Basic information

2000/0817(CNS) CNS - Consultation procedure Decision	Procedure completed
Fight against organised crime, judicial cooperation: unit Eurojust. Initiative Portugal, France, Sweden, Belgium Repealed by 2013/0256(COD) Amended by 2002/0173(CNS) Amended by 2008/0804(CNS) **Subject** 7.30.30 Action to combat crime 7.40 Judicial cooperation 8.40.08 Agencies and bodies of the EU 8.70.04 Protecting financial interests of the EU against fraud	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	GEBHARDT Evelyne (PSE)	19/10/2001

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	GEBHARDT Evelyne (PSE)	29/08/2000

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	BUITENWEG Kathalijne Maria (V/ALE)	06/11/2001
CONT Budgetary Control	The committee decided not to give an opinion.	19/10/2001

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2370	2001-09-27
Justice and Home Affairs (JHA)	2314	2000-11-30
Justice and Home Affairs (JHA)	2411	2002-02-28
Justice and Home Affairs (JHA)	2396	2001-12-06

European

Commission DG	Commissioner

Commission	Justice and Consumers	

Key events

Date	Event	Reference	Summary
03/07/2000	Committee referral announced in Parliament		
20/07/2000	Legislative proposal published	10357/2000	Summary
30/11/2000	Debate in Council		
25/04/2001	Vote in committee		
25/04/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0153/2001	
17/05/2001	Decision by Parliament	T5-0272/2001	Summary
17/05/2001	Debate in Parliament		
27/09/2001	Debate in Council		Summary
19/10/2001	Amended legislative proposal for reconsultation published	12727/1/2001	Summary
23/10/2001	Formal reconsultation of Parliament		
13/11/2001	Vote in committee		Summary
13/11/2001	Committee report tabled for plenary, reconsultation	A5-0398/2001	
28/11/2001	Debate in Parliament		
29/11/2001	Decision by Parliament	T5-0635/2001	Summary
28/02/2002	Act adopted by Council after consultation of Parliament		
28/02/2002	End of procedure in Parliament		
06/03/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0817(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	Repealed by 2013/0256(COD) Amended by 2002/0173(CNS) Amended by 2008/0804(CNS)
Legal basis	Treaty on European Union (after Amsterdam) M 034-p2c Treaty on European Union (after Amsterdam) M 031
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/12892 LIBE/5/15323

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0153/2001	25/04/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0272/2001 OJ C 034 07.02.2002, p. 0254-0347 E	17/05/2001	Summary
Committee final report tabled for plenary, reconsultation		A5-0398/2001	13/11/2001	
Text adopted by Parliament after reconsultation		T5-0635/2001 OJ C 153 27.06.2002, p. 0036-0295 E	29/11/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	10355/2000	14/07/2000	Summary
Legislative proposal	10357/2000 OJ C 243 24.08.2000, p. 0015	20/07/2000	Summary
Amended legislative proposal for reconsultation	12727/1/2001	19/10/2001	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2000)0746	22/11/2000	Summary
Follow-up document	COM(2004)0457	06/07/2004	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2002/0187
OJ L 063 06.03.2002, p. 0001-0013 Summary

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

2000/0817(CNS) - 29/11/2001 - Text adopted by Parliament after reconsultation

The European Parliament adopted the report by Mrs Evelyne GEBHARDT (PES, D) on the draft Council decision setting up Eurojust with a view to reinforcing the fight against serious organised crime. (Please refer to the previous text).

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

2000/0817(CNS) - 27/09/2001

The Council has reached a political agreement on Articles 1 to 8 of the draft decision establishing Eurojust. These articles constitute the basis of Eurojust and determine in particular its composition, its objectives and the scope of its competence and its tasks. This agreement should enable progress to be carried out in a decisive manner in view of reaching an agreement on the whole decision on the occasion of the Justice and Home Affairs Council on 6/7 December 2001, in accordance with the calendar drawn up by the European Council in Tampere.

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

2000/0817(CNS) - 17/05/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament approved the report by Mrs Evelyne GEBHARDT (PES, D) relating to the initiative to support judicial cooperation in criminal matters with non-binding amendments. Although in March this year the Provisional Judicial Cooperation Unit began work, Parliament has always seen this as a first step towards the setting up of Eurojust. Moreover, the Parliament wants Eurojust to be also competent in combating environmental crime and to be able to launch joint investigation groups. Eurojust should receive information from criminal records from Member States, it should have access to the Schengen information system and should be able to ask for information from the Commission's anti-fraud Unit OLAF. It should moreover contribute to the mutual recognition of court judgements in the field of criminal law. With regard to the organisation of Eurojust, each national member shall be appointed for a period of four years and the President shall be elected by Eurojust and the two Vice-Presidents from among its members, for a term of two years. Their mandate shall be renewable. The objectives assigned to Eurojust shall be: - to stimulate and improve the coordination of investigations and prosecutions between Member States, taking account of requests and information from the national authorities and the competent bodies; - to improve cooperation between the competent national authories particularly by encouraging the use of modern techniques for judicial assistance and the acceleration of procedures for the execution of letters rogatory and for the mutual recognition of judicial decisions in criminal matters; - to otherwise support the competent authorities of the Member States in order to improve the effectiveness of their investigations and prosecutions.

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

2000/0817(CNS) - 19/10/2001 - Amended legislative proposal for reconsultation

The Council produced a draft Decision on Eurojust taking into account the Opinion of the European Parliament. This draft includes environmental crime as part of the general competence of Eurojust. It also provides that Eurojust shall maintain close co-operation with OLAF. To that end, OLAF may contribute to Eurojust's work on the initiative of either organisation. Eurojust acting as a College has the power to set up a joint investigation team in keeping with the relevant cooperation instruments. Eurojust's tasks are separated into two categories: those which are undertaken through one or more of the national members, or as a College. The length of a national member's term of office is to be determined by the Member State of origin; it must allow Eurojust to operate properly. The College shall consist of all the national members. Each Member State may appoint one or more national correspondent. It shall be a matter of high priority to appoint such a correspondent for terrorism matters. The College will elect a President from among the national members, and may, if it considers it necessary, elect at most two Vice-Presidents. The term of office of the President will be three years, and he may be re-elected once. The term for any Vice-President will be governed by the rules of procedure.

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

2000/0817(CNS) - 14/07/2000 - Document attached to the procedure

This is an explanatory note to the initiative of Portugal, France, Sweden, and Belgium in setting up Eurojust. The note discusses the separate articles of the draft decision, and lists specifically the tasks which, it is envisaged, Eurojust will carry out.

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

2000/0817(CNS) - 06/07/2004 - Follow-up document

The Commission has present a report on the Legal Transposition of the Council Decision setting up Eurojust with a View to Reinforcing the Fight Against Serious Crime.

Following the terrorist attacks of 11 March 2004 in Spain, the European Council of 25 March 2004 again highlighted the crucial role of Eurojust in its Declaration on combating terrorism. It urged Member States to take any measures that remain necessary to fully implement the Eurojust Decision by June 2004.

The report concludes that the state of implementation of the Eurojust Decision is far from satisfying. By the end of the deadline (September 2003), only one Member State (Portugal) had passed the complete legislation necessary to comply with the Eurojust Decision. Although by April 2004, three more Member States have adopted the relevant laws (Austria, Germany and France), in five Member States there is no implementing legislation as necessary according to their national law (Belgium, Greece, Spain, Italy, Luxembourg). At least in one of these, not even a government bill has been presented to the national Parliament by the time of the drafting of the report (March/April 2004). Since Finland has only implemented part of the Decision, on the whole six Member States still need to bring their national law into conformity with the Decision. Given the central role and high importance of Eurojust both in the fight against terrorism and in cooperation in criminal matters in general, and the various declarations by the European Council and the Council, this is disappointing.

The remaining Member States concluded that they did not need to amend their national law. The Commission has no reason to question these conclusions, although the long time needed in some Member States to examine the need for legislation shows that the legal situation is not always entirely clear. Moreover, a smooth operation of Eurojust and its cooperation with national authorities can only be achieved through transparent, clear-cut rules guaranteeing the certainty of the law. Even where legislation is not indispensable, it might thus be preferable to have guidelines or circulars clarifying certain essential issues. However, only one Member State has communicated to the Commission such an act, a decree by the Chief Public Prosecutor. On this basis, it is difficult to get an overall picture and to carry out a thorough evaluation. Future experience will have to show whether the existing rules in the Member States will suffice to give full effect to the Eurojust Decision and to make Eurojust an efficient and effective tool.

A crucial issue to be looked at in further detail in the future is the exchange of information between the competent national authorities and Eurojust. As outlined above, it is currently not yet entirely clear whether the measures taken by Member States up to now will fully ensure that the Eurojust national members receive all the information which is needed to carry out their tasks and responsibilities. The information flow should work smoothly and, in urgent cases, sufficiently rapidly. Therefore, the Commission would like to draw the Member States' particular attention to the implementation of Articles 9(4) and 13(1) of the Decision on the national members' access to information on investigations and prosecutions.

The Commission would also like to encourage Member States to confer on their Eurojust national members the judicial and/or investigative powers that are usually conferred on a prosecutor, judge or police officer of equivalent competence under their national law. Although Article 9(3) leaves the exact scope of these powers to the Member States (apart from the question of access to information), they should be of such nature that Eurojust can carry out its tasks and that the objectives of the Decision can be met. An excessive disparity or lack of consistency of the national members' powers can harm the effectiveness and credibility of Eurojust and hamper its cooperation with the national authorities. Therefore, further attention should be given to the issue of consistency and compatibility of the members' national powers.

Since 1 May 2004, the new Member States are also obliged to take all necessary steps to implement the Eurojust Decision. The Commission will consider whether to publish a follow-up report including the new Member States in due time. In view of the foregoing, the Commission invites all Member States to ensure a rapid and complete transposition of the Eurojust Decision and to inform it of any measures taken, particularly on the issues outlined above.

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

2000/0817(CNS) - 28/02/2002 - Final act

PURPOSE : to establish a judicial coordination unit known as "Eurojust". COMMUNITY MEASURE : Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime. CONTENT : The objective of Eurojust is to stimulate and improve the coordination, between the different national authorities, of investigations and prosecutions in the Member States, taking into account any request emanating from a competent national authority and any information provided by any body competent by virtue of provisions adopted within the framework of the Treaties. Eurojust will also facilitate the execution of international mutual legal assistance and the implementation of extradition requests and otherwise support the competent authorities of the Member States in order to render their investigations and prosecutions more effective. Eurojust is composed of one national member seconded by each Member State in accordance with its legal system, being a prosecutor, judge, or police officer of equivalent competence. Each national member may be assisted by one person, or with the agreement of the College, several persons. National members are subject to the national law of their Member State as regards their status. The length of a national member's term of office is to be determined by the Member State of origin. It will be such as to allow Eurojust to operate properly. Eurojust's competence covers the types of crimes in respect of which Europol is competent to act, as well as the following: computer crime; fraud and corruption and any criminal offence affecting the Community's financial interests; the laundering of the proceeds of crime; environmental crime; participation in a criminal investigation within the meaning of 98/733/JHA. With regard to the processing of personal data, such data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and information on health or sex life may be processed by Eurojust only when it is necessary for the national investigations concerned as well as for coordination within Eurojust. The Data Protection Officer is to be informed immediately if there is recourse to this provision. The Decision gives a right of access to personal data held by Eurojust, which can be denied under specified circumstances. A review of the need to store personal data will be carried out every three years after they were entered. Each year, the Presidency of the Council is to forward a report to the European Parliament on the work carried out by Eurojust and on the activities of the Joint Supervisory Body, which is to have the task of monitoring Eurojust's activities. ENTRY INTO FORCE : 06/03/02. On that date the Provisional Judicial Cooperation Unit shall cease to exist.

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

2000/0817(CNS) - 20/07/2000 - Legislative proposal

PURPOSE : To establish a judicial coordination unit known as "Eurojust". CONTENT : This is an initiative of Portugal, France, Sweden and Belgium, based on the conclusions of the Tampere European Council in October 1999 and on the urgent need to improve judicial cooperation between Member States in combating forms of serious crime often perpetrated by transnational organisations. These include, terrorism, trafficking in human beings, computer crime, forgery, and money laundering. Eurojust will be composed of one national member per Member State, who will be a prosecutor, magistrate or police officer of equivalent competence. Each State may appoint one or more national correspondent to Eurojust. Intervention by Eurojust will take place when a case affects several Member States and when it requires coordinated action. In addition, Eurojust also has the general task of facilitating coordination between the investigating and prosecuting bodies. it is a coordination and cooperation body based on consensus for the purposes of prosecutions and investigations. The main tasks of the organisation are: -to facilitate the proper coordination of national prosecuting authorities; -to support criminal investigations in organised crime cases, on the basis, in particular, of Europol analysis; -to cooperate closely with the European Judicial Network; -to simplify the execution of letters rogatory.

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

2000/0817(CNS) - 22/11/2000 - Document attached to the procedure

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 propoer 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 adn 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 intiatives, 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 intiatives, 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.