



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 April 2008

8062/08

**COPEN 62
EUROJUST 28
EJN 23
CATS 31**

"I/A" ITEM NOTE

From : General Secretariat
To : Coreper / Council

No. prev. doc. : 7341/1/08 REV 1 COPEN 62 EUROJUST 28 EJN 23 CATS 31

Subject : Draft Council Conclusions on the sixth Eurojust Annual Report
(calendar year 2007)

Delegations will find enclosed the draft Council Conclusions on the sixth Eurojust Annual Report (calendar year 2007) as agreed by the Article 36 Committee at its meeting on 2 April 2008.

Coreper is invited to request Council to adopt the Conclusions set out in the Annex.

**Draft Council Conclusions on the sixth Eurojust Annual Report
(calendar year 2007)**

The Council,

having examined the Annual Report,

1. Welcomes the sixth Eurojust Annual Report (calendar year 2007)¹ and notes with appreciation that Eurojust's preliminary assessment of the strategic objectives set out in the Annual Report of 2006 to be achieved in 2007-2008 shows that most of them have been already partially attained or are in progress to be accomplished. In particular, takes note of the initiatives taken by Eurojust in the course of 2007 to improve its organizational and operational capacities in order to be able to perform its tasks effectively and to strengthen its relationship with national authorities, international counterparts acting in the field of cooperation in criminal matters and third States;
2. Takes note of the follow-up to the Council Conclusions on the fifth Annual Report² and welcomes the analysis carried out by Eurojust and the concrete steps undertaken accordingly. Invites Eurojust to continue working on any outstanding conclusion of the Council regarding its sphere of competence with a view to finalising the follow-up where appropriate.

¹ Doc. 6866/08 EUROJUST 17

² Doc. 8639/1/07 EUROJUST 22 COPEN 48 EJM 9 CATS 54

3. Welcomes the upward trend in casework statistics, with 1085 registered cases in 2007 representing an increase of 41% if compared to 2006 (771 cases). Expresses appreciation for the comprehensive figures provided for by the Annual Report in relation to casework, including *inter alia* the classification of cases in standard/complex, bilateral/multilateral and by objectives according to Article 3 of the Eurojust Decision as well as figures on main crime types. Notes that complex and multilateral cases represent only 1/5 of the casework and invites Eurojust to continue the assessment of the quality of the cases and to focus on cases concerning serious, trans-national crime requiring co-ordination.
4. Notes that notwithstanding the positive trend of referral of cases to Eurojust, especially among those which joined the European Union after 2004, there are still significant differences among Member States as regards the utilisation of Eurojust's assistance. Reiterates the invitation to the competent authorities in the Member States to refer cases to Eurojust, in particular serious and complex ones, by involving the Unit where possible at an early stage of investigations;
5. Encourages Member States to implement more effectively the Eurojust Decision with a view to enhancing Eurojust's capacities to stimulate cooperation and coordination;
6. Reminds Member States of the legal obligation under Council Decision 2005/671/JHA to transmit to Eurojust relevant information concerning prosecutions and convictions for terrorist offences. Recommends Member States to provide Eurojust with up-to-date, relevant information on cases involving trans-national, serious and organised criminality;
7. Notes with appreciation that in 2007 Eurojust made wider use of articles 6 and 7 of the Eurojust Decision by asking national authorities to consider undertaking investigations or prosecutions on specific acts or to accept that one of them would be in a better position to prosecute. Invites Eurojust to keep having a pro-active approach to coordinating investigations and prosecutions with a view to assisting national competent authorities to achieve the best possible results;

8. Takes note of the progress made in the development of the Case Management System and the increased capacities to process data and achieve cross-reference analysis. Underlines the importance of improving the analytical capacity in the processing of data with a view to playing a pro-active role in stimulating cooperation and coordination of investigations and prosecutions between national judicial authorities or other competent authorities in the Member States;
9. Welcomes the progress made with the introduction of new IT functionalities such as the videoconferencing system, the secure communication facilities with Europol and with some Member States. Invites Eurojust and the competent authorities in the Member States to make full use of these facilities to exchange information and enhance co-operation.
10. Highlights the importance of the expertise achieved by Eurojust through its casework-related activities, namely when organising coordination, tactical and strategic meetings, by developing specific knowledge and awareness of different types of serious, trans-national criminality (trafficking in drugs, trafficking in human beings, terrorism, fraud, etc.). Encourages Eurojust to exploit its potentialities to make analysis of its casework-related activities and to report on any conclusion in the Annual Report. Recommends that such analysis be provided to Europol as a contribution to the Organised Crime Threat Assessment (OCTA). Moreover, recommends that Eurojust's expertise on existing best practice or on possible solutions experienced in cases of recurrent problems or obstacles in judicial cooperation activities be disseminated among practitioners;
11. Welcomes the initiative of Eurojust to host the meetings of the Network of Experts on Joint Investigation Teams (together with Europol) and the Genocide Network and takes note of the links established with the European Judicial Training Network and other existing networks;

12. Takes note of the initiatives launched by Eurojust to establish a network of prosecutors, judges and other contact points on cyber-crime and to designate central contact points for missing persons and recommends Eurojust to coordinate with other international organisations or bodies acting in the relevant fields in order to avoid duplication and overlapping and to inform the Council of such initiatives in its Annual Report;
13. Welcomes the strengthening of relations between Eurojust and EJM, OLAF, Europol and other partners working in the field of cooperation in criminal matters. Underlines the added value of co-ordinated action in dealing with trans-national organised crime. Expresses appreciation for the cooperation agreements signed or negotiated with third countries and for the increased involvement of third States in co-ordination meetings. Invites Eurojust to further develop its relationships and to conclude co-operation agreements with third countries containing, *inter alia*, clear provisions on data protection;
14. Reiterates the importance of concluding working arrangements with OLAF;
15. Takes note of the increased co-operation between Eurojust and Europol following the entry into force of the Protocol of 27 November 2003 amending the Europol Convention and encourages the two bodies to further enhance the exchange of information;
16. Shares Eurojust's analysis that it is not feasible to define strict or pre-constituted criteria to identify suitable cases to be dealt with by Eurojust or the EJM and endorses the view that links at national level should be further developed in order to better co-ordinate the respective activities while respecting the complementarity of the tasks of the two entities;
17. Recalls to the Member States the legal obligation to report on breaches of time limits for EAWs and the reasons for such breaches so as to enable Eurojust to make a proper analysis. Asks Eurojust to include the data received and the analysis in the Annual Report;

18. Takes note of Eurojust's assessment that the appointment of Assistants or Seconded National Experts to support National Members adds value in terms of quantity and quality of the operational work of the Unit. The Council invites Member States to examine the issue of provision to National Members of adequate support to perform their tasks effectively;
 19. Deems that the increase and diversification of Eurojust's activities require that further examination should be undertaken regarding the strengthening of its capacities to coordinate the activities of Member States' competent judicial authorities or other competent authorities and the reinforcement of National Members' status, as well as clarification of the respective tasks of Eurojust and EJM, for which draft legislative proposals have been put forward. Decides to carry out the negotiations with a view to adopting the proposals as soon as possible and encourages Eurojust to share its experience with a view to contributing to these discussions.
 20. Invites Eurojust to report in its next Annual Report on the implementation of these conclusions.
-