Basic information

2022/0130(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Eurojust: collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes Amending Regulation 2018/1727 2013/0256(COD) **Subject** 7.30.30 Action to combat crime 7.40.04 Judicial cooperation in criminal matters 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs		
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Justice and Consumers	REYNDERS Didier	

Key events

Date	Event	Reference	Summary
25/04/2022	Legislative proposal published	COM(2022)0187	Summary
18/05/2022	Committee referral announced in Parliament, 1st reading		
18/05/2022	Debate in Parliament		
19/05/2022	Decision by Parliament, 1st reading	T9-0209/2022	Summary
19/05/2022	Results of vote in Parliament		
25/05/2022	Act adopted by Council after Parliament's 1st reading		
30/05/2022	Final act signed		
31/05/2022	Final act published in Official Journal		

Technical information

Procedure reference	2022/0130(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation 2018/1727 2013/0256(COD)
Legal basis	Rules of Procedure EP 170 Treaty on the Functioning of the European Union TFEU 085-p1-a2 Treaty on the Functioning of the European Union TFEU 085-p1-a3
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/08888

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0209/2022	19/05/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00018/2022/LEX	30/05/2022	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0187	25/04/2022	Summary
Commission response to text adopted in plenary	SP(2022)461	26/07/2022	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	BE_SENATE	COM(2022)0187	19/07/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N9-0025/2022 OJ C 214 31.05.2022, p. 0043	13/05/2022	

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Final act
Regulation 2022/0838 OJ L 148 31.05.2022, p. 0001

Eurojust: collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes

2022/0130(COD) - 25/04/2022 - Legislative proposal

PURPOSE: to enable Eurojust to collect, preserve and analyse evidence relating to genocide, crimes against humanity, war crimes and related criminal offences and, where necessary and appropriate, to exchange it or make it available to the competent judicial authorities, at national or international level.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: on 24 February 2022, Russia launched a military aggression against Ukraine. There are reasonable grounds to believe that crimes against humanity and war crimes have been and are being committed in Ukraine. Given the seriousness of the situation, the EU should urgently take all necessary measures to ensure that those who committed these crimes in Ukraine are held accountable.

As the European Union's platform for judicial cooperation in criminal matters, Eurojust provides support to national authorities investigating and prosecuting serious crime within its competence. Among others, genocide, crimes against humanity and war crimes are crimes that fall within the competence of Eurojust.

National authorities are currently collecting evidence of international crimes allegedly committed in Ukraine. Due to the ongoing hostilities, the evidence cannot be safely stored in Ukraine, which requires that a back-up/storage location be urgently found by the Union.

Therefore, in order to coordinate the ongoing efforts of Member States to collect evidence, there is a need for the **rapid establishment** of a central storage system, where evidence collected by EU agencies and bodies as well as national and international authorities or third parties such as civil society organisations can be stored.

In order to carry out its tasks, Eurojust has set up a Case Management System, which contains non-personal data and personal data as referred to in Annex II of the Eurojust Regulation. Recent events related to the Russian aggression against Ukraine have demonstrated the **urgent need to go beyond the existing Eurojust case management system**. Indeed, the current data processing architecture within Eurojust does not allow Eurojust to collect, store and analyse evidence on major international crimes, including those suspected to be committed in Ukraine.

CONTENT: the proposal aims to improve Eurojust's ability to achieve its objectives as set out in the Eurojust Regulation by establishing an updated technical solution within Eurojust to assist Member States' authorities in dealing with genocide, crimes against humanity and war crimes.

To this end, the proposal aims to **enable Eurojust to collect, store, analyse and exchange evidence relating to major international crimes** by setting up an automated data management and storage facility outside the case management system. This information and evidence (physical and electronic) could be used both for criminal cases before national courts and for prosecutions by the International Criminal Court or any other court or mechanism established for this purpose.

However, the proposal does not aim to introduce any obligation on national authorities to share such information and evidence.

In view of the sensitive nature of the personal data involved, their processing, including collection, preservation, analysis and exchange, must comply with the highest standards of data protection and cyber security.

The proposal also aims to **extend the categories of data** that Eurojust can legally process to videos and audio recordings as well as satellite images and any relevant photographs.

BUDGETARY IMPLICATIONS: this proposal would have an impact on Eurojust’s budget and its staff needs. It is estimated that further EUR 15.705 million would be needed for the period 2022-2027 to allow Eurojust to perform the tasks provided for by this proposal. This includes the costs for the setting up and management of the automated data management and storage facility (approximately EUR 500 000 per year) and for the necessary human resources to handle it.

Eurojust: collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes

2022/0130(COD) - 19/05/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 560 votes to 17, with 18 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 of the European Parliament and the Council, as regards the collection, preservation and analysis of evidence relating to genocide, crimes against humanity and war crimes at Eurojust.

The European Parliament's first reading position under the ordinary legislative procedure amends the Commission proposal as follows:

The amending Regulation will enable Eurojust to **preserve, analyse and store evidence** relating to genocide, crimes against humanity, war crimes and related criminal offences, to enable the exchange of such evidence with, or otherwise making it directly available to, competent national authorities and international judicial authorities, in particular the International Criminal Court.

However, the Regulation does not create any obligation for national authorities to share evidence with Eurojust.

In order to effectively support the case management in national and international investigations and to provide additional support to the competent prosecution authorities, the proposal provides for the establishment of an automated data management and storage facility outside the case management system.

The automated data management and storage facility will have to meet the highest standards of cyber security.

The data protection provisions laid down in the Regulation and in Regulation (EU) 2018/1725 will apply to the processing of data in the automated data management and storage facility insofar as they do not directly concern the technical configuration of the case management system. The **access rights to the data stored** in the automated data management and storage facility as well as the time limits for the storage of these data will have to be in line with the applicable rules on access to the temporary work files supporting the data, and the respective storage periods.

The proposal also aims to **extend the categories of data** that Eurojust can legally process to include video and audio recordings as well as satellite images and all relevant photographs.

The Regulation should **enter into force as a matter of urgency** on the day following its publication in the Official Journal of the European Union in order to urgently make available a new automated data management and storage facility at Eurojust for the preservation, analysis and storage of evidence relating to genocide, crimes against humanity, war crimes and related criminal offences with a view to ensuring accountability for such crimes committed in Ukraine.