



Council of the
European Union

189333/EU XXVII. GP
Eingelangt am 18/06/24

Brussels, 18 June 2024
(OR. en)

11333/24

COPEN 326
JAI 1067

OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10254/24
Subject:	Council Conclusions on strengthening judicial cooperation with third countries in the fight against organised crime

Delegations will find in the annex the Council conclusions on strengthening judicial cooperation with third countries in the fight against organised crime, approved by the Council at its 4031st meeting held on 13-14 June 2024.

Council Conclusions**‘Fighting drug trafficking and organised crime:****Strengthening judicial cooperation with third countries’****Introduction****The general issue**

- a) Organised crime and illicit drug trafficking represent a major threat to European citizens, businesses and institutions, as well as to the European economy and the security of the Member States. Organised crime groups increasingly use extreme violence, infiltration of the licit economy and corruption, thus eroding the rule of law and putting the fundamentals of our democracies at risk.
- b) The EU Strategy to tackle organised crime 2021-2025¹ aims to boost law enforcement and judicial cooperation, tackle organised crime structures and high priority crimes, remove criminal profits and ensure a modern response to technological developments. The EU Drugs Strategy 2021-2025 and the EU Drugs Action Plan 2021-2025 provide the overarching political framework on drugs policy. They take an evidence-based, integrated, balanced and multidisciplinary approach to the drugs phenomenon at national, EU and international level. A more recent document, the Commission Communication on the EU Roadmap to fight drug trafficking and organised crime², sets forth actions on strengthening the resilience of logistic hubs, including via the European Ports Alliance, on dismantling high-risk criminal networks, on prevention and on international cooperation.

¹ 8085/21 + ADD1

² 14114/23

- c) Building on this framework, and against the backdrop of the increasingly alarming drugs situation, there is a compelling need to take impactful actions to fight drug-related organised crime, in a collaborative effort by EU Member States, institutions and agencies, and in a multifaceted approach. These conclusions address the aspects of these actions that relate to strengthening judicial cooperation with third countries.

Judicial cooperation

- d) The majority of the most threatening criminal networks have a reach that extends beyond the EU. This global reach is reflected in criminal networks' composition, with 112 nationalities represented among the members of the 821 most threatening criminal networks³. Judicial cooperation with third countries is therefore essential to facilitate prosecution and bring members of criminal networks to justice.
- e) Judicial cooperation with third countries is already well developed, at the level of both the Member States and the EU. At EU level, numerous tools, fora and legal instruments already exist. Eurojust, the European Public Prosecutor's Office (EPPO) and the European Judicial Network in criminal matters (EJN), in particular, are constantly expanding their engagement and partnerships with third countries to facilitate judicial cooperation. Additional measures, within the limits of the Treaties, are needed to further improve judicial cooperation with third countries in the fight against organised crime. This work should focus on a limited number of priorities so as to achieve results in the short term.

³ Europol public report, 'Decoding the EU's most threatening criminal networks'.

- f) Measures that could be taken at both Union and national levels to strengthen judicial cooperation in criminal matters differ depending on the third country concerned. Elements to be taken into account include: the existing level of judicial and law enforcement cooperation; the situation in terms of the rule of law and fundamental rights, including data protection; the situation of the third country as a country of origin, transit or destination of trafficked victims and goods; the extent to which the third country is a country of origin of criminal organisations active in the EU; the extent to which the third country is misused as a safe haven by people who are suspected of having a key role in the activities of a criminal organisation and benefit from the criminal activities and proceeds - also called high value targets. The existence of significant weaknesses that contribute to the criminal organisations' ability to launder money or to move assets of illegal origin through the financial system is another element that may be taken into account. The measures below should be assessed by all stakeholders involved, according to their respective mandates and competence and in line with the principle of loyal cooperation, in relation to each third country with which there is a need to improve judicial cooperation. They should be implemented in a flexible manner, taking into account the various situations and the specific context.
- g) In line with the Treaties, Member States retain wide competence with regard to determining the most effective tools for judicial cooperation in criminal matters with third countries on a bilateral basis. Most of the measures listed below are there to complement measures taken by Member States at bilateral level in their engagement with third countries with regard to judicial cooperation.

Conclusions of the Council

1. The Council highlights the need to strengthen judicial cooperation in criminal matters with third countries as part of efforts to fight organised crime. In this context, and while supporting continued efforts on judicial cooperation with third countries in general, the Council considers that further work is needed. The new measures proposed to be taken at EU level are meant to complement and reinforce the existing EU action and the action taken by Member States bilaterally.
2. New measures should focus on third countries with which additional efforts would be particularly beneficial in order to strengthen judicial cooperation in the fight against organised crime. The third countries can be identified based on relevant criteria, such as the number of ‘high value targets’⁴ located in third countries covered by requests for judicial cooperation (including extradition requests, requests for mutual legal assistance and requests with a view to confiscation) and the existence of significant weaknesses that contribute to the criminal organisations' ability to launder money or to move assets of illegal origin through the financial system (hereafter referred to, for the purpose of these conclusions, as ‘priority third countries’).
3. In this framework, the Council invites Eurojust, in consultation where appropriate with the EJN, Europol and the EPPO, to collect and assess information on the countries with which reinforced cooperation is of particular importance for the fight against organised crime, and to transmit the results to the Council and the Commission for discussion. In the meantime, work on the measures described below can already start based on an evaluation of the needs carried out by each Member State, the Commission and Eurojust. This will allow better prioritisation and coordination in the future.

⁴ High value targets are individuals and criminal organisations constituting the highest risk of organised and serious crime, [Europol Programming Document 2024 – 2026](#), p. 58.

4. The Council invites Member States, the Commission, Eurojust and the EJP to organise exchanges of experience and best practices between experts from the Member States regarding judicial cooperation with priority third countries. It will be important that not only prosecutors and, where applicable, investigative judges and law enforcement officers but also central authorities are invited take part in such meetings. Flexibility is also important, considering that Member States have different degrees of cooperation and needs with regard to specific third countries.
5. Member States are invited to ensure that authorities of Member States present in priority third countries and playing a role in facilitating judicial cooperation, such as, depending on the organisation of each Member State, liaison officers, liaison magistrates or diplomatic representations are encouraged to share the experiences they have gained and the good practices they have developed in the course of their judicial cooperation in criminal matters with the third country concerned and, where appropriate, to discuss possible joint approaches to communication with its authorities. Such exchanges could be organised informally and in a flexible manner, with the involvement of EU representatives where appropriate.
6. Eurojust has developed intensive cooperation with a number of third countries. One of the forms of such cooperation is the secondment of liaison prosecutors at Eurojust. Several cooperation agreements have been concluded and more are currently being negotiated and will be concluded by the EU. This approach has proven particularly valuable. Additional efforts may be needed in operationally justified cases. Eurojust is invited to consider seconding liaison magistrates as provided for in Article 53 of Regulation (EU) 2018/1727 in select cases and where possible within the budget implementation.

7. The existence of an international agreement providing for a legal basis for judicial cooperation with third countries greatly facilitates such cooperation. Member States, the EEAS and the Commission are invited to promote accession by priority third countries to Council of Europe conventions providing such legal basis, in particular the Conventions on extradition and on mutual legal assistance and their protocols. The accessions should be promoted in cooperation with the Council of Europe.
8. It is important to combine diplomatic efforts for more effective cooperation with priority third countries. This includes making sure that issues of judicial cooperation, in particular difficulties obtaining extradition, are properly taken into account in broader discussions between the EU and these third countries. For this reason:
 - a) The Commission, in consultation with Eurojust and, where appropriate, with Europol and the EEAS, is invited to prepare and regularly update a briefing package for engagement with priority third countries, including relevant data on the level of law enforcement and judicial cooperation. This briefing package can be used in the various cooperation fora, in political dialogues or in visits by EU representatives. It should also be shared with Member States for their own contacts with the third country concerned.
 - b) The Commission and Member States are invited to organise, where appropriate, dedicated ‘Team Europe’ dialogues with-priority third countries, with the presence of high-level representatives of the Commission and relevant Member States, to specifically discuss how to improve judicial cooperation on all sides.

9. The measures described above constitute a toolkit for judicial cooperation with third countries to be used flexibly and depending on the specific circumstances (including the situation in terms of judicial independence, human rights and data protection). This toolkit is particularly useful in the framework of the additional efforts to improve and intensify judicial cooperation with priority third countries, in coordination with law enforcement efforts. The toolkit is also relevant in the wider context of judicial cooperation with third countries in general and should be taken into consideration in that setting.
-