

EU Agency for Criminal Justice Cooperation (Eurojust)

2013/0256(COD) - 23/10/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Axel VOSS (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust).

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Duties and competences: Eurojust shall exercise its tasks at the request of the competent authorities of the Member States or on its own initiative or at the request of the **European Public Prosecutor's Office**.

Until the date when the European Public Prosecutor's Office (EPPO) has assumed its investigative and prosecutorial tasks conferred on it in accordance with the [Regulation](#) implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, Eurojust's competence shall cover the forms of crime listed in Annex 1 of the Regulation.

However, Eurojust shall not, in general, exercise its competence in respect of crimes for which the European Public Prosecutor's Office exercises its competence. As an exception to this general rule, Eurojust shall exercise its competence in criminal cases:

- involving Member States participating in enhanced cooperation, but in respect of which the European Public Prosecutor's Office does not exercise its competence;
- involving Member States which do not participate in enhanced cooperation on the establishment of that Office, at the request of those Member States or at the request of the European Public Prosecutor's Office.

Members stressed that Eurojust, the European Public Prosecutor's Office and the Member States concerned shall **consult and cooperate with each other**. The practical details on the exercise of competence shall be regulated by a working arrangement.

Eurojust's operational functions: Members stated that Eurojust should:

- assist and improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;
- cooperate closely with the European Public Prosecutor's Office on matters relating to its competence;
- support, and where appropriate participate in, the Union centres of specialised expertise developed by Europol and other Union bodies and agencies;
- cooperate with Union agencies, bodies and networks established in the area of Freedom, Security and Justice;
- support Member States' action for the prevention and suppression of serious forms of crime listed in Annex I (terrorism, terrorist offences, offences related to a terrorist group and offences related to terrorist activities; money-laundering; murder and grievous bodily injury; robbery and aggravated theft; immigration smuggling; illegal trafficking in animal species, including endangered species, sexual abuse and sexual exploitation, including child pornography and solicitation of children for sexual purposes).

Structure and organisation of Eurojust: Members stated that the term of office of **national members** and their deputies shall be four years, renewable once. Member States must designate national members and deputies on the grounds of proven high level of and longstanding practical experience in the field of criminal justice.

National members and deputies should be appointed on the basis of demonstrated high standards and long experience in criminal law. National members may issue and execute any mutual assistance or mutual recognition requests.

The management tasks of the **College** shall include in particular the adoption of Eurojust's work programmes, budget, annual activity report, and working arrangements with partners.

The **Executive Board** shall be responsible for taking administrative decisions to ensure the proper functioning of Eurojust. The Executive Board shall prepare Eurojust's annual and multi-annual work programme based on the draft prepared by the Administrative Director and forward it to the College for adoption.

The **Administrative Director** shall be appointed by the College on the grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience in the relevant areas. The term of office of the Administrative Director shall be four years.

Exchange of information with the Member States and between national members: the national competent authorities shall inform their national members without undue delay of **any case affecting at least three Member States directly** and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member States and,

- the offence involved is punishable in the requesting or issuing Member State by a custodial sentence or a detention order for a **maximum period of at least five or six years** to be decided by the Member State concerned, and is included in the following list: (i) trafficking in human beings; (ii) sexual abuse and sexual exploitation including child pornography and solicitation of children for sexual purposes; (iii) drug trafficking; (iv) illicit trafficking in firearms, their parts and components and ammunition and explosives; (v) corruption; (vi) crime against the financial interests of the Union; (vii) forgery of money and means of payment; (viii) money laundering activities; (ix) computer crime;
- there are factual indications that a **criminal organisation is involved**; or
- there are indications that the case may have a serious **cross-border dimension** or repercussions at Union level.

Processing of information: Members called for [Regulation No 45/2001](#) to apply to the protection of individuals with regard to the processing of personal data by Eurojust in the context of its activities.

Budget: to guarantee the full autonomy and independence of Eurojust, Members called for it to be granted an autonomous budget sufficient to properly carry out its work,