

Fight against organised crime, judicial cooperation: unit Eurojust. Initiative Portugal, France, Sweden, Belgium

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The reinforcement of judicial cooperation in criminal matters is a crucial part of the area of freedom, security and justice. To take the challenge of cross-border crime in an area of free movement, the traditional ways and means of mutual judicial assistance are no longer sufficient. In order to simplify and intensify the still lengthy and onerous procedures, the European Union has adopted some initial steps. For example, a framework for an exchange of liaison magistrates, a list of best practices and a European Judicial Network were established. While continuing with this work, the necessary coordination of national prosecuting authorities must be ensured through a certain central structure. To achieve this central coordination, the European Council of Tampere has agreed that, by the end 2001, a unit (EUROJUST) should be set up composed of national prosecutors, magistrates, or police officers of equivalent competence, detached from each Member State according to its legal system. To reinforce the fight against serious organised crime, this unit shall have the task of facilitating the proper coordination of national prosecuting authorities and of supporting criminal investigations in organised crime cases in particular on the basis of analyses conducted by Europol. Furthermore, it shall cooperate closely with the European Judicial Network, in particular in order to simplify the execution of letters rogatory. Several Member States made use of their right to put forward an initiative according to Article 34 (2) of the Treaty on European Union concerning the issue. Germany has proposed a draft Council framework decision. The former, present and future Presidencies of the Council (Portugal, France, Sweden and Belgium) proposed to take a two-step approach with two subsequent Council decisions. The Commission thinks that these initiatives could be brought together. At the present stage, the Commission prefers to take a position through a Communication on the basis of the existing initiatives, rather than adding a formal proposal. It should, however, not be excluded that the Commission might launch such a proposal later on, if necessary. The Commission supports the general line of both initiatives, according to which Eurojust would have a rather broad sphere of competence, going beyond "serious organised crime", as formulated in the conclusions of Tampere. This is reasonable and also compatible with the principle of subsidiarity, because the need for coordination of prosecution under the regime of 15 national legal systems is a general one and not confined to specific forms of crime. The Commission points that it should strive to create an institution with tangible added value to the existing instruments and institutions.