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#### NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	7249/2/13 REV 2 GENVAL 14
Subject:	Mutual Evaluation report on the sixth round of Mutual Evaluations "The practical implementation and operation of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of the Council Decision 2008/976/JHA on the European Judicial Network in criminal matters" - Follow-up to the Report on Denmark

Following on from the sixth round of mutual evaluations on the practical implementation and operation of Eurojust and the European Judicial Network in criminal matters, the General Secretariat of the Council asked Denmark to respond to the recommendations made to the Danish authorities in the evaluation report on Denmark (7249/2/13 REV 2 GENVAL 14) (cf. page 41 of the final evaluation report).

The Ministry of Justice wishes to submit the following comments:

Re recommendation 1: "Denmark should provide guidelines defining the different role of Eurojust and the EJN and supporting in allocating the right cases to each"

On 27 June 2014, the Hellenic Presidency of the EU produced a document (COPEN 175/EUROJUST 118) entitled "Assistance in International Cooperation in Criminal Matters for Practitioners", drafted by the Eurojust and EJM joint task force. The document describes the assistance offered to national practitioners by Eurojust and the EJM respectively, and also provides advice on which of those two bodies to contact in specific cases.

The Director of Public Prosecutions has made that document available to all prosecutors on the intranet site of the Public Prosecutor's Office. The document is also expected to be incorporated into the training course on international judicial assistance offered by the Director of Public Prosecutions.

In his opinion, the document provides as much guidance as possible as to which of the two bodies (Eurojust or the EJM) can most usefully be sent requests for assistance, in which cases. Consequently, there is no need to draw up further guidelines on that subject.

Re recommendation 2: "Denmark should raise awareness regarding the exchange of information under Article 13 and encourage the competent authorities to provide information to this extent"

In his Communication No 3/2011, the Director of Public Prosecutions asked all public prosecutors to send him copies of any outgoing requests for mutual judicial assistance. The Director of Public Prosecutions subsequently forwards relevant cases to the Danish desk at Eurojust, and the latter assesses which cases are subject to the reporting obligation as laid down in Article 13 of the Council Decision on Eurojust. Should such an assessment require information which is not evident in the request, the Danish desk at Eurojust obtains such information from the relevant prosecutor or requests it from the Director of Public Prosecutions.

The Director of Public Prosecutions is also in constant contact with the police districts in order to ensure that information on relevant cases is reported accordingly.

Finally, the Danish national Eurojust member has stated that, in his day-to-day dealings with Danish investigators and prosecutors, he is constantly on the alert for cases which must be reported to Eurojust. As soon as such cases come to his attention, he ensures that they are reported to the Director of Public Prosecutions in accordance with the aforementioned communication.

The Director of Public Prosecutions takes the view that this system, which was implemented by Communication No 3/2011, is still the most effective means of ensuring that information on cases subject to the notification obligation is in fact reported since it does not place a disproportionately heavy workload on the local or national authorities and also guarantees uniform application of Article 13. Moreover, it may be noted from a comprehensive review of the cases notified that, as far as Denmark is concerned, only a small number of cases are covered by the reporting criteria as laid down in Article 13, possibly with the exception of those concerning the setting up of joint investigation teams, of which the Danish national member is always notified in advance thanks to close cooperation with the national JIT coordinator.

The Director of Public Prosecutions also considers that the reporting system is likely to prove truly effective only once Eurojust, pursuant to Article 13a of the Council Decision, starts to provide national practitioners with appropriate feedback on the information they have transmitted, as well as information illustrating the added value of the reporting obligation.

Re recommendation 3: "Denmark should review subsequent national processes as regards the provision and further submission to Eurojust of Article 13 data in order to ensure that data flows effectively to the Danish desk at Eurojust"

Please see our comments concerning recommendation 2.

Re recommendation 4: "Denmark should consider increasing the collection of statistics as regards the Danish desk at Eurojust"

The Danish desk at Eurojust records cases as TWFs (Temporary Work Files), and a considerable number of cases are subsequently discussed in the College of Eurojust and will therefore appear in the various statistics published in Eurojust's annual reports. The total number of cases can therefore be specified at any given time. There will also be telephone and email enquiries which, by their very nature, will not be recorded as cases. Steps have been taken to ensure that more such enquiries are recorded as actual cases so as to have a better idea of Eurojust's caseload. Moreover, a considerable proportion of the work undertaken by the Danish desk relates to Eurojust's administrative and policy work, including participation in meetings of the College, teamwork and seminars, etc. It is virtually impossible to compile statistics on such work, which however is described in general terms in Eurojust's annual reports.

Re recommendation 5: "Denmark should extend specific training on international judicial cooperation to include the local police and prosecutors and judges where appropriate"

Each year, the Director of Public Prosecutions organises a course on international judicial assistance, mutual recognition and extradition. The course is primarily targeted at prosecutors involved in the provision of international judicial assistance. However, judges and police-trained investigators can also apply to attend. The course provides instruction in the various judicial assistance instruments, and places special emphasis on the practical implementation of international cooperation in judicial assistance, mutual recognition and extradition. It also provides information on the type of assistance that can be sought from Eurojust and the EJM respectively, and teaches participants how to use the EJM website.

In 2014, the Director of Public Prosecutions set up a working party including representatives of the local prosecution authorities, which will review the international section of the Public Prosecutor's Office's intranet site. The aim of that review is to make the available information on international judicial assistance, mutual recognition instruments and extradition more user-friendly and easier to apply in practice, and to improve access to information on Eurojust and the EJNI.

In cooperation with the Danish National Police and the Danish desk at Eurojust, the Director of Public Prosecutions has also continued to hold workshops in police districts with a view to instructing local prosecutors and investigators in the use of joint investigation teams and informing them of the assistance which Eurojust can provide in both this and other areas of international cooperation. The workshops also provide details of the information on international judicial assistance, mutual recognition instruments and extradition which is available on the Eurojust and EJNI websites respectively.

The Danish Court Administration, which is responsible for the training of judges in Denmark, does not offer any courses focusing exclusively on international cooperation between foreign judicial systems. However, the need for such courses is constantly under review.

The Danish Court Administration generally endeavours to incorporate aspects of international cooperation into its courses where this is of particular relevance - for example, in courses relating to EU law. Moreover, in cooperation with its international partners (such as the EIPA (European Institute of Public Administration), the EJTN (European Judicial Training Network) and the ERA (Academy of European Law)), the Danish Court Administration offers courses in international law which may include aspects of international cooperation between the different countries' judicial systems or similar bodies.

It may also be noted that Denmark became a member of the ERA (Academy of European Law) on 20 October 2014, and that Director of Development Merethe Eckhardt represents Denmark on ERA's Governing Board.

(Complimentary close)

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