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NOTE

From: Presidency
To: Delegations

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Subject: COUNCIL IMPLEMENTING DECISION (EU) 2020/...of ...approving
amendments to the Rules of Procedure of Eurojust
- Amendments to the Rules of Procedure

Delegations will find attached the amendments to the Rules of Procedure of Eurojust, as attached to the draft Council implementing decision set out in ST 9347/20.

AMENDMENTS TO THE RULES OF PROCEDURE OF EUROJUST

THE COLLEGE OF EUROJUST,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,

Having regard to Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust) and replacing and repealing Council Decision 2002/187/JHA,¹ hereinafter referred to as ‘the Eurojust Regulation’, and in particular Article 5(5) thereof,

Having regard to the Rules of Procedure of Eurojust² approved by the Council by Implementing Decision (EU) 2019/2250 of 19 December 2019³ and adopted by the College on 20 December 2019, hereinafter referred to as the ‘Rules of Procedure’, and in particular Articles 2, 3, 5 and 18 thereof,

¹ OJ L 295, 21.11.2018, p. 138.

² OJ L 50, 24.2.2020, p. 1.

³ OJ L 336, 30.12.2019, p. 309.

Whereas:

In accordance with Article 5(5) of the Eurojust Regulation and Article 18 of the Rules of Procedure, the College may amend Eurojust's Rules of Procedure following the same procedure for their adoption upon a proposal of the Executive Board or one-third of the members of the College. Any amendment shall be on the basis of a two-thirds majority of the members of the College. In the event that an agreement cannot be reached by a two-thirds majority, the decision shall be taken by simple majority during the next meeting of the College.

The Member States, in response to the COVID-19 pandemic, have taken a number of extraordinary preventive and containment measures. Those measures have made it very difficult or impossible for the members of the College to be physically present at College meetings held on Eurojust premises or at any alternative location. This, in turn, has made it problematic to reach the quorum required by Article 6(1) of the Rules of Procedure and for the College to hold formal meetings and ensure decision-making.

It has become necessary for the Rules of Procedure to allow the College to hold meetings using technical means, including via video conference, when extraordinary events or circumstances beyond the control of the members of the College prevent the College from meeting in accordance with the requirements of Articles 2, 3, 5(2) and 6(1) of the Rules of Procedure, in order to ensure institutional business continuity.

HAS DECIDED AS FOLLOWS:

Article 1
Amendments to the Rules of Procedure

Article 2 of the Rules of Procedure is hereby amended as follows:

A new paragraph (13) is added:

‘In accordance with the requirements of the second paragraph of Article 5(2) of these Rules of Procedure, meetings of the College for the election of the President may be organised using technical means, including via video conference. These technical means shall allow for anonymous electronic voting by members of the College to safeguard confidentiality and for verification of their participation in that process. The other provisions of this article apply to these meetings *mutatis mutandis*’.

Article 3 of the Rules of Procedure is hereby amended as follows:

Paragraph 3 is replaced as follows:

‘The procedure for the election of the President in Article 2(3) to (13) of these Rules of Procedure shall apply *mutatis mutandis* to the election of the Vice-Presidents without prejudice to paragraph 4 of this article.’

Article 5 of the Rules of Procedure is hereby amended as follows:

In paragraph 2, the following second paragraph is added:

‘In case of extraordinary events or circumstances beyond the control of the members of the College (force majeure) and when the College cannot meet under the requirements of this paragraph of the Rules of Procedure, the College may decide, in accordance with Article 7 of these Rules of Procedure, to organise its meetings using technical means, including via video conference. A decision of the College shall determine the duration of this measure. That decision of the College may be renewed in so far as the extraordinary events or circumstances (force majeure) persist. Such meetings of the College may be organised provided that the available technical means allow for the members of the College to be identified and participate in the discussions ensuring collegiality of deliberations. The provisions of Articles 5 and 6 of these Rules of Procedure apply to these meetings mutatis mutandis.’

Article 2

Entry into force and publication

These amendments to the Rules of Procedure of Eurojust shall enter into force on the date of their adoption.

These amendments to the Rules of Procedure shall be published in the Official Journal of the European Union.
