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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	8589/18 + COR 1
Subject:	Draft Council Conclusions on the Eurojust Annual Report 2017

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 2017 (doc. 7732/18 + COR 1) on 6 April 2018.

As usual, the Presidency has proposed draft Council conclusions following this report. These draft conclusions were discussed at the CATS meeting on 18 May 2018.

Some minor delegations' comments made at the above meeting 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 2017 as set out in the Annex.

DRAFT COUNCIL CONCLUSIONS ON THE EUROJUST ANNUAL REPORT 2017

THE COUNCIL HAS ADOPTED THE FOLLOWING CONCLUSIONS:

1. The Council welcomes Eurojust's annual report 2017, 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 crime, including terrorism.
2. Eurojust is encouraged to further build and consolidate its partnership with all relevant stakeholders on the basis of a multi-agency approach, with a view to contributing to the further development of a European area of justice and security, where citizens' rights and safety are guaranteed.
3. 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 continue to develop its structure and working methods, as well as its strategic and operational goals and activities, as outlined below.
4. 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, within the context of the budgetary allocations, adequate financial means and personal resources should be provided to Eurojust, with a view to ensuring its proper functioning and for the development of all the strategic and operational activities mentioned below.

I. EUROJUST'S STRUCTURE AND WORKING METHODS

In this framework, Eurojust should:

5. continue to facilitate and promote the increased use of Coordination meetings and Coordination Centres based on the strengthened technical and logistic capability offered by Eurojust's new premises, as highly effective tools for large-scale multilateral coordinated joint actions, designed to rapidly overcome the legal and practical difficulties encountered by the competent national authorities in transnational judicial cooperation in criminal matters;
6. facilitate and promote effective and extensive use of other judicial cooperation and mutual recognition instruments, such as the European Investigation Order (EIO), which aims to facilitate the execution of investigation measures requiring the gathering of evidence in cross-border cases, and support national authorities in the swift and rapid execution of EIOs;
7. continue to promote, facilitate, set up and fund the use of Joint Investigation Teams (JITs), building on the unique experience and expertise and the resources available through the JITs Network Secretariat hosted at Eurojust, and with a view to maintaining the increased involvement of third States in JITs;
8. build upon the findings of the high-level technical and functional analysis of the existing functionalities and possible improvements of the Case Management System (CMS), as well as on the results of the increased data quality review, and further improve the information exchange with and among the Member States;

9. enhance its capabilities to retain the practical and legal knowledge stemming from its casework with a view to further developing its advisory role and continue to provide opinions and other products in the field of judicial cooperation for the use of practitioners, such as the numerous casework reports, guidelines, notes and other relevant documents recently published;
10. increasingly use joint recommendations to be submitted by the different National Members involved – within the framework of a Eurojust case –to their respective competent national authorities as regards the actions listed in Article 6 of the Eurojust Council Decision;
11. 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;
12. continue to work closely, and to further enhance cooperation and synergies, with relevant institutions and stakeholders, in particular with:
 - Frontex, taking into account its new legal framework;
 - Europol, with a view to closer operational relations and improved information exchange, in particular via Eurojust’s Seconded National Expert for Cybercrime posted at the Europol-based European Cybercrime Centre (EC3) and Eurojust’s newly appointed representative to the Europol European Counter Terrorism Centre (ECTC);
13. continue to further develop Eurojust’s external relations, building upon the positive achievements in 2017, which saw an increase in the number of cases registered by third countries’ Liaison Prosecutors at Eurojust, the posting of a new Liaison Prosecutor from Montenegro, the entry into force of the cooperation agreements with Montenegro and Ukraine and the widening of Eurojust’s network of judicial contact points in third countries;

14. implement the Letter of Understanding recently concluded between Eurojust and the European External Action Service (EEAS), with a view to further enhancing their cooperation and coordination and to increasing their mutual strategic information exchange in particular in the fields of criminal justice, counter terrorism, cybercrime, migrant smuggling and trafficking in human beings;
15. further promote the added value of its role, which is proven by the further 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 further increasing practitioners' knowledge and use of its services;
16. 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)**;
17. pursue its efforts to streamline its internal working structures and practices, based on the positive results of the recent reorganisation of its structure and processes, whilst awaiting the structural changes of its governance system provided for in the draft Regulation on Eurojust, currently in the advanced final stage of negotiation, and to prepare Eurojust's future close cooperation with the European Public Prosecutor's Office (EPPO), to be regulated in a working arrangement.

II. EUROJUST'S STRATEGIC AND OPERATIONAL GOALS AND ACTIVITIES

18. Against this background, Eurojust has streamlined its strategic and operational goals and activities, and should continue to align them 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 organised crime for 2018 - 2021 within the framework of the EU Policy Cycle.

19. 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 more efficient and effective cooperation among the judicial authorities of the Member States in cross-border terrorism cases, in particular by supporting an enhanced and timely exchange of information and the sharing of best practices;
 - in that context, with a view to an adequate and coordinated response, using all available tools, such as JITs, in an increased number of terrorism cases and the Terrorism Convictions Monitor (TCM), which provides practitioners with an overview and analysis of terrorism-related cases;

- continuing to focus its strategic work on the evolution of the criminal justice response to and the analysis of terrorism-related issues, as recently with its fifth report 'Foreign Fighters: Eurojust views on the phenomenon and the Criminal Justice response', which also covers the issue of radicalisation;
 - continuing to monitor and analyse the developments and trends in the legislative framework and in the case-law of the Member States, including on the alternatives to detention, with a view to adapting the judicial response to the evolving challenges in this area.
- b) Trafficking in Human Beings (THB), in particular by:
- continuing to provide assistance to the competent authorities of the Member States in the investigation and prosecution of an increased number of cross-border THB cases, focusing in particular on the challenges identified in the Final Evaluation Report of the Eurojust Action Plan against THB 2012-2016;
 - promoting an increased use of JITs in THB cases;
 - carrying out strategic activities in partnership with relevant stakeholders, such as the EU Anti-Trafficking Coordinator and the United Nations Office on Drugs and Crime (UNODC), with a view to enhancing the effectiveness of international cooperation in this area.
- c) Migrant smuggling in particular by:
- continuing to provide assistance to the Member States in tackling this increasing criminal phenomenon, and in particular their ability to dismantle and prosecute Organised Criminal Groups (OCGs);

- ensuring judicial follow-up and coordination at EU level in this area;
- supporting the competent judicial authorities of the Hotspots via their national Desks;
- strengthening its operational cooperation with Europol by working together with its "Analysis Project Migrant Smuggling", as well as exploring the possibilities for further developing close operational relations with the Europol-based European Migrant Smuggling Centre (EMSC);
- carrying out strategic activities in partnership with relevant stakeholders, such as the European Union Naval Force Mediterranean (EUNAVFOR MED) and Common Security and Defence Policy (CSDP) missions and operations, with a view to enhancing the effectiveness of international cooperation in this area;
- continuing to carry out case-based analysis and developing tools for practitioners to deal with cases of migrant smuggling.

d) Cybercrime, in particular by:

- continuing to support the national judicial authorities, with a view to ensuring the effectiveness of investigations and prosecutions of cyber-related and cyber-enabled offences;
- promoting the use of JITs in cybercrime cases;
- promoting the use of the Cybercrime Judicial Monitor (CJM), which supports practitioners in cybercrime cases and related challenges;

- participating in and actively supporting the activities of the European Judicial Cybercrime Network (EJCN), including by funding, hosting, and organising in its premises its two plenary meetings per year;
 - continuing to address, follow developments of and advise on legal and practical issues in the area of cybercrime, particularly in the fields of encryption, data retention, Darknet investigations and e-evidence, with a view to improving criminal justice in cyberspace.
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