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NOTE

From:	Ladislav Hamran, President of Eurojust
To:	Jeppe Tranholm-Mikkelsen, Secretary General, General Secretariat of the Council of the European Union
Subject:	College Decision 2020-21 adopting the Eurojust draft single programming document for the period 2021-2023

Delegations will find in the Annex (+ ADD 1, ADD 2, ADD 3, ADD 4) the College Decision 2020-21 adopting the Eurojust draft single programming document for the period 2021-2023, with accompanying documents, as submitted by Eurojust in accordance with Article 32(1) of the Eurojust Financial Regulation.



ANNEXES

I. List of Acronyms

Acronym	Description
AA	(Organisational) Annual Activity
ABB	Activity Based Budgeting
ABC	Activity Based Costing
ABM	Activity Based Management
AWP	Annual Work Programme
BL	Budget Line
CAAR	Consolidated Annual Activity Report
CdT	Translation Centre for the Bodies of the European Union
CMS	Case Management System
DB	Draft Budget
EJ ART	Eurojust Activities and Resources Tool
EJCN	European Judicial Cybercrime Network
EJR	Eurojust Regulation
EP	Establishment Plan
FTE	Full-Time Equivalent
HR	Human Resources
JIT	Joint Investigation Team
MAS	Multi-Annual Strategy
MASO	Multi-Annual Strategic Objective
MB	Management Board
MFF	Multi-annual Financial Framework
OAA	Objective to (Organisational) Annual Activity
SAA	Strategic Action Area
SNE	Seconded National Expert
SPD	Single Programming Document
SYSPER	European Commission's ICT system for HR management

II. Eurojust Budget Planning Process

The following diagram provides an overview of the Eurojust budget planning process and places this into the perspective of the bigger picture of Activity Based Budgeting (ABB), Activity Based Costing (ABC) and Activity Based Management (ABM)¹⁶.

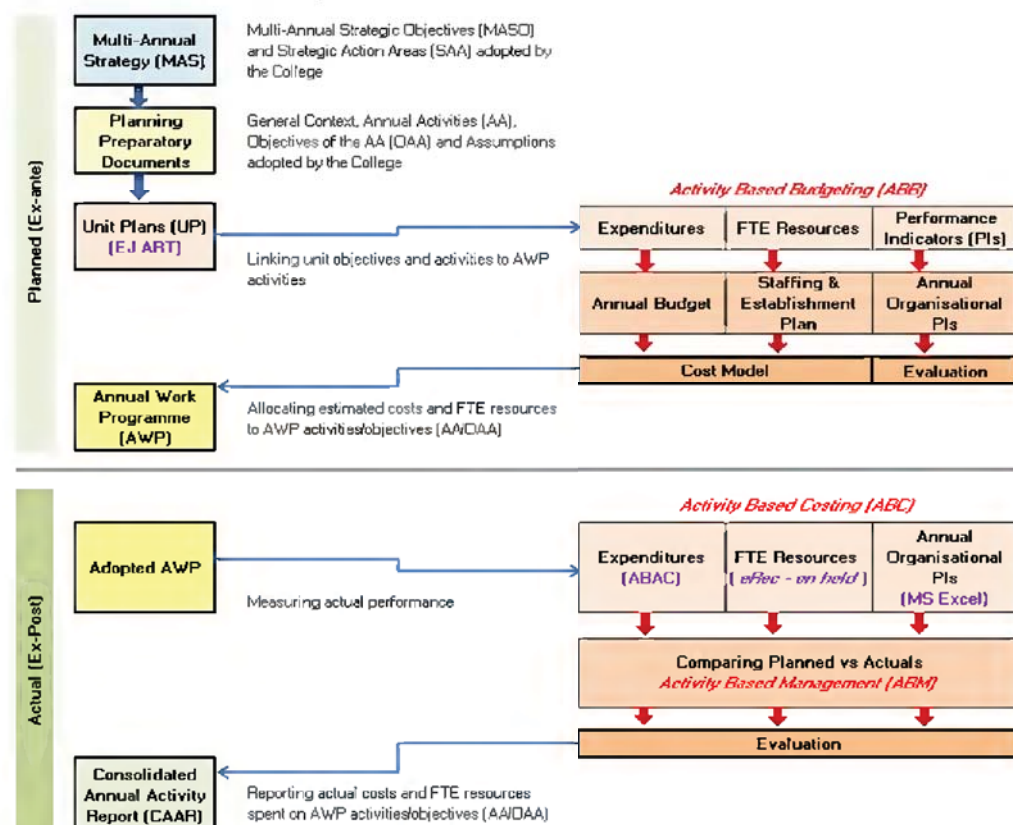


Figure 7 – Eurojust ABB/ABC/ABM methodology and tools

The ABB approach allows Eurojust to identify costs for each organisational activity and objective and the related expected results as they cascade from the MAS 2019-2021.

Under this framework, the DB 2021 is based on the general context, AAs/OAAs and assumptions adopted by the MB in order to reflect the relevant internal and external influencing factors, the agency's priorities and its projections for the evolution of workload and resource requirements.

In June 2019, all organisational units were requested to present in the EJ ART¹⁷ their unit's objectives, plan the related activities and identify the staff and non-staff resources required to achieve the AAs/OAAs, always in alignment with the approved general context and assumptions. Taking as basis

¹⁶ In line with the requirements set by the Internal Control Framework and the Common Approach for Decentralised Agencies

¹⁷ EJ ART is Eurojust's planning tool which translates (multi-)annual strategic and organisational objectives and activities to the annual operational plans of the organisational units (unit plans).



the zero-based review of the 2020 budget, the units were requested to keep the same level of granularity regarding the constituting elements, nature and behaviour of their cost elements per BL.

The 2021 unit plans were reviewed and updated in line with guidance from the Administrative Director, the Heads of Resources and Operations departments and the Advisory Group on Budget and finance¹⁸, resulting in the first draft of the AWP, DB and EP for 2021.

These first drafts were updated to reflect the MB guidance during their 1st reading on 12 November 2019 and a follow-up consultation in November-December 2019 with the Advisory Group¹⁹ and Eurojust's units, and formed the basis of Eurojust's draft SPD 2021-2023.

Prior to their approval by the MB in the 2nd reading on 28 January 2020 and their submission to the Commission, Parliament and Council on 31 January 2020, the draft SPD 2021-2023 and related documents were further reviewed the Heads of departments, the Administrative Director and the Executive Board.

¹⁸ On 27 September and 29 October 2019

¹⁹ On 2 December 2019



III. Workload Assumptions

Work Area	Metric	2021
Casework	Total number of new case referrals, of which:	4 015
	Number of new case referrals from Member States ²⁰	3 683 ²¹
	Number of new case referrals from third States with a Liaison Prosecutor posted at Eurojust	295
	Number of new case referrals from EPPO	70 ²²
	Total number of cases ongoing from previous years (incl. cases from Member States, third States and the EPPO)	4 183
Casework deliverables	Deliverables in support of casework (legal opinions, analysis and other products in support of coordination meetings and coordination centres)	890
Support to Joint Investigation Teams (JITs)	Available budget for JITs financing	€1.942 M ²³
	Maximum number of JITs receiving operational assistance from Eurojust	334
	Number of new JITs receiving operational assistance from Eurojust	131
Operational meetings	Number of coordination meetings organised/funded by Eurojust	472
	Maximum percentage of coordination meetings taking place abroad	9%
	Number of external participants in coordination meetings	4,248
	Number of coordination centres organised/funded by Eurojust	22
Other meetings	Number of other planned meetings funded by Eurojust, incl. meetings of the Consultative Forum and the European Judicial Cybercrime Network (EJCN) ²⁴	7
	Number of ad hoc external meetings linked to the EU policy cycle hosted by Eurojust	8
Network meetings	Number of regular meetings organised by the <u>EJN network</u> secretariat for the network strategic/operational coordination ²⁵	As in prior year(s)
	Number of regular meetings organised by the <u>JIT network</u> secretariat for the network strategic/operational coordination ²⁶	As in prior year(s)
	Number of regular meetings organised by the <u>Genocide network</u> secretariat for the network strategic/operational coordination ²⁷	As in prior year(s)

²⁰ Including case referrals from the UK and Denmark, regardless their status of representation at Eurojust in 2021

²¹ Assumed value is based on extrapolation of historical data, is in line with the MFF 2021-2027 projections for the casework growth.

²² Assumed value is based on the MFF 2021-2027 assumption that 10% of the cases referred to EPPO will be under threshold and 4% will involve a non-participating Member State.

²³ The DB 2021 includes a proposal to update the initial value of €2.136 million that was adopted by the MB on 4 June 2019.

²⁴ Identification of other topics done at a later stage

²⁵ Legally required to have regular meetings with number specified

²⁶ No legally required meetings

²⁷ Legally required to have regular meetings without a number specified; as of 2016 Genocide network secretariat also organises jointly with Eurojust, the Council Presidency and the European Commission 1 large meeting (EU Day Against Impunity) which is not legally required



Non-statutory post holders	Total number of non-statutory post holders (incl. those not stationed in the Hague), of which:	131
	Seconded National Experts	24 ²⁸
	At the National Desks (incl. UK ²⁹)	90
	At the Denmark representation	3
	At the Liaison Prosecutors (incl. assistants)	14
Resources for prioritised strategic projects	Maximum number of FTEs assigned to Eurojust strategic projects, in line with annual prioritisation exercise	4
Visits	Total number of visits hosted, of which:	345
	Number of VIP visits	90
	Number of study visits	120
	Number of other visits	135
Marketing tools³⁰	Number of Eurojust national workshops	6
	Number of press events	6
	Number of outreach products intended for public dissemination, incl. via the website	50
	Number of social media channels managed	2
Staffing costs	Vacancy rate (percentage of unfilled posts)	2%
	Indexation percentage per annum ³¹	0.8%
	Correction coefficient adjustment percentage	2%
Internal office and ICT workspaces	Maximum number of internal office and ICT workspaces, with office and ICT equipment, maintained and supported	450
Non-office ICT workspaces	Maximum number of non-office workspaces with ICT equipment in common spaces (e.g. laptops/screens in meeting rooms, reception, hospitality desk, business centre, canteen etc.)	50
External ICT users	Maximum number of external users, with access to Eurojust ICT systems/applications, supported	500
Inflation	Inflation percentage for outsourced services and utilities ³²	1.6%
Revenue/funding sources	Number of additional funding and revenue sources/schemes included in Eurojust budget (incl. possible country contributions, ad hoc grants or other contributions/funding) ³³	5 (incl. DK contribution, EuroMed, Digital Justice, SIRIUS, EUJPO)

²⁸ The DB 2021 also includes a proposal to increase the number of SNEs to 24.

²⁹ In the event of the UK leaving the EU, these figures will be updated to reflect the new cooperation status with the UK.

³⁰ Assumptions set in line with the Outreach Strategy adopted in 2017 and the External Communication Policy adopted in 2018

³¹ 2% maximum foreseen under Staff Regulations

³² Unless specified differently in the respective contract

³³ The related activities are expected to be financed from additional external fund sources.



IV. Marginal Increases over 2020 Budget

BL	BL Description	Increase (€)	Increase (%)
1200	Expenditure related to recruitment	1 021	2%
1201	Expenses upon entry/exit	5 600	22%
1300	Mission expenses for staff	1 700	2%
1400	Running costs of canteens and kitchenettes	4 238	5%
1410	Medical services	992	2%
1503	Administrative translations	5 720	572%
1620	Other welfare expenditure	2 468	New
1630	Staff Committee	8 750	33%
2091	Audio video equipment	139	1%
2101	Computer infrastructure for the Administration	95	0%
2102	ICT organisational projects	2 500	2%
2210	Furniture and related costs	446	2%
2250	Books and subscriptions for the Administration	191	2%
2300	Stationery, office and conference supplies	4 288	9%
2320	Bank charges	730	37%
2410	Telecommunications and internet charges for the Administration	600	1%
3020	Protocol office and representation expenses for the College	1 240	2%
3100	Operational missions and domestic work of National Members	4 500	2%
3140	Mission insurance expenses	972	7%
3310	ICT operational projects	100	0%
3320	Telecommunications and internet charges for National Desks	1 733	2%
3323	Computer infrastructure for National Desks	232	0%
3700	JITs meetings and other expenses	9 192	19%
3800	Genocide secretariat meetings and other expenses	185	0%
Total		57 632	



V. Reductions from 2020 Budget

BL	BL Description ³⁴	Reduction (€)	Reduction (%)
2010	Corporate insurances (*)	-8 839	-11%
2020	Maintenance, cleaning and utilities (*)	-102 953	-6%
2050	Security management	-23 967	-2%
2400	Postal charges (*)	-13 067	-31%
3010	Other Eurojust meetings	-59 520	-35%
3120	Common missions to EU and Third Countries (*)	-3 300	-2%
3130	Other operational missions (*)	-7 325	-8%
3300	Books and subscriptions for the College (*)	-1 400	-1%
	Total	-220 371	

³⁴ The reductions that comprise efficiency gains without impact on Eurojust's activities are marked with an asterisk (*).



VI. Justifications for New Human Resource Requests

A. 10 new temporary staff posts directly/indirectly related to the increase in operational work

Request	Justification	Cost (€)
2 AD5 Data Management Officers	<u>Interoperability, Exchange of operational information and the Counter-Terrorism Register</u> Data Management specialists are needed to support the management of Eurojust's operational data, ensure consistent, harmonised data management practices and support the collection, analysis and use of such data for operational, managerial and strategic purposes. Eurojust launched in 2019 a Counter-terrorism register, to provide a comprehensive picture of all the judicial proceedings in the Member States concerning terrorist cases and possible connections between them. To support the Counter-Terrorism Register, Eurojust needs additional capacity to process, analyse data and provide timely feedback to the Member States. Furthermore, the effective implementation of several provisions of the Eurojust Regulation and Interoperability Regulations in relation to the exchange of operational information with Member States and other JHA Agencies and Bodies (Europol, EPPU, FRONTEX, OLAF) is directly dependant on the quality of data processed by Eurojust. In this field, Eurojust is working to deliver the data management services at Eurojust (e.g. data model, policy for data use, definition of data elements, consistence of use of data across different tools, quality review and validation of data, etc.) to improve quality of data. In case Eurojust is not granted the necessary resources to go ahead with the provision of this service, this would affect the quality of the data exchanged and thus the effectiveness of inter-agency cooperation, which is crucial to the EU Internal Security.	199 256
6 AD5 Judicial Cooperation Advisors	<u>Support to complex cases in key areas of criminality</u> Judicial Cooperation Advisors deliver analytical and legal assistance to the most complex cases referred to Eurojust. In particular, their services are required to support National Desks in solving judicial cooperation issues. Their services are also required in cases where coordination is needed based on information coming from multiple sources (including EU Member States, third countries, Europol, OLAF). In the last three years (2016/ 2019), the number of cases supported by Judicial Cooperation Advisors, on request of National Desks, has almost tripled. The entry into force of the new Eurojust Regulation is expected to further promote the role of Eurojust in complex cases, also on its own	597 767



initiative (see, for instance, Article 2). Staff working in this area has already reached their maximum capacity after synergies and efficiencies have been explored and implemented, including through two reorganisations. If the casework trends of the past three years will continue, it will result into the inability to provide timely and quality support to complex cases.

Reinforcing knowledge in judicial cooperation for internal and external purposes

In addition to direct support to cases, Judicial Cooperation Advisors collect lessons learned from cases referred to Eurojust, insert them in tools to retain institutional knowledge and develop specific expertise in key judicial cooperation and crime areas. This expertise is used to promote a European perspective in the approach to cases referred to Eurojust and to provide policy makers with case-based input for the improvement of European judicial cooperation tools and their implementation. Not increasing Eurojust's resources in this area would hinder Eurojust's ability to reach out to EU stakeholders and provide feedback on the implementation of judicial cooperation instruments.

More specifically, 6 posts are needed to directly support the current and projected increase in operational casework, with a particular focus on the following crime areas:

Terrorism: An increase of casework is expected due to the entry into force of the Counter-Terrorism Register, which will lead to the identification of links among cases referred to Eurojust and related need for coordination among these complex and delicate cases.

Cybercrime: The Council decided in 2016 to establish a network of practitioners, the European Judicial Cybercrime Network (EJCN). While this network has proved its benefit, there is now a need to establish within Eurojust a dedicated and structured support to the network's activities and projects.

Migrant Smuggling: With the allocation of additional budget to Europol and FRONTEX and the revision of their legal frameworks, the EU has increased its effort in the fight against human trafficking and migrant smuggling. This will affect directly Eurojust's casework since according to its Regulation, it should in the coming years cooperate more closely and intensively exchange information with these two Agencies. Therefore, additional capacity is needed to respond to this need for increased operational support.

Returning Foreign Fighters and core international crimes: Foreign fighters returning from conflict zones are subject of more and more political attention at national and EU levels. Next to terrorist offences, some of these 'returnees' will face charges of core international crimes



	(war crimes & crimes against humanity). With the extension of Europol's and Eurojust's mandates to core international crimes, there will be a need for increased operational support to these cases (several thousand ongoing in the Member States). Additional capacity is thus required to cover this new task.	
1 AD7 Technical Architect	One post is requested for the recruitment of a Technical Architect to ensure that all ICT infrastructure and ICT solutions (including Digital Criminal Justice) follow a sustainable and financially viable technical roadmap and strategy and clearly defined technical requirements.	99 628
1 AD5 ICT Security Officer	The rate of the ICT security threats and vulnerabilities is steadily growing and the increase is expected to continue in the future. Due to Eurojust's need to rely on Internet-based access and communication, Eurojust's ICT systems are much more exposed to such threats than other EU agencies. At the same time, the Eurojust Case Management System (CMS) is enlarging and expanding beyond the traditional ICT environment (for example, CMS services have to be introduced on mobile devices). As a result, the focus of monitoring ICT security-related events and potential threats must be extended from the perimeter of Eurojust ICT security to the overall ICT infrastructure. In addition, and following the latest developments related to data protection rules, Eurojust is planning to implement more robust automated data leakage-prevention controls. At the moment the current resources dedicated to ICT Security are not able to deliver the expected level of service on critical topics such as: • Carrying out risk assessments • Ensuring compliance of systems processing EUCI • Providing ICT security input/advice to internal stake-holders • Business continuity, disaster recovery and incident management activities • Monitoring of security logs and report • Security awareness training The above-mentioned tasks require the additional support of an ICT Security Officer. Non-inclusion of this post will increase the risk of failing to identify potential threats and reduce Eurojust's capability to respond in due time.	99 628
Total		996 280

**B. 8 new contract staff FTE directly/indirectly related to the increase in operational work**

Request	Justification	Cost (€)
2 FGIV Data Management Specialists	Interoperability, Exchange of operational information and the Counter-Terrorism register and Reporting improvements Data Management specialists are needed to support the management of Eurojust's operational data, ensure consistent, harmonised data management practices and support the collection, analysis and use of such data for operational, managerial and strategic purposes. Additional capacity is requested to further to deliver the necessary tools that allow Eurojust to more efficiently and effectively report on operational activities using data from multiple organisational sources e.g. CMS, JIT funding data.	131 854
3 FGIII National Desk Assistants	The continuing increase in case referrals and requests for assistance to Eurojust from the national authorities requires specific linguistic and paralegal capacity at the national desks. In order to strengthen the capacity across the 27 national desks to absorb not only the already increased workload but also the new cases stemming from the new EPPO and Eurojust regulations as well as from the Liaison Prosecutors from third States, three National Desk Assistants are requested to reinforce the direct support to the National Members. The position of the National Desk Assistant is key to implementing the mandate of Eurojust as the role is intrinsically linked to the job of the National Member. The National Desk Assistants process the operational data in the CMS and help in the production of case-related statistics. They maintain contacts with other National Desks, home authorities and Europol to coordinate participation to operational meetings. These staff are first point of contact for Member State referring cases. They are key to the timely receipt and coordination of communications between the Member State, National Desk and Operations Department, including requests for MLA, EIO, EAW, confiscation orders. They register cases, ensure (meta)data entry and maintenance of records in the Case Management System; exchange criminal data with Europol (SIENA) and provide paralegal assistance in setting up Joint Investigation Team (JIT) agreements. In addition, they provide administrative support to Liaison Prosecutors of third states located at Eurojust.	197 781
1 FGIII JIT Grant Assistant	JITs are the most efficient cooperation tool to combat organised crime and terrorism. Both the Council and European Parliament have consistently recognised the success of this tool in transnational investigations and prosecutions, with repeated calls emphasising the need to increase funding for this purpose. With the new Eurojust Regulation applicable from 12 December 2019, Eurojust has a more	65 927



	solid legal basis to award grants to JITs. Already in 2018, Eurojust experienced a 20% increase in the paid amounts to JIT beneficiaries. The same trend is anticipated for 2019-2021. With strict time limits for the grant award and grant payments under the financial regulation, one additional JITs grant assistant is required to support the timely processing of applications, including evaluations, grant awards, beneficiary claims and financial reporting. The lack of an additional post will have a negative impact on the capacity for the team to effectively manage the JIT grants and will also hinder the possibility of ensuring business continuity in the JIT Secretariat and offer an optimum service to Member States' competent authorities engaged in JITs.	
2 FGIII ICT Officers	The ICT Officers are responsible for the maintenance of all current Eurojust ICT infrastructure and systems and the deployment of new systems. In order to ensure business continuity, it is critical that the current team is reinforced with extra capacity to support, among others: maintenance of emails, mobile phones & other communication solutions; maintenance of the network infrastructure and network components; system administration for a range of systems including storage, backup and security.	131 854
Total		527 416

C. 3 new SNEs directly related to the increase in operational work of Eurojust

Request	Justification	Cost (€)
3 SNE	Eurojust casework has significantly increased over the years, not only in numbers, but also in complexity. This trend will continue in the coming years, in particular due to the increasing involvement of third States in the support offered by Eurojust, the legal challenges caused by Brexit in the field of judicial cooperation and the increased cooperation and data exchange required by the Eurojust Regulation with FRONTEX, Europol, OLAF and the EPPO. For this reason, Eurojust needs to reinforce the prosecutorial expertise in the National Desks with practitioners from national authorities that can add value by bringing their expertise in specialised areas to Eurojust.	199 830
Total		199 830



VII. Unfunded Activities

BL	BL Description	Shortfall (€)
3323	Computer infrastructure for National Desks	300 K
3720	Grants related to JITs	195 K
3310	ICT operational projects	180 K
2050	Security management	130 K
1160	Clerical and interim services	90 K
3010	Other Eurojust meetings	60 K
2101	Computer infrastructure for the Administration	50 K
1800	Training and development for staff	50 K
3005	Training for National Members	30 K
1400	Running costs of canteens and kitchenettes	20 K
3800	Genocide secretariat meetings and other expenses	20 K
	Total	1.1 M

VIII. Deviations from MFF Programming

Amounts in € M ³⁵	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
MFF programming ³⁶	32.5	32.5	32.5	32.5	32.5	33.1	33.8	33.0	33.5	34.2	35.2	36.4	38.0	39.7
Eurojust request								45.1	47.1	49.3	51.6	53.9	56.4	59.0
Voted budget ³⁷	33.6	33.6	36.6	37.6	38.6	39.0	41.7							
Deviation from MFF ³⁸	1.1	1.2	4.1	5.1	6.2	5.9	7.9	12.1	13.6	15.1	16.4	17.5	18.4	19.3

³⁵ All amounts are rounded.

³⁶ For 2014-2020, the MFF figures are based on Commission's Communication COM(2013) 519, excluding the "ring-fenced" budget for the new Eurojust premises.

³⁷ For 2014-2020, the voted budgets include any amending budgets but exclude the "ring-fenced" budget for the new Eurojust premises.

³⁸ For 2021-2027, the deviation between Eurojust's and Commission's MFF proposals is provided.