to the meeting of the EJC Plenary in Athens 24.06.14