European Foundation for the Improvement of Living and Working Conditions (Eurofound)

2016/0256(COD) - 16/01/2019 - Final act

PURPOSE: to improve the effectiveness of Eurojust by establishing a European Union Agency for Judicial Cooperation in Criminal Matters (Eurojust).

LEGISLATIVE ACT: Regulation (EU) 2018/1727 of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA.

CONTENT: Eurojust was established by Council Decision 2002/187 / JHA to strengthen the fight against serious organised crime in the European Union This Regulation sets up a new governance model to improve the operational efficiency of the Agency.

Tasks

On the basis of operations conducted and information supplied by the Member States' authorities, by Europol, by the European Public Prosecutor's Office (EPPO) and by the European Anti-Fraud Office (OLAF), Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime which Eurojust is competent to deal with, where that crime affects two or more Member States, or requires prosecution on common bases. Eurojust will facilitate the execution of requests for, and decisions on, judicial cooperation, including requests and decisions based on instruments that give effect to the principle of mutual recognition. Eurojust shall carry out its tasks at the request of the competent authorities of the Member States, on its own initiative or at the request of the EPPO within the limits of the EPPO's competence.

Competence

Eurojust shall be competent with respect to the forms of serious crime listed in Annex I of the Regulation (egg terrorism, organized crime, drug trafficking, money laundering, nuclear-related crime, immigration, trafficking in human beings, racism and xenophobia, offenses affecting the financial interests of the Union, counterfeiting and piracy of products, counterfeiting and falsification of means of payment, computer crime, corruption, trafficking in arms, ammunition and explosives, environmental crime, war crimes, sexual abuse and sexual exploitation, including child pornography and solicitation of children for sexual purposes).

Eurojust:

- shall not exercise its competence with regard to crimes for which the EPPO exercises its competence, except in those cases where Member States which do not participate in enhanced cooperation on the establishment of the EPPO are also involved and at the request of those Member States or at the request of the EPPO;

- shall exercise its competence for crimes affecting the financial interests of the Union in cases involving Member States which participate in enhanced cooperation on the establishment of the EPPO but in respect of which the EPPO does not have competence or decides not to exercise its competence.

Structure

Eurojust comprises:

- the national members;

- the College, consisting of composed of all the national members and a representative of the Commission when the college exercises its management functions;

- the Executive Board, which assists the College in its management functions, in order to allow the establishment of a simplified decision-making process on non-operational and strategic issues;

- the Administrative Director, appointed for four years by the College on the basis of a list of candidates proposed by the Executive Board, following an open and transparent selection procedure, in accordance with the rules of procedure of Eurojust.

Programming and democratic oversight

Each year, the College shall adopt a programming document containing annual and multi-annual programming, based on a draft prepared by the Administrative Director, taking into account the opinion of the Commission. The College shall forward the programming document to the European Parliament, the Council, the Commission and the EPPO. The programming document shall become definitive after final adoption of the general budget of the Union.

The regulation also enhances transparency and democratic scrutiny through a mechanism for joint assessment of Eurojust's activities by the European Parliament and national parliaments.

Lastly, it introduces a new data protection regime adapted to the new legal framework for the EU institutions.

ENTRY INTO FORCE: 11.12.2018.

APPLICATION: from 12.12.2019.