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Subject: Draft Council Conclusions on the Eurojust Annual Report 2014

Delegations will find in the Annex draft Council conclusions on the Eurojust Annual Report 2014.

Draft Council Conclusions on the Eurojust Annual Report 2014

The Council,

having examined the Annual Report,

1. Welcomes the Eurojust Annual Report 2014¹. Notes that most of the objectives for 2014 as set out in the Annual report for 2013 have been met or are being progressed.
2. Notes that the casework of Eurojust continues to grow with the number of cases for which Member States requested Eurojust's assistance increasing 14.5% from the previous year. Commends the fact that practitioners increasingly made use and successfully combined the coordination tools offered by Eurojust, namely the coordination meetings, coordination centres and JITs, including JIT funding. Values the importance of coordination centres in providing a unique opportunity for real-time exchange of information and facilitation of joint actions in different States.
3. Notes with satisfaction that Eurojust's operational priorities for the period 2014-2017 largely mirror the EU's priorities in the fight against serious and organised crime set by the European Commission. Welcomes Eurojust's contribution to the Operation Action Plans (OAPs) under the European Multidisciplinary Platform against Criminal Threats (EMPACT) Projects. Supports the work Eurojust has undertaken in priority crime areas such as Fraud, Corruption, PIF² offences, organised crime, drug trafficking, THB, terrorism and cybercrime.

¹ Doc 8607/15

² Criminal Offences affecting the EU's financial interests

4. Particularly welcomes Eurojust's effort to tackle cybercrime as it has been chosen as the focus of the 7th Round of Mutual Evaluations by the Council. Notes the strategic meeting hosted at Eurojust in 2014 which brought together cybercrime experts from the Member States to share experience and ideas. Further encourages cooperation between Europol and Eurojust in EC3, and welcomes Eurojust's plans to enhance its relationship with EC3 by recruiting a seconded national expert (SNE) to represent Eurojust at EC3.
5. Welcomes Eurojust's contribution to tackle the Foreign Fighter phenomenon through the preparation of reports and hosting of tactical/strategic meetings and encourages use of Eurojust tools such as its contact points in third States, JITs and operational case coordination in this area. Encourages Eurojust to strengthen its relations with the Middle East and North African (MENA) countries and to work on the handling of this phenomenon.
6. Supports the more active involvement of Eurojust in combating emerging forms of crime, such as maritime piracy, financial or environmental crime. Acknowledges Eurojust's determination to counter any form of child abuse and commends the work of the Contact Point for Child Protection which includes advising and supporting the national desks on tools and measures specifically designed for criminal investigations and proceedings concerning children.
7. Supports the initiatives undertaken by Eurojust in the course of 2014 to advance the process of implementation of the Eurojust decision, to improve its organisational and operational capacities and to further develop cooperation with third states and other EU bodies. Notes however that Eurojust has still not made use of the possibilities provided for in the Eurojust Decision to second a liaison magistrate to a third country despite the Council flagging this issue in its Conclusions on the Eurojust Annual Report 2013³.

³ Doc 8942/2/14

8. Reiterates its call for the Member States who have not yet fully implemented the Council Decision on the strengthening of Eurojust, amending the Decision of 28 February 2002 setting up Eurojust, to do so without delay.
9. Welcomes the initiatives taken by Eurojust in 2014 to develop its operational tools, in particular, the development of "*Guidelines on confidentiality and disclosure within the framework of Eurojust coordination meetings*" to clarify how sensitive data should be handled during coordination meetings. Invites Eurojust to develop further guidelines on the organisation, convocation and operation of coordination meetings to ensure they provide maximum benefit to all participants.
10. Notes that in December 2014, Eurojust commissioned an independent external evaluation of its activities and the implementation of the Eurojust Decision in line with Article 41a thereof in 2014. Expects that the findings of the 6th round of mutual evaluations will be taken into account in this regard. In particular, Eurojust is invited to review the operation of the OCC and evaluate the current translation regime with a view to improving these services.
11. Acknowledges that the exchange of information and the proper functioning of the Case Management System (CMS) of Eurojust are paramount to the effective functioning of Eurojust. In this respect, welcomes the improvements made to the CMS in 2014, in particular the upgrades to the system and the introduction of new policies on the use and maintenance of the CMS; Welcomes the news that another 6 Member States established secure connections between Eurojust and their ENCS in 2014; Encourages Eurojust and the Member States who have yet to do so, to provide access at national level to the CMS as quickly as possible in line with Article 12(5) of the Eurojust Decision.

12. Welcomes the efforts made by Eurojust to make the 'smart' Article 13 form more user-friendly and notes that three updated versions of the form were issued in 2014 to assist Member States to comply with the obligations stemming respectively from the Eurojust Decision. Is pleased to learn that a new procedure aimed at simplifying the form was launched at the end of 2014. Encourages Member States to make use of the Article 13 form and develop practical guidelines on its use at national level as recommended in the findings of the 6th Round of Mutual Evaluations⁴. Recommends that Eurojust acknowledges receipt of any notification under Article 13 and provides systematic feedback to the Member State concerned.

13. Applauds Eurojust on its ongoing commitment to support the Secretariats and the activities of the three practitioners networks - EJM, JITs and the Genocide network hosted by Eurojust and the Consultative Forum⁵. Recalls the recommendation in the findings of the Final Report on the 6th Round of mutual evaluations that further work be undertaken by Eurojust and the EJM to clarify when cases should be referred to each entity to allow Member States to develop national guidelines for practitioners and ensure that cases are dealt with as effectively and efficiently as possible.

14. Welcomes in particular the increasing use of JITs in cross-border investigations and the role coordination meetings play in resolving recurring obstacles faced by JITs such as different legal systems and rules in gathering and admissibility of evidence, disclosure of information and time limits on data retention. Notes the continued financial and logistical assistance provided by Eurojust to JITs from within its regular budget. Calls on EU institutions and bodies to ensure stable means of funding of JITs in the new financial period, which is crucial for the operation of effective cross-border investigations.

⁴ 6th Round of mutual evaluations on the practical implementation and operation of the Eurojust and EJM Decisions' Doc 8942/2/14

⁵ Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union.

15. Acknowledges that JITs have developed into a swift and flexible tool for cooperation with third states. Notes that the 10th Annual meeting of network of JIT national experts "*JITs 'Beyond the EU' Towards the Greater Use of JITs with Non-EU States*" focused on examining the legal and practical aspects of the setting up and running of JITs with third states and other related issues regarding information exchange of information and evidence. Notes that the JIT funding procedure was revised in 2014 to provide for the possibility of financial assistance being made available to third states involved in JITs with Member States. Encourages Member States to implement the Second Additional Protocol to the 1959 Convention on Mutual Assistance in Criminal Matters to facilitate the exchange of information with third states.

16. Notes with satisfaction that strategic and operational cooperation between Europol and Eurojust continued to be enhanced in 2014 which resulted in increased complementarity and growing synergies in their respective work supporting national authorities. Encourages the agencies to continue to work together whilst respecting each others specific mandates to avoid any duplication in their work.

17. Welcomes the continued cooperation between Eurojust and OLAF in the area of the fight against fraud, corruption and other crimes affecting the financial interests of the EU. Notes that in addition to its work with OLAF, Eurojust hosted meetings with delegations from the European Court of Auditors and representatives from the European Commission's Directorate General for Health and Consumer Protection (DG SANTE) to develop links with other partners.

18. Appreciates the on-going role Eurojust plays in facilitating the swift execution of EAW and MLA requests. Recognises the usefulness of the strategic seminar, entitled *'The European Arrest Warrant: which way forward?'* which provided a forum for practitioners to exchange views and share best practice associated with the operation of the EAW. Agrees with its conclusion that Eurojust's role as a centre of legal and practical expertise in the field of the EAW should be enhanced. Calls on the national competent authorities dealing with such requests to make consistent use of the facilities and expertise offered by Eurojust to assist with execution procedures and overcome the recurrent challenges in handling EAW or MLA requests which have persisted over the years.

19. Welcomes Eurojust's adoption of a new Multi-Annual Strategic Plan (MASP) from 2016-2018 which sets out the future direction of Eurojust focussing on specific goals under the headings; operational work, strategic work and organisational development. Acknowledges that the MASP is of key strategic importance in light of the changing legal framework and governance structure of Eurojust arising from both the new draft Regulation on Eurojust and the expected establishment of a European Public Prosecutor's Office.

20. Commends Eurojust's proactive efforts to improve coordination and cooperation with third states and strengthen its relationship with other JHA Agencies. Welcomes the cooperation agreement with Moldova and the signing of two Memoranda of Understanding with the EMCDDA and FRA in this regard.

21. Appreciates the contribution of Eurojust in respect of the discussions on the new draft Regulation on Eurojust.

22. Invites Member States, the relevant Council preparatory bodies, the European Parliament and the Commission to analyse the Annual Report(s) of Eurojust with a view to identifying major criminal policy issues, obstacles in judicial cooperation and possible courses of action to enhance the effectiveness of judicial cooperation and coordination in EU.

 23. Invites Eurojust to report in its next Annual report on the implementation of these Conclusions.
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