

European Judicial Network. Initiative Slovenia, France, Czech Republic, Sweden, Spain, Belgium, Poland, Italia, Luxembourg, Netherlands, Slovakia, Estonia, Austria, Portugal

2008/0802(CNS) - 15/02/2008 - Legislative proposal

PURPOSE: to reinforce the European Judicial Network to adapt it to the new reality of judicial cooperation in civil matters in the EU and to strengthen its relationship with Eurojust.

PROPOSED ACT: Council Decision (initiative of Slovenia, France, the Czech Republic, Sweden, Spain, Belgium, Poland, Italy, Luxembourg, the Netherlands, Slovakia, Estonia, Austria and Portugal).

BACKGROUND: the European Judicial Network was set up by Joint Action 98/428/JHA (see [CNS/1997/0911](#)). It has demonstrated its usefulness in the facilitation of judicial cooperation in criminal matters. However, since its creation, judicial cooperation has evolved in that there is more direct contact between competent judicial authorities. The impact of these changes to judicial cooperation was further increased by the enlargement of the European Union in 2004 and 2007. Because of this evolution, the European Judicial Network is even more necessary than at the time of its creation and must therefore be strengthened.

In addition, Eurojust was set up by Decision 2002/187/JHA (see [CNS/2000/0817](#)) to improve coordination and cooperation between competent authorities of the Member States. It maintains privileged relations with the European Judicial Network based on consultation and complementarity. It is now necessary to clarify and formalise the relationship between the two in the light of new developments. Moreover, contact points of the European Judicial Network and Eurojust should be able to communicate whenever needed, directly and more efficiently through a secure telecommunications network.

CONTENT: the Initiative confirms that the European Judicial Network will remain as set up by Joint Action 98/428/JHA, while introducing additional provisions, on the basis of which the Network will from now on operate.

Composition: the European Judicial Network shall be made up of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation. One or more contact points of each Member State shall be established to this effect, care being taken to ensure effective coverage of the whole of its territory, and each Member State shall appoint, as is currently the case, a national correspondent for the European Judicial Network among the contact points. As for the Commission, it shall designate a contact point for those areas falling within its sphere of competence.

Manner of operation of the network: the Network shall operate in the following three ways:

- facilitate the establishment of contacts between the contact points in the various Member States;
- organise periodic meetings of the Member States' representatives;
- provide information by means of a telecommunications network to be implemented in accordance with this proposal.

Functions of contact points: the contact points shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in terms of serious crime. They may, if necessary, travel to meet other Member States' contact points.

They shall, inter alia, provide the local judicial authorities in their own country, the contact points in the other countries and the local judicial authorities in the other countries with legal and practical information and organise training sessions on judicial cooperation for the benefit of the competent authorities of their Member State.

The contact points may hold periodic meeting which would: (i) allow them to get to know each other and exchange experiences; (ii) provide a forum for discussion of practical and legal problems encountered in the context of judicial cooperation.

The Network may also meet in plenary, composed of all the national correspondents (at least once a year and at the invitation of the Presidency of the Council). These meetings may be held on the premises of the Council in Brussels or elsewhere, as required.

Content of the information disseminated within the European Judicial Network: the Network may make a series of information available to contact points and competent judicial authorities: (i) full details of the contact points in each Member State; (ii) an IT tool allowing a Member State to identify the competent authority in another Member State to receive and execute its request for judicial cooperation (including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance); (iii) legal and practical information concerning the judicial and procedural systems in the Member States; (iv) texts of the relevant legal instruments.

This information shall be constantly updated and it shall be each Member State's individual responsibility to check the accuracy of the data.

Telecommunication tools: one of the main characteristics of this renewed Judicial Network shall be the establishment of a secure telecommunication tool. To this effect, the Network shall:

- place the above information available on a website which is constantly updated;
- set up a secure telecommunications network for the operational work of the contact points of the Network, enabling the flow of data and of all requests for judicial cooperation between Member States, as well as between them and the national members, national correspondents of Eurojust and liaison magistrates appointed by Eurojust. This Network may also be used for terrorist matters, according to the needs of the liaison magistrates appointed by Eurojust.

Provisions have also been established to improve and better coordinate information communicated to the Council and the Commission. The Network may also submit any report or other information on its operation to the Council or the Presidency.

Relationship between the European Judicial Network and Eurojust (including in organisational and budgetary terms): the Judicial Network and Eurojust shall maintain privileged relations with each other, including strengthening all information measures that may benefit both the Judicial Network and Eurojust, in accordance with a specific framework set out in the draft decision.

The elements aimed at improving cooperation include elements of an institutional nature: thus the Secretariat of the European Judicial Network shall form part of the Eurojust secretariat, while functioning as a separate and autonomous unit. It may draw on the resources of Eurojust (including budgetary) which are necessary for the performance of the European Judicial Network's tasks. The Network shall also be

supported by the Administration of Eurojust and operational expenses of the European Judicial Network may be covered by the Eurojust budget.

Reports and evaluation: the Council shall, every 4 years, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission, in cooperation with the European Judicial Network. In the meantime, the Administrative Director of Eurojust and the Presidency of the Council shall report to the Council and the Commission in writing every 2nd year on the activities and management, including budgetary management, of the Network. The Presidency shall prepare a bi-annual report on the activities of the European Judicial Network and on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities. In that report, the European Judicial Network, through the Presidency, may also make proposals for the improvement of judicial cooperation in criminal matters.

Territorial application: as regards the United Kingdom, the provisions of this Decision shall apply to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man. It should be noted that with the adoption of this initiative, Joint Action 98/428/JHA shall be repealed.