



Brussels, 25.4.2022  
COM(2022) 187 final

2022/0130 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending Regulation (EU) 2018/1727 of the European Parliament and the Council, as regards the collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes at Eurojust**

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

The European Union Agency for Criminal Justice Cooperation (Eurojust) coordinates investigations and prosecutions of serious cross-border crime in Europe and beyond. As the European Union's hub for judicial cooperation in criminal matters, Eurojust supports national investigating and prosecuting authorities in relation to serious crime with which Eurojust is competent to deal in accordance with Regulation (EU) 2018/1727 ('Eurojust Regulation'). Among others, genocide, crimes against humanity and war crimes (also collectively referred to as 'core international crimes') are crimes Eurojust is competent to deal with.

On 24 February 2022, Russia began a military aggression against Ukraine. There is a reasonable ground to believe that war crimes and crimes against humanity have been and are being committed in Ukraine. On 2 March 2022, the Prosecutor of the International Criminal Court announced he had proceeded to open an investigation into the situation in Ukraine<sup>1</sup>. The prosecution services in several Member States as well as in Ukraine have also started investigations of core international crimes, which are supported and coordinated by Eurojust. Eurojust has the expertise and experience to support the investigations and prosecutions of core international crimes, including by facilitating the activities of Joint Investigation Teams (JITs), such as the one set up by some Member States and Ukraine in the context of the current hostilities. Eurojust also cooperates with the Prosecutor of the International Criminal Court.

National authorities are collecting evidence of the international crimes that may have been committed in Ukraine. Due to the ongoing hostilities, evidence cannot be stored securely in Ukraine, requiring that a back-up/storage place be urgently secured by the Union. Thus, in order to coordinate efforts currently deployed by Member States to collect evidence, it is necessary to quickly set up central storage, where evidence collected by Union agencies and bodies as well as national and international authorities or third parties such as civil society organisations could be stored. However, while the Eurojust Regulation provides that Eurojust supports Member States' action in investigating and prosecuting serious crime, it does not explicitly allow Eurojust to collect, preserve and analyse such evidence in relation to this purpose.

In order to perform its tasks, Eurojust has established a case management system, which contains non-personal data and the personal data referred to in Annex II to the Eurojust Regulation. The case management system mainly aims to support the management and coordination of investigations and prosecutions for which Eurojust provides assistance. The Eurojust Regulation restricts the set-up of the case management system to temporary work files, aiming to support the follow-up on ongoing cases, and an index<sup>2</sup>. Processing of personal data outside of the case management system is prohibited<sup>3</sup>. When coordinating and supporting investigations and prosecutions, Eurojust can temporarily store and exchange evidence in accordance with the rules set out in the Regulation.

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<sup>1</sup> Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 States Parties and the Opening of an Investigation, 2 March 2022.

<sup>2</sup> Article 23(1) of the Eurojust Regulation.

<sup>3</sup> Article 23(6) of the Eurojust Regulation.

The Commission has already proposed to enhance the current set-up of the Eurojust's case management system with regard to Eurojust's activities concerning investigations and prosecutions of terrorist offences. On 1 December 2021, the Commission adopted a proposal to improve the functioning of the European Judicial Counter-Terrorism Register at Eurojust<sup>4</sup>. As part of that proposal, the modernisation of the case management system and the digitalisation of the information exchange between national competent authorities and Eurojust are envisaged.

The recent events connected with Russia's aggression against Ukraine have further demonstrated the urgent need to go beyond the Eurojust's existing case management system. The current data processing architecture at Eurojust does not allow Eurojust to collect, preserve and analyse evidence relating to core international crimes, including those that are likely being committed in Ukraine, due to the scale of the events and the vast amount of evidence that needs to be stored in case of the commission of such crimes.

Against this background, this proposal seeks to allow Eurojust to collect, preserve and analyse evidence in relation to genocide, crimes against humanity, war crimes and related criminal offences and, when necessary and appropriate, enable its exchange or otherwise make it available to the competent judicial authorities, national or international. The collection of evidence does not amount to providing Eurojust with an executive role as investigating authority, which would not be covered by Eurojust's mandate, but is meant to ensure Eurojust can receive and centrally store the evidence from different sources. By doing so, Eurojust can support case building work in national and international investigations in a more effective way and provide additional support to the competent prosecution services. To this end, this proposal envisages the establishment of an automated data management and storage facility outside the case management system. In view of the sensitive nature of the personal data involved, their processing, including collection, preservation, analysis and exchange, must comply with the highest standards of data protection and cyber security.

Crucial evidence about core international crimes is usually available in the form of, among others, audio recordings, videos and photographs. Satellite images may also prove useful to demonstrate the commission of these crimes. For this reason, this proposal also aims to extend the categories of data that Eurojust can legally process to videos and audio recordings as well as satellite images and any relevant photographs. With a view to allowing national and international judicial authorities to benefit from the fully-fledged support that Eurojust can provide in the ongoing investigations of core international crimes in the context of the aggression against Ukraine, the amendments to the Eurojust Regulation envisaged in this proposal need to be urgently enacted.

- **Consistency with existing policy provisions in the policy area**

The proposal contributes to achieving the objective of offering Union citizens an area of freedom, security and justice without internal frontiers, where appropriate measures are taken to prevent and combat crime.

The proposal was adopted in the aftermath of Russia's aggression against Ukraine as it soon became evident that Eurojust's current legal framework would need targeted amendments to allow Eurojust to fulfil at its best the objectives to support and strengthen coordination and

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<sup>4</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases, COM(2021) 757 final, 1.12.2021.

cooperation between national investigating and prosecuting authorities in relation to core international crimes perpetrated by parties to the conflict.

The proposal follows up on the proposal to amend the Eurojust Regulation and Council Decision 2005/671/JHA as regards the digital information exchange in terrorism cases, which was adopted on 1 December 2021. The two proposals share the same objective to enable Eurojust to fulfil its stronger role envisaged in the Eurojust Regulation in supporting and strengthening the coordination and the cooperation between national authorities investigating and prosecuting serious crime.

The two proposals are complementary as they concern different forms of crime (core international crimes and terrorist offences) and provide for different changes to the Eurojust's data processing architecture. The proposal on the Counter-Terrorism Register aims at better integrating such a Register in Eurojust's legal and technical framework so that Eurojust can identify links between simultaneous investigations and prosecutions of terrorist offences. The present proposal intends to allow Eurojust to collect, preserve, analyse and, when necessary and appropriate, exchange evidence of core international crimes by providing for the establishment of an automated data management and storage facility outside the case management system. The negotiations and the text of the proposal on the Counter-Terrorism Register will need to be aligned with the present proposal.

- **Consistency with other Union policies**

The Union's reaction to Russia's invasion of Ukraine has concerned several Union policies. For instance, the Union has swiftly adopted a comprehensive and robust package of restrictive measures. It has stopped treating Russia as a most-favoured-nation within the World Trade Organization framework and has announced an emergency package of nearly EUR 550 million to deal with the humanitarian consequences of the invasion. All these actions, as well as this proposal, aim to ensure that the Union is equipped with adequate tools to address, in full respect of the rule of law and fundamental rights, the consequences of Russia's military aggression against Ukraine (including criminal liability for core international crimes committed in the context of the conflict). The ultimate goal of all these actions is to restore peace, the promotion of which is the first of the Union's objectives.

The proposal is consistent with the complementary roles of Europol and Eurojust. Europol supports and strengthens action by the competent law enforcement authorities of the Member States and their mutual cooperation in preventing and combating genocide, crimes against humanity and war crimes, while Eurojust plays a similar role vis-à-vis judicial authorities. Europol also established the "Analysis Project Core International Crimes". Through the establishment of this Analysis Project, Europol aims to support the competent authorities of the Member States, third Parties and organisations in preventing and combating international crimes such as genocide, crimes against humanity and war crimes, for instance by analysing information and intelligence concerning such crimes. Eurojust and Europol will coordinate and cooperate in the context of their respective mandates, including by updating the operational agreement they signed in 2010 in order to increase their effectiveness in combating serious crime, which falls within their respective competences, and to avoid duplication of work and resources.

The proposal also takes into consideration and fully respects the Union acquis on data protection.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

- **Legal basis**

The proposal is based on Article 85 of the Treaty on the Functioning of the European Union (TFEU). Article 85 TFEU is the legal basis for the Eurojust Regulation, which this proposal aims to amend. Article 85 TFEU provides for Eurojust to be governed by a regulation to be adopted in accordance with the ordinary legislative procedure. The Eurojust Regulation lays down the rules on the establishment and functioning of the Eurojust's case management system.

- **Subsidiarity (for non-exclusive competence)**

The area of freedom, security and justice, in the context of which this proposal is adopted, is an area of shared competence between the Union and the Member States in accordance with Article 4(2) TFEU. Therefore, in accordance with the principle of subsidiarity laid down in Article 5(3) of the Treaty on European Union (TEU), action at Union level should only be taken when the aims of the proposed action cannot be sufficiently achieved by Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved at Union level.

Core international crimes, even when committed only in one country and outside the Union, have wide implications for the European and global security and stability. In accordance with the principle of complementarity, when a State is unwilling or unable genuinely to carry out the investigation or prosecution of these crimes despite being competent to do so, the International Criminal Court may investigate and prosecute such crimes, provided that it has jurisdiction.

Action at national level alone cannot therefore ensure prosecution of core international crimes effectively. Member States need to work together to investigate and prosecute them and address common challenges. Among the latter, the challenges connected with the collection, preservation and analysis of evidence related to core international crimes are prominent, and so are those concerning the access to and exchange of such evidence by national and international authorities that can investigate and prosecute the crimes at hand. As the Union agency for criminal justice cooperation, Eurojust is a strong expression of this endeavour by the Member States to bring the perpetrators of these heinous crimes to justice by working together. Eurojust is ideally placed to collect, preserve and analyse such evidence and, when necessary and appropriate, enable its exchange or otherwise make it available to the competent national or international judicial authorities, including the International Criminal Court. Such judicial authorities include, in line with the Eurojust Regulation, prosecution services.

There is therefore a specific need for Union action. This proposal envisages measures that have an intrinsic Union dimension. They aim at improving Eurojust's ability to act and at allowing Eurojust to fulfil its key objective to support and strengthen the coordination and cooperation between national investigating and prosecuting authorities in relation to genocide, crimes against humanity and war crimes. This objective can only be achieved at the Union level, in line with the subsidiarity principle.

- **Proportionality**

In accordance with the principle of proportionality laid down in Article 5(4) TEU, there is a need to match the nature and intensity of a given measure with the identified problem. The problems addressed in this proposal call for Union-level support for Member States to tackle these problems effectively. The proposal aims to ensure that Eurojust, in addition to its current tasks and powers and without prejudice to them, can also collect, preserve and analyse

evidence concerning genocide, crimes against humanity and war crimes and, when necessary and appropriate, exchange it or otherwise make it available to the competent national and international judicial authorities, including the International Criminal Court; hence, it does not touch upon all other forms of serious crime with which Eurojust is competent to deal in accordance with the Eurojust Regulation. Without the amendments suggested by this proposal, Eurojust may not be able to fulfil its key role in supporting and strengthening cooperation between Member States' national authorities in the investigation and prosecution of core international crimes.

This proposal introduces minimal changes to the Eurojust Regulation which do not overhaul its structure nor alter Eurojust's functioning. The current powers and tasks of Eurojust remain unaffected. The suggested amendments strengthen Eurojust's role as already envisaged by the Regulation and take into account the sensitivity of the data to be processed and the need to ensure their protection. Therefore, in line with the principle of proportionality, the proposal does not go beyond what is necessary to achieve this objective.

- **Choice of the instrument**

The proposal amends the Eurojust Regulation. Article 85 TFEU is the legal basis for the Eurojust Regulation and provides for Eurojust to be governed by a regulation to be adopted in line with the ordinary legislative procedure.

### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

- **Collection and use of expertise**

The Commission urgently adopted this proposal further to several exchanges – on a bilateral basis or in the context of collective meetings – with Eurojust and national authorities involved in the investigations of core international crimes, as well as civil society organisations and other Union entities. All of them pointed out the need for the central storage of evidence as well as the current limitations of the Eurojust's case management system and their impact on Eurojust's ability to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to core international crimes, including those that may be committed in the context of the current hostilities in Ukraine.

In addition, an extensive consultation was carried out in 2021 in the context of the preparation of the proposal on digital information exchange in terrorism cases<sup>5</sup>, confirming the need to improve the Eurojust's case management system.

By the date of publication of this proposal, Eurojust has participated in all the six meetings of the Commission's Freeze and Seize Task Force, which was established at the beginning of March 2022 to ensure coordination among Member States in the enforcement of the Union restrictive measures against Russian and Belarussian listed individuals and companies, and to explore the possible interplay between restrictive measures and criminal law measures.

The Commission took part in the two extraordinary meetings of the Genocide Network – the Secretariat of which is hosted at Eurojust – devoted to the situation in Ukraine (11 March 2022 and 5 April 2022), where the need for central storage of evidence was also voiced, including by the Prosecutor of the International Criminal Court. The same issues were also raised in several meetings of the Eurojust College and Executive Board.

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<sup>5</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases, COM(2021) 757 final, 1.12.2021.

- **Impact assessment**

Given the exceptional urgency, no impact assessment could be conducted and the relevant obligation was lifted. That said, the proposal only aims to further improve Eurojust's capacity to fulfil its objectives laid down in the Eurojust Regulation by establishing an up-to-date technical solution within Eurojust to support Member States' authorities when dealing with genocide, crimes against humanity and war crimes. The proposal does not change the main principles that underpin the functioning of Eurojust and the existing legal framework on judicial cooperation in criminal matters, nor does it restrict in any way the existing powers and tasks of Eurojust. The expected impacts of the proposed amendments are very limited as the proposal only introduces one specific additional task to Eurojust. It allows for a limited functionality in the existing overall Eurojust architecture and concerns only one out of the 30 forms of serious crime Eurojust is competent to deal with. An assessment of the consistency of the complementary roles of Eurojust and Europol will be carried out under the Eurojust Regulation in force. The Commission will carry out an independent evaluation on the implementation of the Eurojust Regulation and Eurojust's activities by 13 December 2024 in line with Article 69(1) of the Eurojust Regulation.

- **Fundamental rights**

Due to the importance of processing personal data for law enforcement purposes and Eurojust's support activities, the proposal underlines the need to ensure full compliance with fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union ('the Charter'), notably the right to the protection of personal data<sup>6</sup> and the right to respect for private life<sup>7</sup>. This is of particular importance since the proposal involves the processing of operational personal data relating to criminal investigations and prosecutions.

The proposal clarifies that the existing provisions of the Eurojust Regulation setting out the robust data protection regime of Eurojust apply to the automated data management and storage facility where evidence concerning core international crimes will be analysed and preserved, with the exception of those rules directly linked to the technical design of the case management system, i.e. temporary work files and index. They include, in accordance with Article 26(2) of the Eurojust Regulation, also the provisions on data protection set out in Regulation (EU) 2018/1725.

The proposal also requires that Eurojust should first consult the European Data Protection Supervisor (EDPS) following receipt of a notification from the Data Protection Officer containing at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards and security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with the Eurojust Regulation, taking into account the rights and legitimate interests of the data subjects and other persons concerned. The EDPS will be consulted.

The proposal provides that the automated data management and storage facility should comply with the highest standards of cyber security.

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<sup>6</sup> Article 8 of the Charter.

<sup>7</sup> Article 7 of the Charter.

#### **4. BUDGETARY IMPLICATIONS**

This proposal would have an impact on Eurojust's budget and its staff needs. Under the legislative financial statement accompanying the proposal, it is estimated that further EUR 15.705 million would be needed for the period 2022-2027 to allow Eurojust to perform the tasks provided for by this proposal. This includes the costs for the setting up and management of the automated data management and storage facility (approximately EUR 500 000 per year) and for the necessary human resources to handle it.

It is estimated that 16 additional posts would be necessary, including judicial cooperation experts, lawyers-linguists, analysts, legal experts, ICT security officers, liaison officers with the International Criminal Court and civil society organisations, and administrative officers. Due to the urgency of the situation, such posts should be filled as soon as possible.

#### **5. OTHER ELEMENTS**

- **Detailed explanation of the specific provisions of the proposal**

The collection, preservation and analysis of evidence of core international crimes is usually carried out by a wide range of different stakeholders, as is currently the case in the context of the ongoing hostilities in Ukraine: national authorities, Union bodies, including JHA agencies, missions under the Common Security and Defence Policy, international organisations and private entities, including non-governmental organisations and civil society organisations.

In this context, Eurojust should be able to centralise evidence available to public authorities while applying the highest security and traceability standards. Such information and (physical and electronic) evidence could be used both for criminal cases before national courts and for prosecutions by the International Criminal Court or any other court or mechanism established for that purpose. The proposal does not however aim to introduce any obligation on national authorities to share such information and evidence.

Article 1(1) expressly extends Eurojust's operational functions with regard to the collection, analysis, preservation and sharing of evidence in support of investigations and prosecutions of core international crimes, in particular genocide, crimes against humanity, war crimes and related criminal offences in accordance with Article 3(4) of the Eurojust Regulation. The analytical support provided by Eurojust is one of the main operational tasks that Eurojust already exercises and is further strengthened with this proposal. Eurojust can support the Member States' competent authorities with analysis of evidence, especially as regards the assessment of the authenticity and reliability of evidence related to facts that are subject to ongoing investigations and prosecutions, including those that Eurojust supports, to ensure the subsequent admissibility of such evidence in national or international courts or equivalent mechanisms. Under the Eurojust Regulation, Eurojust may already transmit evidence to national competent authorities as well as international organisations, in accordance with the provisions setting out Eurojust's data protection framework, and temporarily store such evidence in support to national investigations and prosecutions. Article 1(1) clarifies that the existing framework also applies to evidence collected, stored and analysed in the automated data management and storage facility outside the case management system.

As the current Eurojust's case management system does not have the technical capacity to centralise evidence on core international crimes in an efficient and secure manner, Article 1(2) aims to provide Eurojust with the operational means to perform its support and coordination tasks with regard to these crimes pending the setting up and full functioning of the new case management system. This would allow Eurojust to perform its above-mentioned



tasks even beforehand, including with regard to the core international crimes that are likely being committed in Ukraine. This provision takes into account the sensitivity of the data to be processed and the need to ensure their protection.

Crucial evidence about core international crimes is usually available in the form of audio recordings and videos. Satellite images may also prove useful to demonstrate the commission of these crimes. For this reason, it appears necessary to extend the categories of data that Eurojust can legally process and to amend Annex II of the Eurojust Regulation accordingly (Article 1(3)).

Proposal for a

## REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**amending Regulation (EU) 2018/1727 of the European Parliament and the Council, as regards the collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes at Eurojust**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) 2018/1727 of the European Parliament and of the Council<sup>8</sup> established Eurojust and sets out its tasks, competence and functions.
- (2) Eurojust is competent with respect to the forms of serious crime listed in Annex I to Regulation (EU) 2018/1727, which include genocide, crimes against humanity and war crimes. In accordance with Article 3(4) of Regulation (EU) 2018/1727, Eurojust's competence also covers criminal offences related to the criminal offences listed in Annex I to that Regulation.
- (3) On 24 February 2022, Russia began a military aggression against Ukraine. There is a reasonable basis to believe that crimes against humanity and war crimes have been and are being committed in Ukraine in the context of the current hostilities.
- (4) In view of the gravity of the situation, the Union should take all the necessary measures, as a matter of urgency, to ensure that those who committed those crimes in Ukraine are held responsible.
- (5) Prosecution services in several Member States as well as in Ukraine have started investigations concerning the events in Ukraine, when appropriate relying on the support of Eurojust. Eurojust concluded an agreement on cooperation with Ukraine on 27 June 2016. In accordance with this agreement, a Ukrainian liaison prosecutor is posted to Eurojust to facilitate the cooperation between Eurojust and Ukraine.
- (6) In accordance with the Rome Statute<sup>9</sup>, the International Criminal Court has the power to exercise its jurisdiction over individuals responsible for the most serious crimes of international concern, as referred to in the Rome Statute. The jurisdiction of the International Criminal Court is complementary to national criminal jurisdictions. The Office of the Prosecutor of the International Criminal Court announced it has proceeded to open an investigation into the situation in Ukraine.

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<sup>8</sup> 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 (OJ L 295, 21.11.2018, p. 138).

<sup>9</sup> Rome Statute of the International Criminal Court.

- (7) Due to the application of the principle of universal jurisdiction in several Member States and the complementary nature of the International Criminal Court's jurisdiction, coordination and exchange of evidence between national investigating and prosecuting authorities in different jurisdictions as well as with the International Criminal Court, or other court, tribunal or mechanism established for that purpose, is important to ensure the effectiveness of investigations and prosecutions of genocide, crimes against humanity and war crimes and related offences, including those that may be committed in Ukraine in the context of the current hostilities.
- (8) To ensure that evidence and best practices relating to the prosecution of genocide, crimes against humanity and war crimes are shared with national and international judicial authorities, Eurojust should enhance its cooperation with criminal courts, tribunals and mechanisms established to address breaches of international law. For that purpose, Eurojust should establish close cooperation with the International Criminal Court and any other court, tribunal or mechanism that aims at addressing crimes affecting the international peace and safety. Accordingly, Eurojust should also facilitate the execution of judicial cooperation requests from the International Criminal Court or special criminal courts, tribunals or mechanisms concerning evidence related to genocide, crimes against humanity, war crimes and related criminal offences.
- (9) Evidence related to genocide, crimes against humanity and war crimes cannot be safely stored on the territory where the hostilities take place, as is the case with the evidence connected with the ongoing hostilities in Ukraine. Therefore, a central storage is necessary. Evidence collected by Union agencies and bodies and international authorities or third parties such as civil society organisations may also require a central storage place so as to be accessible to competent judicial authorities.
- (10) Eurojust has the expertise and experience to support the investigations and prosecutions of cross-border crimes, including genocide, crimes against humanity, war crimes and related criminal offences. This includes preservation, analysis and storage of evidence as far as its admissibility before courts and reliability are concerned.
- (11) By collecting, preserving and analysing evidence related to core international crimes, as well as, when necessary and appropriate, enabling its exchange, Eurojust can support case building in national and international investigations and provide additional support to the competent national and international authorities. Such evidence may be especially valuable to ascertain the reliability of witness testimonies.
- (12) A new temporary storage facility allowing for such storage, analysis and preservation should be set up. As the need to store such evidence is urgent, it is necessary for Eurojust to store it in an automated data management and storage facility outside the case management system, until the new case management system is fully functional. The general rules of the distinct Chapter of Regulation (EU) 2018/1725 of the European Parliament and of the Council on the processing of operational personal data should apply without prejudice to the specific data protection rules of Regulation (EU) 2018/1727. The automated data management and storage facility should be integrated into the new case management system, which is expected to be established under the proposal for a Regulation on the digital information exchange in terrorism cases<sup>10</sup>.

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<sup>10</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 of the European Parliament and the Council and Council Decision 2005/671/JHA, as regards the digital information exchange in terrorism cases, COM(2021) 757 final, 1.12.2021.

- (13) The storage, analysis and preservation of evidence in relation to genocide, crimes against humanity, war crimes and related criminal offences in the automated data management and storage facility, as well as their accessibility by the competent judicial authorities whenever necessary and appropriate, should comply with the highest standards of cyber security and data protection, in accordance with Articles 7 and 8 of the Charter of Fundamental Rights of the European Union.
- (14) Satellite images, photographs, videos and audio recordings can be useful to demonstrate the commission of genocide, crimes against humanity, war crimes and related criminal offences. Therefore, Eurojust should be able to process and store such data in relation to this purpose.
- (15) Eurojust and Europol should closely cooperate in the context of their respective mandates, in particular as regards the processing and analysis of information in the context of Europol's existing and dedicated system (called analysis project) on international crimes, to support competent authorities in investigating and prosecuting genocide, crimes against humanity, war crimes and related criminal offences. Therefore, Eurojust may refer to Europol information that it has received in the performance of its functions in accordance with Article 4(1)(j) of Regulation (EU) 2018/1727. The cooperation should include a regular joint evaluation of operational and technical issues.
- (16) [In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified its wish to take part in the adoption and application of this Regulation.]
- (17) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (18) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on XX/XX/20XX,

HAVE ADOPTED THIS REGULATION:

#### *Article 1*

#### **Amendments to Regulation (EU) 2018/1727**

Regulation (EU) 2018/1727 is amended as follows:

- (1) in Article 4(1), the following point (j) is added:
- “(j) support Member States’ action in combating genocide, crimes against humanity, war crimes and related criminal offences, including by collecting, preserving and analysing evidence related to these criminal offences, as well as, where necessary and appropriate, enabling its exchange or otherwise making it directly available to

the competent national and international judicial authorities, in particular the International Criminal Court”

(2) in Article 80, the following paragraph 8 is added:

“(8) By way of derogation from Article 23(6), Eurojust may process operational personal data for the performance of the tasks referred to in Article 4(1), point (j), in an automated data management and storage facility outside the case management system. The automated data management and storage facility shall comply with the highest standards of cyber security. The operation of the automated data management and storage facility shall be subject to prior consultation of the EDPS. The EDPS shall deliver his or her opinion within two months following the receipt of a notification from the Data Protection Officer.

The notification from the Data Protection Officer shall contain at least the following elements:

- (a) a general description of the envisaged processing operations;
- (b) an assessment of the risks to the rights and freedoms of data subjects;
- (c) the measures envisaged to address those risks;
- (d) safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with this Regulation, taking into account the rights and legitimate interests of the data subjects and other persons concerned.

The data protection provisions of this Regulation shall apply to the processing of data in the automated data management and storage facility as far as they do not directly relate to the technical set-up of the case management system in accordance with Article 23(1) of this Regulation. Access right and time limits for the data stored in the automated data management and storage facility shall be linked to the access to the temporary work files, in support of which the data is stored.

The derogation provided for in this paragraph shall end at the time when the new case management system is in place. The Commission shall determine the date at which the new case management system is in place by a decision that shall be published in the *Official Journal of the European Union*.”

(3) Annex II is amended as follows:

(a) point 1(n) is replaced by the following:

“(n) DNA profiles established from the non-coding part of DNA, photographs and fingerprints and, in relation to the criminal offences referred to in Article 4(1)(j), videos and audio recordings.”

(b) point 2(f) is replaced by the following:

“(f) the description and nature of the offences involving the person concerned, the date and location on which the offences were committed, the criminal category of the offences, and, in relation to the criminal offences referred to in Article 4(1)(j), information relating to criminal conduct, including audio recordings, videos, satellite images and photographs and to the progress of the investigations;”

*Article 2*

**Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## LEGISLATIVE FINANCIAL STATEMENT 'AGENCIES'

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## 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

### 1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727, as regards the collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes at the European Union Agency for Criminal Justice Cooperation (Eurojust)

### 1.2. Policy area(s) concerned

Policy area: Justice and fundamental rights

Activity: Investing in people, social cohesion and values

071007: European Union Agency for Criminal Justice Cooperation (Eurojust)

### 1.3. The proposal relates to

a new action

a new action following a pilot project/preparatory action<sup>11</sup>

the extension of an existing action

a merger of one or more actions towards another/a new action

### 1.4. Objective(s)

#### 1.4.1. General objective(s)

Eurojust was established as an intergovernmental body to coordinate investigations and prosecutions of serious cross-border crime in Europe and beyond by Council Decision 2002/187/JHA. The Treaty of Lisbon has abolished the pillar structure of the European Union and aligned the area of Freedom, Security and Justice with the *acquis communautaire*. With Regulation (EU) 2018/1727 ('Eurojust Regulation'), which was adopted under Article 85 TFEU, a new legal framework for a new European Union Agency for Criminal Justice Cooperation (Eurojust) was established.

As the European Union's hub for judicial cooperation in criminal matters, Eurojust supports national investigating and prosecuting authorities in relation to serious crime with which Eurojust is competent to deal in accordance with Eurojust Regulation. Among others, genocide, crimes against humanity and war crimes (also collectively referred to as 'core international crimes') are crimes with which Eurojust is competent to deal.

The recent events connected with Russia's invasion of Ukraine revealed the urgent need to allow Eurojust to collect, preserve and analyse evidence in relation to genocide, war crimes, and crimes against humanity and related criminal offences, and to make it available to the competent authorities, national or international.

Against this background, the general objective of this proposal is to allow Eurojust to perform this additional task by setting up a temporary automated data management and storage facility outside the case management system.

<sup>11</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

#### 1.4.2. *Specific objective(s)*

The specific objective derives from the general objective as outlined above:

Specific objective No. 1: To enable Eurojust to collect, preserve and analyse evidence in relation to genocide, war crimes, and crimes against humanity and related criminal offences, as well as, when necessary and appropriate, to enable its exchange or otherwise make it available to the competent national and international authorities.

#### 1.4.3. *Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The initiative is expected to legally and technically allow Eurojust to collect, preserve, analyse and, when necessary and appropriate, transmit evidence of core international crimes by setting up a temporary automated data management and storage facility outside the case management system.

#### 1.4.4. *Indicators of performance*

*Specify the indicators for monitoring progress and achievements.*

- The amount of information sent by individuals, Member States, Third Countries, NGOs and other relevant actors;
- Number of prosecutions based on evidence stored in the system;
- Number of information sent from Eurojust to the Member States;
- Number of operative cases supported.

### 1.5. **Grounds for the proposal/initiative**

#### 1.5.1. *Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative*

The roll-out of the implementation of the legislative initiative requires technical and procedural measures at EU level, which should start when the revised legislation enters into force.

The main requirements following entry into force of the proposal are as follows:

- Eurojust to implement the new system that allows the storage and management of the evidence collected.
- Eurojust to receive evidence from relevant stakeholders (i.e. Member States, individuals, Third States, NGOs...).
- Eurojust to allow access to Member States to use this evidence in the investigations and prosecution of genocide, crimes against humanity, war crimes and related criminal offences.

Due to the urgent need to ensure that Eurojust can perform these tasks already with regard to the core international crimes that may be committed in the context of the current hostilities in Ukraine, Eurojust will implement the database in 2022 and will start the collection and management of evidence already in 2022.

#### 1.5.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this*

*point 'added value of Union involvement' is the value resulting from Union intervention which is additional to the value that would have been otherwise created by Member States alone.*

On 24 February 2022, Russia began a military invasion of Ukraine. There is a reasonable ground to believe that war crimes and crimes against humanity have been and are being committed in Ukraine. On 2 March 2022, the Prosecutor of the International Criminal Court announced he had proceeded to open an investigation into the situation in Ukraine. The prosecution services in several Member States as well as in Ukraine have also started investigations of core international crimes, some of which are supported and coordinated by Eurojust. Eurojust has the expertise and experience to support the investigations and prosecutions of core international crimes, including by facilitating the activities of Joint Investigation Team (JITs), such as the one set up by some Member States and Ukraine in the context of the current hostilities in Ukraine.

National authorities are collecting evidence of the core international crimes that may have been committed in Ukraine by all parties to the conflict. Due to the ongoing hostilities, evidence cannot be stored securely in Ukraine. It is necessary to set up a central storage, where also evidence collected by Union agencies and bodies as well as national and international authorities or third parties such as civil society organisations could be stored. While the Eurojust Regulation provides that Eurojust supports Member States action in investigating and prosecuting serious crime, it does not explicitly allow Eurojust to collect, preserve and analyse evidence in relation to this purpose.

The Commission adopted this proposal further to several exchanges – on a bilateral basis or in the context of collective meetings – with Eurojust and national authorities involved in the investigations of core international crimes, as well as civil society organisations and other Union entities such as the European Union Advisory Mission Ukraine. All of them pointed out the need for central storage of evidence as well as the current limitations of the Eurojust's case management system and their impact on Eurojust's role to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to core international crimes, including those that may be committed in the context of the current hostilities in Ukraine.

This proposal is needed to set up an automated data management and storage facility within the EU to collect, preserve and analyse evidence in a proper and legal way that allows national authorities to prosecute genocide, crimes against humanity, war crimes and related criminal offences.

### 1.5.3. *Lessons learned from similar experiences in the past*

The proposal builds on the need to coordinate the judicial response to the core international crimes and to avoid any kind of impunity against the perpetrators of these crimes. Europe faces a security landscape in flux. International crises have always had an impact on the European way of life, as well as on fundamental rights of individuals. Crimes such as genocide, crimes against humanity and war crimes are part of a category of very serious crimes, and the perpetrators of these crimes should not be unpunished.

Judiciary is based on the rule of law, and there are not few cases where the perpetrator of a criminal has escaped justice due to an unlawful procedure to collect or manage the evidence.

This proposal aims to establish a clear framework to fight against this impunity.

1.5.4. *Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments*

The reinforcement of judicial cooperation in criminal matters is a crucial part of creating an area of freedom, security and justice.

This urgent solution is needed with a view to allowing Eurojust to exercise the above-mentioned new tasks already in the context of the current extraordinary circumstances connected with the ongoing hostilities in Ukraine. Once the proposal to amend Eurojust Regulation as regards of exchange of data on terrorism cases will be approved, the new [automated data management and storage facility](#) can be subsumed in the new case management system.

The Commission Communication on the EU Security Union Strategy, published in July 2020, underlined the connection between internal and external security and the importance of cooperation in order to protect citizen's rights effectively. This proposal is a clear example of how a management and storage facility is necessary to protect one of the most important citizens' rights, the right to life.

1.5.5. *Assessment of the different available financing options, including scope for redeployment*

Since the Eurojust Regulation entered into force, the trend has been towards a growth of the agency's data flows and of the demand on its services.

The Commission is aware of the financial constraints of Eurojust and the resources implication of this urgent request due to Russia's aggression of Ukraine.

This proposal will introduce new limited tasks in the Eurojust Regulation, aiming at making Eurojust fit for the digital age, and allowing it to fulfil its stronger role envisaged in the Eurojust Regulation in supporting and strengthening the coordination and the cooperation between national authorities investigating and prosecuting serious crime, including war crimes, genocide and crimes against humanity. It will not be possible to implement this proposal without the necessary financial and human reinforcements.

The estimation of cost is EUR 15,705 M that will be financed from the margin under the heading 2b of the MFF.

## 1.6. Duration and financial impact of the proposal/initiative

### limited duration

- Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY

### unlimited duration

- Implementation with a start-up period from YYYY to YYYY,
- followed by full-scale operation.

## 1.7. Management mode(s) planned<sup>12</sup>

### Direct management by the Commission through

- executive agencies

### Shared management with the Member States

### Indirect management by entrusting budget implementation tasks to:

international organisations and their agencies (to be specified);

the EIB and the European Investment Fund;

bodies referred to in Articles 70 and 71;

public law bodies;

bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;

bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;

persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

### Comments

The figures on financial and human resources include the foreseen total amount for the technical implementation of the automated data management and storage facility, and the operative costs associated to some of the cases that can be linked to it.

<sup>12</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: <https://myintracomm.ec.europa.eu/budgweb/EN/man/budgmanag/Pages/budgmanag.aspx>.

## 2. MANAGEMENT MEASURES

### 2.1. Monitoring and reporting rules

*Specify frequency and conditions.*

Monitoring and evaluating the implementation of the digitalisation of the data exchange of the agency will be important to ensure the effectiveness of Eurojust. The monitoring and reporting of the proposal will follow the principles outlined in the Eurojust Regulation<sup>13</sup> and in line with the Common Approach on decentralised agencies<sup>14</sup>.

In addition to the horizontal governance rules applicable to agencies, Eurojust must notably send each year to the Commission, the European Parliament and the Council a Single Programming Document (SPD) containing multi-annual and annual work programmes and resources programming. The SPD sets out the objectives, expected results and performance indicators to monitor the achievement of the objectives and the results.

Eurojust also reports on its work in an elaborate annual report. Eurojust transmits this annual report to the European Parliament, to the Council and to national parliaments. In addition, Eurojust informs the European Parliament and the national parliaments on working arrangements concluded with third parties.

An external independent evaluation of the implementation of the Regulation and the activities of Eurojust shall be commissioned by the Commission by 13 December 2024 and every five years thereafter in order to evaluate the implementation and impact of the Regulation and the effectiveness and efficiency of Eurojust (Article 69 (1) of the Eurojust Regulation).

### 2.2. Management and control system(s)

#### 2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

Considering that the proposal impacts the annual EU contribution to Eurojust, the EU budget will be implemented via indirect management.

Pursuant to the principle of sound financial management, the budget of Eurojust shall be implemented in compliance with effective and efficient internal control.

Regarding ex-post controls, Eurojust, as a decentralised agency, is notably subject to:

- internal audit by the Internal Audit Service of the Commission;
- annual reports by the European Court of Auditors, giving a statement of assurance as to the reliability of the annual accounts and the legality and regularity of the underlying transactions;
- annual discharge granted by the European Parliament;
- possible investigations conducted by OLAF to ensure, in particular, that the resources allocated to agencies are put to proper use;
- finally, the European Ombudsman provides a further layer of control and accountability at Eurojust

<sup>13</sup> Regulation (EU) 2018/1727.

<sup>14</sup> [https://europa.eu/european-union/sites/default/files/docs/body/joint\\_statement\\_and\\_common\\_approach\\_2012\\_en.pdf](https://europa.eu/european-union/sites/default/files/docs/body/joint_statement_and_common_approach_2012_en.pdf).

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

No specific risks in management and control systems were identified at this stage. Eurojust is subject to administrative controls including budgetary control, internal audit, annual reports by the European Court of Auditors and the annual discharge for the execution of the EU budget as set out above.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

The ratio of "control costs/payment of the related funds managed" is reported on by the Commission. The 2021 AAR of DG JUST reports 0.53% for this ratio in relation to Indirect Management Entrusted Entities and Decentralised Agencies, including Eurojust.

The European Court of Auditors (ECA) confirmed the legality and regularity of Eurojust's annual accounts for 2020, which implies an error rate below 2%. There are no indications that the error rate will worsen in the coming years.

**2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

The measures related to combating fraud, corruption and other illegal activities are outlined, inter alia, in Article 75 of the Eurojust Regulation. Eurojust shall notably participate in fraud prevention activities of the European Anti-Fraud Office and inform the Commission without delay on cases of presumed fraud and other financial irregularities.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>15</sup>	from EFTA countries <sup>16</sup>	from candidate countries <sup>17</sup>	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
2b	071007	Diff./Non-diff.	NO	NO	YES	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

<sup>15</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>16</sup> EFTA: European Free Trade Association.

<sup>17</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.



### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	Number	Heading 2b – Investing in People, Social Cohesion and Values
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Eurojust			Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
Title 1: Staff expenditures	Commitments	(1)	1,081	2,204	2,248	2,293	2,339	2,386	<b>12,551</b>
	Payments	(2)	1,081	2,204	2,248	2,293	2,339	2,386	<b>12,551</b>
Title 2: Infrastructure and operating expenditures	Commitments	(1a)							
	Payments	(2a)							
Title 3: Operational expenditures	Commitments	(3a)	0,500	0,510	0,520	0,530	0,541	0,552	<b>3,154</b>
	Payments	(3b)	0,500	0,510	0,520	0,530	0,541	0,552	<b>3,154</b>
<b>TOTAL appropriations for Eurojust</b>	Commitments	=1+1a +3a	1,581	2,714	2,769	2,824	2,880	2,938	<b>15,705</b>
	Payments	=2+2a +3b	1,581	2,714	2,769	2,824	2,880	2,938	<b>15,705</b>

<b>Heading of multiannual financial framework</b>	7	‘Administrative expenditure’
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EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
DG: <.....>						

• Human Resources									
• Other administrative expenditure									
<b>TOTAL DG &lt;.....&gt;</b>	Appropriations								

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)								

EUR million (to three decimal places)

		Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework</b>	Commitments	1,581	2,714	2,769	2,824	2,880	2,938	<b>15,705</b>
	Payments	1,581	2,714	2,769	2,824	2,880	2,938	<b>15,705</b>

### 3.2.2. Estimated impact on [body]'s appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year 2022		Year 2023		Year 2024		Year 2025		Year 2026		Year 2027		TOTAL	
	Type <sup>18</sup>	Average cost	Nº	Cost	Nº	Cost	Nº	Cost	Nº	Cost	Nº	Cost	Nº	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 <sup>19</sup> ... To enable Eurojust to store, analyse and preserve evidence in relation to genocide, war crimes, and crimes against humanity and related criminal offences																
- Output	Store, analysis and preservation of evidence		1,581		2,714		2,769		2,824		2,880		2,938			15.705
Subtotal for specific objective No 1																
<b>TOTAL COST</b>				<b>1,581</b>		<b>2,714</b>		<b>2,769</b>		<b>2,824</b>		<b>2,880</b>		<b>2,938</b>		<b>15,705</b>

<sup>18</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>19</sup> As described in point 1.4.2. ‘Specific objective(s)...’

### 3.2.3. Estimated impact on [body]'s human resources

#### 3.2.3.1. Summary

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
--	--------------	--------------	--------------	--------------	--------------	--------------	-------

Temporary agents (AD Grades)	0,785	1,601	1,633	1,666	1,699	1,733	<b>9,119</b>
Temporary agents (AST grades)	0,079	0,160	0,163	0,167	0,170	0,173	<b>0,912</b>
Contract staff	0,085	0,173	0,177	0,180	0,184	0,188	<b>0,987</b>
Seconded National Experts	0,132	0,269	0,275	0,280	0,286	0,291	<b>1,533</b>

<b>TOTAL</b>	<b>1,081</b>	<b>2,204</b>	<b>2,248</b>	<b>2,293</b>	<b>2,339</b>	<b>2,386</b>	<b>12,551</b>
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Staff requirements (FTE):

	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	TOTAL
--	--------------	--------------	--------------	--------------	--------------	--------------	-------

Temporary agents (AD Grades)	10	10	10	10	10	10	<b>10</b>
Temporary agents (AST grades)	1	1	1	1	1	1	<b>1</b>
Contract staff	2	2	2	2	2	2	<b>2</b>
Seconded National Experts	3	3	3	3	3	3	<b>3</b>

<b>TOTAL</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>	<b>16</b>
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Recruitment dates are planned in 2022 at mid-year. No assumptions have been made for the correction coefficient applicable to the Netherlands, and only a potential increase of 2% for the salary indexation.

Details of staff increase:

Specific objective	Additional staff
Specific objective no 1: To enable Eurojust to store, analyse and preserve evidence in relation to genocide, war crimes, and crimes against humanity and related criminal offences	<p>3* Judicial Cooperation Experts are needed to ensure prosecutorial background and direct insight into the relevant judicial system(s) and evidence admissibility standards.</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i> 2022: +3</p>
	<p>3* Lawyer-Linguist are needed to ensure relevant languages skills to support translations and data analysis.</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i> 2022: +3</p>
	<p>3* Analysts are needed to manage large data volume expected, to support data mining and structuring of information from witness and victim statements.</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i> 2022: +3</p>
	<p>2* Legal Experts are needed to ensure expertise in core international crimes and asset recovery.</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i> 2022: +2</p>
	<p>2* ICT Security Officers are needed to manage and mitigate the risk of cyber-attacks.</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i> 2022: +2</p>
	<p>1* ICC Liaison Officer is needed to coordinate the relation and operations with the ICC</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i> 2022: +1</p>
	<p>1* Civil Society Organisations (CSOs) Liaison Officer is needed to coordinate the relation and operations with the CSOs</p> <p><i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i></p>

	<i>2022: +1</i>
	1*Administrative Support Officer is needed to manage all administrative support tasks.
	<i>Estimated FTEs needed – additional FTE to be hired per year (not-cumulative):</i>
	<i>2022: +1</i>

### 3.2.3.2. Estimated requirements of human resources for the parent DG

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full amounts (or at most to one decimal place)*

		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	
<b>• Establishment plan posts (officials and temporary staff)</b>							
20 01 02 01 and 20 01 02 02 (Headquarters and Commission's Representation Offices)							
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
10 01 05 01 (Direct research)							
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>20</sup></b>							
20 02 01 (AC, END, INT from the 'global envelope')							
20 02 03 (AC, AL, END, INT and JPD in the Delegations)							
Budget line(s) (specify) <sup>21</sup>	- at Headquarters <sup>22</sup>						
	- in Delegations						
<b>01 01 01 02</b> (AC, END, INT – Indirect research)							
10 01 05 02 (AC, END, INT – Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>							

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>20</sup> AC = Contract Staff; AL = Local Staff; END = Seconded National Expert; INT = agency staff; JPD = Junior Professionals in Delegations.

<sup>21</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

<sup>22</sup> Mainly for the EU Cohesion Policy Funds, the European Agricultural Fund for Rural Development (EAFRD) and the European Maritime Fisheries and Aquaculture Fund (EMFAF).

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

Description of the calculation of cost for FTE units should be included in the Annex V, section 3.



3.2.4. *Compatibility with the current multiannual financial framework*

- The proposal/initiative is compatible the current multiannual financial framework.
- The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

The proposal requires use of the unallocated margin under the heading 2b of the MFF as follow: on BL 07.1007 – Eurojust – in 2022: EUR 1,581 million, in 2023: EUR 2,714 million, in 2024: EUR 2,769 million, in 2025: EUR 2,824 million, in 2026: EUR 2,880 million, and in 2027: EUR 2,938 million.

- The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>23</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. *Third-party contributions*

- The proposal/initiative does not provide for co-financing by third parties.
- The proposal/initiative provides for the co-financing estimated below:

EUR million (to three decimal places)

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

<sup>23</sup> See Articles 12 and 13 of Council Regulation (EU, Euratom) No 2093/2020 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027.

### 3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
  - on own resources
  - on other revenue
  - please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>24</sup>					Enter as many years as necessary to show the duration of the impact (see point 1.6)		
		Year N	Year N+1	Year N+2	Year N+3				
Article .....									

For miscellaneous ‘assigned’ revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

<sup>24</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.