



Brussels, 7 August 2020
(OR. en)

10093/20

JAI 634
COPEN 218
EUROJUST 108
EJN 79

OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council
To: Delegations

Subject: Informal outcome of proceedings of the informal video conference of the Members of the Working Party on Cooperation in Criminal Matters (Thursday 9 July, 2020)

The video conference consisted of two parts, one in the morning and one in the afternoon.

1. The agenda was adopted as set out in CM 2550/20.
2. COVID-19: Eurojust and the European Judicial Network (EJN) provided information on the findings contained in the compilation by Eurojust and the EJN on the impact of the measures taken by governments to combat the spread of COVID-19 on judicial cooperation in criminal matters in the European Union (and Iceland and Norway) (see WK 3472/20 REV 12 and 7693/3/20 REV 3). Both bodies stated that while cooperation between Member States during the crisis had been rather smooth, cooperation with third countries was not always without difficulties. The bodies highlighted the importance of digitalisation, and also underlined that coordination with the Commission, the Presidency and the General Secretariat of the Council during the crisis had been excellent.

The Commission provided an overview of the findings of the study by Deloitte on Digital Criminal Justice (see WK 7987/20).

Many Member States intervened to reply to the questions by the Presidency, as set out in ST 9078/20, on digitalisation/interconnectedness and capacity building. Among others, the following points were raised:

- in the context of the compilation, the right questions had been asked, but there was in principle no need to submit new questions;
- overlap between questions was regrettable and should be avoided in the future;
- an electronic platform where the compilation could be consulted and adjusted should be considered;
- the establishment of secure electronic communication channels between judicial authorities was a priority;
- the systems for electronic signatures should be harmonised, or the existing systems for the use of such signatures should at least be used more flexibly;
- it should be possible to send larger files electronically;
- the systems for video conferencing should be better aligned;
- there was no need for an official ‘task force urgent actions’, as described in the Presidency note;
- there was no need for a spreadsheet on additional precautionary measures, as described in the Presidency note.

The Presidency indicated that it would come back to this issue in the near future.

3. EAW Coordination Group: the Commission provided information on the origins of the EAW Coordination Group, its operation and future plans (see also ST 9080/20). It indicated that the idea of this group is to provide for an efficient tool to exchange information on the EAW, also in urgent situations. The added value is that it brings together policy makers, practitioners as well as EU institutions and agencies, providing access to information in a transparent manner.

The majority of the fourteen Member States who intervened was sceptical regarding the group and its operation: it was felt that the activities of the group could duplicate work that had to be carried out in other fora, in particular in the COPEN Working Party. The suggestion was made by a few Member States to reinforce that Working Party, and to do away with the EAW Coordination Group. One Member States was more positive and saw a role for the group in information sharing on the EAW, and for emergency situations. No Member State favoured the extension of the activities of the group to other judicial cooperation instruments, such as the EIO, as described in the Presidency note.

The Commission will further reflect on the comments made by the Member States.

The Presidency indicated that it would come back to this issue in the near future.

4. 1996 Extradition Convention: the Council Legal Service explained that the reservations that had been made by the Member States under Article 7(2) of the 1996 Extradition Convention (OJ C 313, 23.10.1996, p. 12), and which had not been renewed in accordance with Article 7(3) of that Convention, have expired and do not produce any legal effect any more.

As a consequence, only the reservation by Italy, which was made in 2019, is currently still valid; all reservations made by other Member States under Article 7(2) of the 1996 Extradition Convention are not valid anymore.

The Treaty Office has made the necessary adjustments on its website to clarify these matters, see <https://www.consilium.europa.eu/fr/documents-publications/treaties-agreements/agreement/?id=1996063&DocLanguage=en>

5. Conclusions on Eurojust: the Member States had an initial exchange of views on the draft Conclusions presented by the Presidency, and as set out in ST 9065/20. The Presidency invited Member States to present any observations in writing by cob on 17 July 2020. In the light of the discussions at the video conference and the written observations, the Presidency would submit a revised draft text for discussion in September.

Amendments to Eurojust's Rules of Procedure: following a presentation by Eurojust of the draft amendments to its Rules of Procedure, as set out in ST 9082/20, delegations expressed general satisfaction with the proposed amendments and with the draft Council Implementing Decision. Following a silence procedure and the formal submission of the draft amendments by Eurojust, the file would be submitted to Coreper/Council for adoption of the Council implementing Decision.

6. No points were raised under AOB.
