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Member States  
                    - " Building new bridges between Eurojust and the Member States"  
                    Stockholm, 7 - 8 September 2009

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Delegations will find in the Annex a report from the Strategic Seminar on the implementation of the new Eurojust Decision in the Member States - "Building new bridges between Eurojust and the Member States", which took place in Stockholm on 7 - 8 September 2009.

STRATEGIC SEMINAR ON THE IMPLEMENTATION OF THE NEW EUROJUST  
DECISION IN THE MEMBER STATES – “BUILDING NEW BRIDGES BETWEEN  
EUROJUST AND THE MEMBER STATES”

STOCKHOLM, 7 AND 8 SEPTEMBER 2009

REPORT

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**1. Introduction and Background to the Strategic Seminar**

The strategic seminar on the implementation of the new Eurojust Decision in the Member States “Building new bridges between Eurojust and the Member States”, organised jointly by the Swedish Presidency and Eurojust, took place in Stockholm on 7 and 8 September 2009. It was opened by Mrs Beatrice Ask, Minister of Justice of Sweden, Mr Anders Perklev, Prosecutor General of Sweden, Mr José Luís Lopes da Mota, President of Eurojust and National Member for Portugal, and Mr Ola Laurell, National Member for Sweden.

This seminar was part of a series of meetings organised in the framework of the Informal Working Group (IWG) on the implementation of the new Eurojust Decision, initiated by Eurojust together with the Trio Presidency, the Council Secretariat and the Commission to support a coordinated implementation of the new Eurojust Decision and foster dialogue between Eurojust and the Member States. These meetings of the IWG provide a platform for the national experts to discuss common challenges, exchange best practice, keep track of the state of play of the implementation of the new Decision in the Member States, and ensure a follow-up.

The Stockholm seminar built on the results of the second meeting of the IWG, which took place in The Hague on 11 and 12 June 2009. On that occasion, a first discussion was held on the legislative and technical challenges involved in the setting up of the Eurojust National Coordination System (ENCS), the exchange of information with Member States and between National Members, and the information to be provided by Eurojust to competent national authorities.

The outcome of that meeting prepared the ground for the preparation of a questionnaire<sup>1</sup> sent to the Member States to obtain more in-depth information on how to implement the mentioned issues and also to provide a basis for a more detailed discussion during the Stockholm seminar. It was hoped that the questionnaire would also:

- Initiate or stimulate the internal consultation and decision-making process to take place in each Member State.
- Provide the Member States with the state of play in the other Member States and also provide a source of inspiration for their own implementation process.
- Provide Eurojust with the information it needs to design and implement its own internal projects to accompany and facilitate at technical level the extended exchange of information that will result from the new Eurojust Decision.

Participants at the seminar included the national contact points for the legislative and technical implementation of the new Eurojust Decision as appointed by the Member States, representatives of the European Commission, the European Parliament, the General Secretariat of the Council of the EU, OLAF and Europol, as well as Eurojust College members and Eurojust staff.

The first day of the seminar was devoted to the presentation of the results of the questionnaire and to their analysis and discussion in the following six workshops:

- Setting up of the Eurojust National Coordination System (Article 12).
- Tasks and Functioning of the Eurojust National Coordination System (Article 12).
- Information flow from the Member States to Eurojust (Article 13).
- Information flow from Eurojust to the Member States (Article 13a).
- Networks, security and access control.
- Access to the Case Management System and exchange of information.

The second day of the seminar was devoted to the presentation of the results of the workshop discussions and the conclusions reached.

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<sup>1</sup> Council document 11786/09 EUROJUST 40 COPEN 131.

In line with the above, this report presents the outcome of the discussions held during the workshops based on the replies to the questionnaire, as well as the conclusions that were reached during the seminar.

## **2. Workshop I: Setting up of the Eurojust National Coordination System (Article 12)**

The workshop was chaired by Håkan Friman from Sweden. The first topic discussed was related to the number of National Correspondents for Eurojust (NCE) intended to be appointed by the Member States. It was acknowledged that the number could vary depending on the size and the judicial structures of the Member States, *inter alia*. With respect to the specific profile of the NCEs, it was recognised that the NCEs' profiles would depend upon the agencies/authorities that Member States would designate as correspondents.

Concerning the tasks of the NCE, the participants in the workshop shared the view that the NCE could be appointed for several functions within the ENCS, e.g. the NCE could also be appointed as National Correspondent for the EJN.

Most participants who replied to the questionnaire expressed interest in a non-binding paper, to be drafted by Eurojust in cooperation with the Member States, identifying the practical tasks foreseen for the National Correspondent. Additionally, other actions were considered during the workshop, e.g. the collection of best practice from the Member States, the drafting of a paper by Eurojust on the ideal profile of the National Correspondent, based on its practical experience, and the drafting of a manual by Eurojust for the daily use of the National Correspondent. In all cases, the participants showed a clear interest in making the new functions of the National Correspondent as useful for Eurojust as possible.

The definition of the relationship between the National Member and the National Correspondent was considered an issue that would require a flexible approach. Most delegates attending the workshop did not foresee any supervisory role for their National Member regarding the work of the ENCS, and generally considered this issue a domestic matter. A clear link, however, between the National Correspondent and the National Member was considered positive. Some Member States announced that they would designate their Deputy National Member as National Correspondent.

Another question was related to a possible supervisory role of the National Correspondent with regard to the other members of the ENCS. The participants agreed that the NCE responsible for the functioning of the ENCS could play an important role in ensuring the coordination between the ENCS members in the fulfilment of their tasks. Furthermore, it was considered that elements of supervision that might exist within the domestic systems should not be excluded.

Finally, as regards the setting up of the future ENCS, approximately half of the Member States had not yet determined the composition of their ENCS at the time of replying to the questionnaire.

### **3. Workshop II: Tasks and functioning of the Eurojust National Coordination System (Article 12)**

The workshop was chaired by Fritz Zeder from Austria. The participants agreed that it would be useful to identify a common denominator for the tasks of the ENCS. Such a common denominator should be oriented towards the goals and results of the ENCS and thereby take into account the differences in the legal systems of the Member States. Furthermore, the participants acknowledged that Eurojust should play an important role in identifying the common denominator, which should respond to the needs of the National Members in their daily business.

With respect to the relations between the members of the ENCS, the participants agreed that there is a need to ensure frequent contacts or consultations between the members of the ENCS to ensure the effective functioning of the ENCS.

Concerning the transmission of systematic information by the competent authorities directly to Eurojust, it was considered that a system would need to be put in place to ensure that the ENCS is kept informed of such systematic information.

The last question discussed was related to the role of the ENCS in determining whether Eurojust or the European Judicial Network should assist in a case. The participants agreed that guidelines at EU level should be adopted for that purpose and that both Eurojust and the European Judicial Network should play an important role in the drafting of such guidelines.

#### **4. Workshop III: Information flow from the Member States to Eurojust (Article 13)**

The workshop was chaired by Ola Löfgren from Sweden. The workshop participants acknowledged that the setting up of an efficient structure to ensure the information flow from the Member States to Eurojust will require technical, administrative and legislative implementation measures. Such measures will need to be developed and revised with the cooperation of the Member States and Eurojust. The role of the ENCS will be crucial in this respect, regardless of whether the Member States establish a centralised or decentralised structure for the transmission of the “new” information.

Experience related to the transmission of terrorism-related cases shows that a common template supports the information flow. The participants invited Eurojust to develop a draft template for the transmission of “new” information. The template should be short, easy to use, and limited to information contained in the Annex to the Eurojust Decision.

The participants acknowledged that the wording of Article 13(6) and 13(7) is complex and open to misunderstandings and would not provide sufficiently clear guidance for national prosecutors for the transmission of “new” information. Eurojust was invited to present a non-binding paper to the Informal Working Group with its view of these provisions, and establish a pragmatic interpretation of the requirements under Article 13, taking into account the purpose of the information flow.

Last, but not least, the participants agreed that the meetings of the Informal Working Group provide a necessary regular forum, including all stakeholders at national and European level responsible for the implementation of the new Eurojust Decision.

#### **5. Workshop IV: Information flow from Eurojust to the Member States (Article 13a)**

The workshop was chaired by Nicholas Franssen from The Netherlands. Article 13a will allow Eurojust to enhance its ability to proactively provide both operational and strategic feedback.

The participants expressed their general satisfaction with the current operational feedback from Eurojust to the Member States and acknowledged the importance of Eurojust's coordination role, especially in the organisation and direction of coordination meetings. In this context, Eurojust was expected, *inter alia*, to continue playing a proactive role by suggesting action plans for individual cases, recommending the involvement of other bodies, such as Europol or OLAF, giving advice on how to prevent *ne bis in idem* cases, or finding solutions to conflicts of jurisdiction. At the same time, the need to standardise, to a certain extent, the processes of reporting, monitoring and evaluating was recognised.

The options for strategic feedback, unlike those for operational feedback, are in need of further consideration. In particular, the Member States identified different types of strategic outputs that would be useful for prioritising at national level and developing criminal justice policies, *inter alia*:

- Strategic reports on criminal trends.
- Strategic reports identifying recurring obstacles to judicial cooperation.
- Strategic reports on the use of JITs.
- Strategic reports on controlled deliveries, etc.

In any event, the finding of links between cases should remain the top priority for Eurojust.

As regards the role of the ENCS and the National Correspondent for Eurojust, the participants acknowledged that their assistance will be crucial to ensure the information flow from Eurojust to the Member States.

Finally, in view of the rather vague and potentially broad obligation set by Article 13a, both the setting of realistic time frames and due consideration to rules on access to data are important.

Operational outputs regarding the identification of potential links should be communicated to the national authorities without delay. Operational reports from a coordination meeting at Eurojust should be drafted within one week. Finally, strategic outputs should be provided on a periodic basis and not upon specific request, e.g. yearly strategic reports on the use of JITs, and quarterly reports on the requests for judicial cooperation in priority crime areas, etc.

## **6. Workshop V: Networks, security and access control**

The workshops V and VI were chaired by Jon Broughton and Matthias Ruckdäschel from Eurojust. They took place in a joint session. As a general conclusion for both topics, the participants appreciated the concept of building a toolbox consisting of different components (which can be individually combined). This approach could provide the required flexibility to implement technical solutions meeting the requirements and constraints of 27 Member States and Eurojust. The delegates also agreed that the detailed design of technical solutions depends strongly on the business requirements (e.g. number and location of users, amount of information, functional requirements...).

With respect to networks and security, the delegates identified the STESTA network as the preferred network to connect the ENCS and for the exchange of information with Eurojust. Member States should be encouraged to use STESTA wherever possible. The Internet (together with additional security measures) was seen as temporary fallback solutions for situations where the use of STESTA is not possible.

The main common challenge identified in the context of security and access control for Eurojust and the Member States would be to ensure a high standard for the security of the information transmitted to and from Eurojust, in particular concerning its authenticity and integrity. The participants identified and discussed various technical options (e.g. reuse of national user directories, a central user database with decentralised administration or direct application to application connection) to address these issues. It was agreed to further look into this issue during the detailed design of technical solutions.



## **7. Workshop VI: Access to the Case Management System and exchange of information**

The participants agreed that the architecture of a solution providing access to the Eurojust CMS for the ENCS strongly depends on functional requirements. A web client providing remote access using HTTPS as protocol could be used for providing limited read-only access to the CMS. The delegates expressed strong support for using a national version of the EPOC software as the coordination tool for the Eurojust National Coordination Systems which would also allow a more powerful connection to the CMS. While a manual entry of data was considered acceptable for an initial period of time, the participants agreed that a direct flow of data from national systems to Eurojust via EPOC (controlled by the ENCS) would be desirable on a long-term view.

For the exchange of information, most Member States agreed that a European XML standard (see also EPOC IV project) would be highly advantageous, but it was acknowledged that such a standard would not be available on time. For that reason, temporary solutions need to be developed. The delegates agreed that tools should be developed to allow the production of XML files to be sent to Eurojust. As a long term solution, the creation of these files from national databases (with the possibility to manually add data) should be offered. The participants considered it sufficient if the XML exchange of information would cover the data concepts described in Article 15 of the Eurojust Decision.

With respect to language and translation, approximately half of the Member States requested the translation of the forms and user interfaces into their national languages. The use of structured data as far as possible was encouraged with a view to reducing the translation needs. The question whether an issue (with regard to legal proceedings) could arise from storing unofficial translations in the CMS was raised. It was agreed to further look into this questions when technical solutions have been defined in more detail.

## **8. Final conclusions of the seminar**

Mr Björn Blomqvist, Director of Public Prosecutions at the Office of the Prosecutor General in Sweden, presented the final conclusions on behalf of the Swedish Presidency.

Mr Blomqvist stated that, considering the currently favourable state of conditions, the Member States should be able to implement the new Eurojust Decision on time. To facilitate the implementation process, a number of reflections were made and conclusions reached:

- Concrete input from the Member States to enable Eurojust to proceed with its implementation planning and activities is urgently needed.
  - *Conclusion:* Eurojust will request crucial input from the Member States to allow Eurojust to proceed with its internal implementation efforts.
  
- A roadmap and timetable for the Member States, pointing out the steps to be taken during the implementation process, would be useful.
  - *Conclusion:* Eurojust will regularly update the Implementation Plan that was presented to the Informal Working Group at the first meeting on 22 April 2009.
  
- Pilot projects to test (technical) ideas in the framework of the implementation of the new Eurojust Decision could be launched in interested Member States. The pilot projects could include an electronic platform for the exchange of information. The non-participating Member States would not need to feel bound by the results achieved.
  - *Conclusion:* Member States willing to participate in the pilot project experience should be invited to test technical ideas in the framework of the implementation of the new Eurojust Decision.
  
  - *Conclusion:* Eurojust will create an electronic platform to facilitate the exchange of information between the Member States in the framework of the implementation of the Eurojust Decision.