

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

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The Committee on Civil Liberties, Justice and Home Affairs unanimously adopted the report by Sylvia-Yvonne KAUFMANN (GUE/NGL, DE) on the initiative of several Member States to strengthen the European Judicial Network, calling on – in its draft resolution – both the Council and the Commission to give priority to dealing with any future proposal to amend this initiative by urgent procedure, as set out in the Lisbon Treaty and once this treaty enters into force.

In concrete, MEPs intended, above all, to strengthen the ‘data protection’ section of the proposal and to clarify the tasks and roles of the participants in the Network. Furthermore, they strengthened the European Parliament’s control over all of the Network’s activities.

The main amendments, approved under the consultation procedure, can be summarised as follows:

A national information contact point: MEPs consider that each Member State should appoint, among the contact points, a national information contact point. These special contact points (which already exist today under the term 'national correspondents') would have coordinating functions (e.g. for terrorist matters).

Selection of contact points and sufficient resources: when selecting contact points, the Member States shall comply with the criteria set out in the Guidelines for the selection of contact points of the European Judicial Network. Member States shall also ensure that their contact points have sufficient resources to adequately fulfil their tasks.

Information provided by the European Judicial Network: MEPs ask that information be transmitted between members of the Network **via an IT tool** (including requests for judicial cooperation linked to European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance). They ask, in particular, that secure telecommunications connections be set up for the operational work of the Network. They request however that **all judicial authorities** be included within the data exchange network, not only the contact points. Liaison magistrates referred to in Joint Action 96/277/JHA with duties analogous to those assigned to the contact points of the Network may also be linked to the Network via secure telecommunications connections.

Transmission of information to Eurojust: MEPs request that the contact points of the European Judicial Network provide the national members of Eurojust with a certain amount of information. MEPs consider that Eurojust and the Judicial Network should inform each other when they are of the opinion that the other one would be in a better position to handle the case. In addition, the contact points of the Network should attend meetings of Eurojust, at its invitation, in the framework of strengthened cooperation.

Organisational amendments to the Network: MEPs make a certain number of organisational amendments to the Network in order to improve its functioning. They specify, in particular, the tasks of the Secretariat of the Network and the tasks of the participants in the Network. MEPs also specify the roles of the different contact points, national correspondents and information contact points in order to

clarify their tasks. In terms of the national correspondents of the Network, MEPs consider that they should be responsible, in their respective Member States, for issues relating to the internal functioning of the Network, including the coordination of requests for information and replies issued by the competent national authorities. As for the national information contact points, they shall ensure that the information relating to their Member States is provided and updated, in relation to the activities of the Network.

Plenary meetings of the Network: MEPs changed an article on the Network's meetings. This refers to 'plenary' meetings, to which at least three contact points per Member State shall be invited. The timetable and location of the meetings are also specified, as well as the type of participant. As for the meetings of the national correspondents, these will take place periodically to discuss matters related to their tasks and how access to secure telecommunication can be optimised and provided for all competent judicial authorities.

Data protection: MEPs strengthened the provision on data protection in the framework of the European Judicial Network. Given that the Network facilitates direct contacts and exchange of data between the competent authorities of the Member States in the framework of judicial cooperation, MEPs consider that a certain level of data protection must be observed and that additional safeguards should be put in place when specific - sensitive - categories of data are exchanged. MEPs therefore include a reference to the future Framework Decision on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters, as well as a reference to the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data (and its Additional Protocol regulating the use of personal data in the police sector). Other provisions are also included to strengthen, where possible, the protection of data exchanged in the framework of the Network.

Parliamentary supervision: a series of reports has been called for in order to strengthen Parliament's supervision of the Network's activities. In particular, MEPs call for a report on the general functioning of the Network; a report every second year on the activities and management, including budgetary management, of the European Judicial Network (this report shall include information on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities; it shall also include proposals for the improvement of judicial cooperation in criminal matters). Lastly, the European Judicial Network may also submit to the Council any report or any other information on its internal operation.