

Strengthening of Eurojust. Initiative Belgium, Czech Republic, Estonia, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Sweden

2008/0804(CNS) - 02/09/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 615 votes to 64, with 16 abstentions, the initiative of several Member States to strengthen Eurojust.

The report had been tabled for consideration in plenary by Renate **WEBER** (ALDE, RO) 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 text by urgent procedure, as set out in the Lisbon Treaty and once this treaty enters into force.

In concrete, the Parliament intended, above all, to strengthen the 'data protection' section of the proposal and to improve Parliament's scrutiny of Eurojust's tasks and roles.

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

ECC: in terms of Eurojust's newly created 'Emergency Coordination Cells' (ECC), the Parliament considers that these should be contactable via a **single contact point**; the representative of the ECC should be able to act on a 24 hours/7 days basis.

Special investigative measures: due to the lack of a clear and limited definition of 'special investigative measures', the Parliament removed the possibility for Eurojust to request that such measures be taken, in order to avoid any abusive interpretation of 'special investigative measures'. The Parliament considers that all legal investigative methods are provided for by point (i) of article 6 ('investigation and prosecution of specific acts'). The same can be said for 'other measures justified for the investigation or prosecution', which the Parliament also deleted to avoid any abuse.

Access to information: the Parliament considers it necessary to limit access to certain information. It points out that the national member of Eurojust can only access registers of his or her Member State and not registers of other Member States.

Information exchange: the Parliament specifies the types of information that can be exchanged. Firstly, the competent authorities of the Member States should exchange with Eurojust any information necessary for the performance of its tasks, in accordance with the rules on data protection set out in this Decision. To the information that may be exchanged, the Parliament adds information relating to sexual exploitation of children and child pornography. In an oral amendment proposed by Evelyne **GEBHARDT** (PES, DE) the plenary also adds other forms of offences where there are factual indications that a criminal organisation or serious crimes are involved. The Parliament also specifies the information that can be exchanged in the framework of judicial cooperation. A list of the types of data that can be exchanged is therefore proposed, including: the DNA profile; photographs; telephone numbers; telephone and e-mail traffic related data excluding the transmission of content data; e-mail accounts; vehicle registration data.

An *a posteriori* reporting system: there are several amendments introduced which deal with situations when national members have used their judicial powers in urgent cases. In order to avoid any abuse of their powers, the Parliament proposes the introduction of an *a posteriori* reporting system where it should be explained why a national member could not identify a competent national authority in a timely manner. This data should also be included in annual reports of Eurojust.

Limit on the transmission of information to third countries: according to the Parliament, the transmission of personal data by Eurojust to certain entities of third States which are not subject to the Council of Europe Convention of 28 January 1981 may be effected only when an adequate and comparable level of data protection is ensured.

Data protection: the Parliament strengthened the set of provisions on data protection. It specifies that when processing data, Eurojust may process **only** the personal data on persons who, under the national legislation of the Member States concerned, are the subject of a criminal investigation or prosecution. The Parliament also considers that it is important to ensure appropriate protection of personal data for all types of personal data filing systems used by Eurojust. In this respect, the Rules of Procedure on the processing and protection of personal data at Eurojust should also apply to structured manual files, in other words, to case-related files that are compiled manually by national members or assistants and are organised in a logical way. Eurojust should also ensure that the content and titles of e-mails are not disclosed in the framework of judicial cooperation.

Remedy: the Member States shall provide an adequate judicial remedy where the investigation was carried out at the request of Eurojust on the basis of manifestly insufficient grounds.

Parliamentary supervision: the Parliament wishes to be better informed of Eurojust's activities. It therefore asks that the Joint Supervisory Body submit an annual report to the European Parliament and the Council. At the same time, once every two years the Joint Supervisory Body, together with the respective third State or entity, shall evaluate the implementation of the provisions of the relevant cooperation agreement relating to the protection of the data exchanged. The President of Eurojust, on behalf of the College, shall report every year to the European Parliament and the Council on the activities and management, including budgetary management, of Eurojust (including, for example, information on any criminal policy problems within the Union highlighted as a result of Eurojust's activities or proposals for the improvement of judicial cooperation in criminal matters). Lastly, the Commission shall at regular intervals examine the implementation by the Member States of this Decision and shall submit a report thereon to the European Parliament.