

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

2008/0802(CNS) - 02/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 618 votes to 51, with 12 abstentions, a legislative resolution approving, under the consultation procedure, the initiative of several Member States to strengthen the European Judicial Network.

The report had been tabled for consideration in plenary by Sylvia-Yvonne **KAUFMANN** (GUE/NGL, DE) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

Above all, the legislative resolution calls on 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, the Parliament strengthened the 'data protection' section of the proposal and clarified the tasks and roles of the participants in the Network. Furthermore, it strengthened the European Parliament's control over all of the Network's activities.

The main amendments can be summarised as follows:

**A national information contact point:** the Parliament considers 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:** the Parliament asks 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). It asks, in particular, that secure telecommunications connections be set up for the operational work of the Network. It requests, 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:** the Parliament requests that the contact points of the European Judicial Network provide the national members of Eurojust with a certain amount of information. The Parliament considers 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:** the Parliament makes a certain number of organisational amendments to the Network in order to improve its functioning. It specifies, in particular, the tasks of the Secretariat of the Network and the tasks of the participants in the Network. The Parliament also specifies 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, the Parliament considers 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:** the Parliament specifies the typology and timetable of meetings of the European Judicial Network. This refers to ‘plenary’ meetings, to which at least three contact points per Member State shall be invited. 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:** the Parliament 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, the Parliament considers 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. The Parliament therefore includes 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).

**Parliamentary supervision:** lastly, a series of reports has been called for in order to strengthen Parliament’s supervision of the Network’s activities. In particular, the Parliament calls 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). The European Judicial Network may also submit to the Council any report or any other information on its internal operation.