

# EUROPEAN PARLIAMENT

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**A6-0292/2008**

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## **REPORT**

on the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic, with a view to adopting a Council Decision on the European Judicial Network (5620/2008 – C6-0074/2008 – 2008/0802(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Sylvia-Yvonne Kaufmann

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic, with a view to adopting a Council Decision on the European Judicial Network  
(5620/2008 – C6-0074/2008 – 2008/0802(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic (5620/2008),
  - having regard to Article 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0074/2008),
  - having regard to Rules 93 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0292/2008),
1. Approves the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic substantially;
  5. Calls on the Council and the Commission, following the entry into force of the Treaty of

Lisbon, to give priority to any future proposal to amend the Decision in accordance with Declaration No 50 concerning Article 10 of the Protocol on transitional provisions to be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community;

6. Is determined to examine any such future proposal by the urgent procedure in accordance with the procedure referred to in paragraph 5 and in close cooperation with national parliaments;
7. Instructs its President to forward its position to the Council and the Commission, and the governments of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic.

### **Amendment 1**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### **Recital 7**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

#### *Amendment*

7) It is necessary to strengthen judicial cooperation between the Member States of the European Union and to allow contact points of the European Judicial Network and Eurojust for this purpose to communicate whenever needed, directly and more efficiently through **a** secure telecommunications **network**,

(7) It is necessary to strengthen judicial cooperation between the Member States of the European Union and to allow contact points of the European Judicial Network and Eurojust for this purpose to communicate whenever needed, directly and more efficiently through secure telecommunications **connections**,

## Amendment 2

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### **Recital 7 a (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***(7a) As regards the processing of personal data, Council Framework Decision (xx/xx) on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters, providing for an adequate level of data protection, should apply. Member States should guarantee a level of protection of personal data in their national laws at least equivalent to that resulting from the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 28 January 1981 and its Additional Protocol of 8 November 2001, and in so doing, should take account of Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe to the Member States regulating the use of personal data in the police sector, which applies also where data are not processed automatically.***

*Justification*

*Since personal data is exchanged between the respective competent authorities and contact points of the Member States it is necessary to make a reference to the applicable data*

*protection rules.*

### **Amendment 3**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### **Article 2 – paragraph 3**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

3. Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network.

3. Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network, ***as well as a national information contact point.***

#### *Justification*

*National information contact points (tasks described in Article 4, paragraph 3c (new)) already exist today under the term 'national correspondents'. The term 'national correspondent' is now used for the contact points having coordinating functions like it is used for other coordinating points as well (e.g. national correspondents for terrorist matters), see Article 4, paragraph 3b (new).*



## Amendment 4

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 2 – paragraph 4

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

4. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and an adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States. ***Before appointing a new contact point, the Member States may seek the national correspondents' opinion.***

4. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and an adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States. ***When selecting contact points, the Member States shall comply with the criteria set out in the Guidelines for the selection of contact points of the European Judicial Network.***

### *Justification*

*The functioning of the Network greatly depends on the quality of the contact points. Therefore the Member States are encouraged to observe the criteria mentioned in the Guidelines when selecting contact points.*

## Amendment 5

## Proposal for a decision

### Article 2 – paragraph 4 a (new)

*Text proposed by the Council*

*Amendment*

***4a. The Member States shall also ensure that their contact points have sufficient resources to adequately fulfil their tasks as contact points.***

## Amendment 6

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 2 – paragraph 5

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

5. Where the liaison magistrates referred to in Joint Action 96/277/JHA have been appointed in a Member State and have duties analogous to those assigned by Article 4 to the contact points, they shall be linked to the European Judicial Network and to the secure telecommunications **network** pursuant to Article 10 by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that State.

5. Where the liaison magistrates referred to in Joint Action 96/277/JHA have been appointed in a Member State and have duties analogous to those assigned by Article 4 to the contact points, they shall be linked to the European Judicial Network and to the secure telecommunications **connections** pursuant to Article 10 by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that State.

## Amendment 7

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the**

**Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 2 – paragraph 7**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

7. The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the network, ***in cooperation and in consultation with the Presidency of the Council. The Secretariat may represent the Network, in consultation with the Presidency.***

7. The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the network.

*Justification*

*The wording suggests that the Secretariat could speak on behalf of the EJM and could even make binding decision for the EJM. It is sufficient to determine that the Secretariat is responsible for the administration of the Network.*

**Amendment 8**

**Proposal for a decision**  
**Article 3 – point b**

*Text proposed by the Council*

*Amendment*

(b) it shall organise periodic meetings of the Member States' representatives in accordance with the procedures laid down in ***Articles 5, 6 and 7;***

(b) it shall organise periodic meetings of the Member States' representatives in accordance with the procedures laid down in ***Articles 5 and 6;***

**Amendment 9**

**Proposal for a decision**

**Article 3 – point c**

*Text proposed by the Council*

(c) it shall constantly provide a certain amount of up-to-date background information, in particular by means of an **appropriate telecommunications network**, under the procedures laid down in **Articles 8, 9 and 10**.

*Amendment*

(c) it shall constantly provide a certain amount of up-to-date background information, in particular by means of an **IT tool** under the procedures laid down in **Articles 8 and 9, as well as provide for secure communication in accordance with Article 10**.

**Amendment 10**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

**Article 4 – Title**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

Functions of contact **point including** the national **correspondent**

Functions of **the** contact **points**, the national **correspondents and the information contact points**

**Amendment 11**

**Proposal for a decision**

**Article 4 – paragraph 1**

*Text proposed by the Council*

1. The contact points, **including the national correspondent**, shall be active

*Amendment*

1. The contact points shall be active intermediaries with the task of facilitating

intermediaries with the task of facilitating judicial cooperation between Member States, particularly in action to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own country, contact points in the other countries and local judicial and other competent authorities in the other countries to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States' contact points, *on the basis of an agreement between the administrations concerned.*

judicial cooperation between Member States, particularly in action to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own country, contact points in the other countries and local judicial and other competent authorities in the other countries to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States' contact points *in order to allow the exchange of useful experience and problems, especially as regards the functioning of the network in the respective Member States.*

## Amendment 12

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 4 – paragraph 2**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

2. The contact points, **including the national correspondent**, shall provide the local judicial authorities in their own country, the contact points in the other countries and the local judicial authorities in the other countries with the legal and practical information necessary to enable

2. The contact points shall provide the local judicial authorities in their own country, the contact points in the other countries and the local judicial authorities in the other countries with the legal and practical information necessary to enable them to prepare an effective request for

them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

judicial cooperation or to improve judicial cooperation in general.

### Amendment 13

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### Article 4 – paragraph 3

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

3. At their respective level the contact points, ***including the national correspondent***, shall ***organise*** training sessions on judicial cooperation for the benefit of the competent authorities of their Member State, in cooperation with the European Judicial Training Network.

3. At their respective level the contact points shall ***be involved in and promote the organisation of*** training sessions on judicial cooperation for the benefit of the competent authorities of their Member State, ***where appropriate*** in cooperation with the European Judicial Training Network.

#### *Justification*

*It is essential that the contact points are involved in training sessions in order to make the Network more known and more used. But at the same time it should be left to the discretion of the respective contact points how to do it.*

## Amendment 14

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### **Article 4 – paragraph 3 a (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***3a. The contact points shall improve the coordination of judicial cooperation in cases where a series of requests from the local judicial authorities in a Member State necessitates coordinated action in another Member State.***

### *Justification*

*This paragraph originates from Article 4, paragraph 3 of the Joint Action 98/428/JHA establishing the European Judicial Network. Since it describes one of the main tasks of the Network it is essential to have it in this Decision.*

## Amendment 15

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### **Article 4 – paragraph 3 b (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***3b. The national correspondents, in addition to their tasks as contact points as referred to in paragraphs 1 to 3a, shall:***

***(a) be responsible, in their respective Member States, for issues relating to the internal functioning of the network, including the coordination of requests for information and replies issued by the competent national authorities;***

***(b) be responsible for contacts with the Secretariat of the European Judicial Network, including participation in the meetings referred to in Article 6;***

***(c) where requested by their respective Member States, give an opinion concerning the appointment of new contact points.***

*Justification*

*It is necessary to determine the tasks of the national correspondents.*

## Amendment 16

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of**



**Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 4 – paragraph 3 c (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***3c. The national information contact points, in addition to their tasks as contact points referred to in paragraphs 1 to 3a, shall ensure that the information relating to their Member States and referred to in Article 8 is provided and updated in accordance with Article 9.***

*Justification*

*See justification for Article 2, paragraph 3.*

## Amendment 17

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 5 – Title

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***Purposes of the periodic***  
meetings of contact points

***Plenary***  
meetings of contact points

## Amendment 18

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 5 – paragraph 1 – introductory part

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

1. The purposes of the ***periodic*** meetings of the European Judicial Network, to which at least ***two*** contact points per Member State

1. The purposes of the ***plenary*** meetings of the European Judicial Network, to which at least ***three*** contact points per Member State

shall be invited, shall be as follows:

shall be invited, shall be as follows:

### **Amendment 19**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### **Article 5 – paragraph 2 a (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***2a. Plenary meetings shall be held regularly at least three times a year. Once a year the meeting may be held on the premises of the Council in Brussels, in accordance with the provisions laid down in the Council's Rules of Procedure. Two contact points shall be invited to meetings held on the premises of the Council.***

#### *Justification*

*The content of this AM is taken from Article 7. It seems to be appropriate to determine the purpose and the venue of these meetings together in one Article.*

## Amendment 20

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 5 – paragraph 2 b (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***2b. However, alternative meetings may be held in the Member States to enable the contact points of all the Member States to meet the authorities of the host State other than its contact points and visit specific bodies in that State with responsibilities in the field of international judicial cooperation or of the fight against certain forms of serious crime.***

*Justification*

*The content of this AM is taken from Article 7. It seems to be appropriate to determine the purpose and the venue of these meetings together in one Article.*

## Amendment 21

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 6 – Title

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***Frequency of plenary meetings***

***Meetings of the national correspondents***

## Amendment 22

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 6

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

The ***European Judicial Network plenary***, ***composed of*** the national correspondents, shall meet periodically on an ad hoc basis, at least once a year and as ***its members*** feel the need, at the invitation of the Presidency

The national correspondents shall meet periodically, on an ad hoc basis, at least once a year and as ***they*** feel the need, at the invitation of the Presidency of the Council, which shall also take account of the

of the Council, which shall also take account of the Member States' wishes for the Network to meet.

Member States' wishes for the Network to meet. ***During these meetings matters related to their tasks under Article 4(3b) shall be discussed, including the issue of how the access to secure telecommunication can be optimised and provided for all competent judicial authorities.***

### **Amendment 23**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 7**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

#### **Article 7**

***deleted***

#### ***Venue of meetings***

- 1. Meetings may be held on the premises of the Council in Brussels, in accordance with the provisions laid down in the Council's Rules of Procedure.***
- 2. However, alternative meetings in the Member States may be held to enable the contact points of all the Member States to meet authorities of the host State other than its contact points and visit specific bodies in that State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime.***

*Justification*

*Moved to Article 5.*

**Amendment 24**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

**Article 8 – Title**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***Content of the information disseminated within*** the European Judicial Network

***Information provided by*** the European Judicial Network

## Amendment 25

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 8 – introductory part

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

The European Judicial Network shall make the following information available to contact points and competent judicial authorities:

The ***Secretariat of the*** European Judicial Network shall make the following information available to contact points and competent judicial authorities:

## Amendment 26

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 8 – point 2

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

2) ***an IT tool*** allowing the issuing authority of a Member State to identify the

(2) ***information*** allowing the issuing authority of a Member State to identify the



competent authority in another Member State to receive and execute its request for judicial cooperation, including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance;

competent authority in another Member State to receive and execute its request for judicial cooperation, including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance *via an IT tool*;

#### **Amendment 27**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### **Article 10 – paragraph 1 – point b**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

(b) **a** secure telecommunications **network** **is** set up for the operational work of **the contact points of** the European Judicial Network;

(b) secure telecommunications **connections** **are** set up for the operational work of the European Judicial Network ;

#### *Justification*

*Since the data that is exchanged does not require the highest possible level of security it is sufficient to provide for secure telecommunication connections instead of an entire telecommunications network. But it is essential that all judicial authorities are included, not only the contact points. It has to be ensured that as well on this level secure telecommunication can be used since it is the same kind of data that is exchanged on this level.*

#### **Amendment 28**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of**

**Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 10 – paragraph 1 – point c**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

(c) the secure telecommunications **network** makes possible the flow of data and of all requests for judicial cooperation between Member States, as well as between them and the national members, national correspondents of Eurojust and liaison magistrates appointed by Eurojust;

(c) the secure telecommunications **connections** make possible the flow of data and of all requests for judicial cooperation between Member States, as well as between them and the national members, national correspondents of Eurojust and liaison magistrates appointed by Eurojust;

**Amendment 29**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**  
**Article 10 – paragraph 2**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

2) The secure telecommunications **network** referred to in paragraph 1 may also be used for their operational work by the national

2. The secure telecommunications **connections** referred to in paragraph 1 may also be used for their operational work by

correspondents, national correspondents for terrorist matters, the national members of Eurojust and liaison magistrates appointed by Eurojust. It may be linked to the Case Management System of Eurojust referred to in Article 16 of Decision 2002/187/JHA.

the national correspondents, national correspondents for terrorist matters, the national members of Eurojust and liaison magistrates appointed by Eurojust. It may be linked to the Case Management System of Eurojust referred to in Article 16 of Decision 2002/187/JHA.

### **Amendment 30**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### **Article 10 – paragraph 2 a (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***2a. The use of secure telecommunications does not preclude direct contacts between contact points or between the competent authorities of the Member States.***

## Amendment 31

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### Article 11 – paragraph 1 – point a

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

(a) Eurojust shall have access to centralised information from the European Judicial Network in accordance with Article 8 of this Decision and to the secured telecommunication **network** set up under Article 10 of this Decision;

(a) Eurojust shall have access to centralised information from the European Judicial Network in accordance with Article 8 of this Decision and to the secured telecommunication **connections** set up under Article 10 of this Decision;

## Amendment 32

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### **Article 11 – paragraph 1 – point b**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

**(b) without prejudice to Article 13 of Decision 2002/187/JHA and in accordance with Article 4(4) of this Decision**, the contact points of the European Judicial Network shall, on a case-by-case basis, inform Eurojust **on cases involving two Member States and entering the field of competence of Eurojust:**

**– in cases where conflicts of jurisdiction are likely to arise**  
**or**

**– in cases of a refusal of a request for judicial cooperation, including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance.**

**(b) in addition to the obligation to transmit information to Eurojust stipulated in Article 13 of Decision 2002/187/JHA**, the contact points of the European Judicial Network shall, on a case-by-case basis, inform **their national member of Eurojust of all other cases with which Eurojust is deemed to be in a better position to deal.**

### *Justification*

*It seems to be sufficient if Eurojust and the EJN inform each other when they are of the opinion that the other one would be in a better position to handle the case. Therefore there is no need to further determine specific situations in which the EJN should be obliged to inform Eurojust. It should be avoided that the procedure gets too complicated and cumbersome.*

### Amendment 33

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

**Article 11 – paragraph 1 – point c**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

***(c) The contact points of the European Judicial Network shall also inform Eurojust, on a case-by-case basis, on all cases entering the field of competence of Eurojust and involving at least three Member States;***

*deleted*

## Amendment 34

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### **Article 11 – paragraph 1 – point f**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

(f) the national members of Eurojust may attend meetings of the European Judicial Network at the latter's invitation. European Judicial Network contact points may ***be invited on a case-by-case basis to attend Eurojust meetings.***

*Amendment*

(f) the national members of Eurojust may attend meetings of the European Judicial Network at the latter's invitation. ***Likewise*** European Judicial Network contact points may ***attend meetings of Eurojust at its invitation.***

## Amendment 35

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

### **Article 11 a (new)**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

### *Article 11a*

#### *Data protection*

**1. When personal data are exchanged between the competent authorities or the contact points of the Member States, they shall ensure that:**

- the receiving competent authority processes the data only for the purposes for which the data have been supplied;**
- steps are taken to ensure that personal data are effectively protected against accidental or unauthorised destruction, accidental loss, unauthorised access, unauthorised or accidental alteration and unauthorised disclosure.**

**2. Specific categories of data (personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, party or trade union membership, sexual orientation or health or data relating to offences, criminal convictions or security measures) shall be processed only when it is strictly necessary for the performance of the activities of the European Judicial**



*Network. In that case, additional safeguards shall be put in place, such as:*

- access to the data concerned only for personnel who is responsible for the performance of the legitimate task that justifies the processing;*
- strong encryption for transmission;*
- retention of the data for only as long as necessary for the competent authorities and the contact points to perform their tasks.*

#### *Justification*

*The European Judicial Network facilitates direct contacts and exchange of data between the competent authorities of the Member States in the framework of judicial cooperation.*

*Therefore it has to be made sure that a certain level of data protection is observed and that additional safeguards are put in place when specific - sensitive - categories of data are exchanged, which often is the case when requesting legal assistance.*

*Since there is - up to now - no legal instrument on European Union level as regards the protection of personal data, it is necessary to have a data protection provision in this text.*

#### **Amendment 36**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

#### **Article 12**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

**Article 12**

**deleted**

**Informing the Council and the Commission**

***The Administrative Director of Eurojust and the Presidency of the Council shall report to the Council and the Commission in writing every second year on the activities and management, including budgetary management, of the European Judicial Network. To that end, the Presidency shall prepare a bi-annual report on the activities of the European Judicial Network and on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities. In that report, the European Judicial Network, through the Presidency, may also make proposals for the improvement of judicial cooperation in criminal matters. The European Judicial Network may also submit any report or any other information on the operation of the European Judicial Network which may be required by the Council or the Presidency.***

*Justification*

*Partly moved to Article 15.*

### **Amendment 37**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

**Article 15 – Title**

*Text proposed by the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic*

*Amendment*

Assessment of the operation of the

***Reporting to the European Parliament,***

**Amendment 38**

**Initiative of the Republic of Slovenia, the French Republic, the Czech Republic, the Kingdom of Sweden, the Kingdom of Spain, the Kingdom of Belgium, the Republic of Poland, the Republic of Poland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Slovak Republic, the Republic of Estonia, the Republic of Austria and the Portuguese Republic**

**Article 15**

*Text proposed by the Republic of Slovenia,  
the French Republic, the Czech Republic,  
the Kingdom of Sweden, the Kingdom of  
Spain, the Kingdom of Belgium, the  
Republic of Poland, the Republic of  
Poland, the Italian Republic, the Grand  
Duchy of Luxembourg, the Kingdom of the  
Netherlands, the Slovak Republic, the  
Republic of Estonia, the Republic of  
Austria and the Portuguese Republic*

*Amendment*

***1. The European Judicial Network shall report to the European Parliament, the Council and the Commission in writing every second year on its activities and management, including its budgetary management. The European Judicial Network may in its report also indicate any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities and may also make proposals for the improvement of judicial cooperation in criminal matters.***

***2. The European Judicial Network may also submit any report or provide any other information on the operation of the European Judicial Network which may be requested by the Council.***

***3. The Council shall, every four years, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission, in***

The Council shall, every four years, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission, in

cooperation with the European Judicial Network.

cooperation with the European Judicial Network.

*Justification*

*It makes more sense that the report on activities and management is drawn up by the European Judicial Network itself instead of the Administrative Director of Eurojust. The Network itself is in the best position to identify problems and also to make proposals on improving judicial cooperation. This report has also to be submitted to the European Parliament.*

## EXPLANATORY STATEMENT

The European Judicial Network (the EJM) was established by Joint Action of 29 June 1998. The EJM is a network of central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international judicial cooperation. Every Member State nominates contact points that provide for legal and practical information and establish contacts between the judicial or other competent authorities of the Member States in order to facilitate judicial cooperation between the Member States.

After nine years of existence, the EJM has proved a very useful system in the field of judicial cooperation in criminal matters. The efficiency and success of the EJM is based on its flexibility. Therefore it was decided to maintain the network's flexibility in the proposal.

Since the network was established almost ten years ago the structure developed and thus it is necessary now to adapt the legislative act accordingly. The proposal fully replaces the existing legal framework by a new instrument. However, the general structure and content of the Joint Action is maintained in the proposal and many Articles are taken over unchanged.

The proposal broadly reflects the current practice of the operation of the EJM.

### **Main points of the proposal:**

#### 1. Creation of national correspondents of the EJM

In order to ensure smooth internal functioning of national contact points, there is a need to appoint one contact point as national correspondent to coordinate EJM activities at national level.

#### 2. Clarification of the relationship to Eurojust

It is proposed to maintain both bodies - Eurojust and the EJM - as they have proven their essential role in judicial cooperation. However, it is necessary to clarify their relationship which should be based on the principles of cooperation and complementarity. Thus the proposal stipulates reciprocal information obligations on the EJM (as well as Eurojust) view a view to cases handled by the EJM and Eurojust.

#### 3. Creation of secure telecommunication network.

The proposal envisages the creation of a secure telecommunication network as judicial authorities need a secure telecommunication tool through which they could contact each other and send requests for legal assistance.

#### 4. Emphasis on judicial training

For efficient functioning of judicial system, it is crucial to ensure adequate level of judicial training. Therefore, the proposal contains a new paragraph which stresses the role of contact points in judicial training.

### **Position of the rapporteur:**

Your rapporteur is of the opinion that the European Judicial Network has proved to be functioning very well in recent years and therefore additional rules should only be laid down where necessary. The strength of the EJNI, its flexible decentralised structure should not be touched.

Consequently many amendments proposed aim at codifying what is mainly exercised in practice already (provisions on national correspondents and their tasks, national information contact points and their tasks, venue and purpose of meetings of the Network, etc.).

Innovations are introduced with a view to secure telecommunication. Since - sensitive - personal data is exchanged it is essential to have a system in place that allows for using secure telecommunication connections to securely transmit data from one Member State to another one. It should also be considered to provide all competent authorities having responsibilities within the context of international judicial cooperation (not only the contact points) with access to secure telecommunication since these authorities can as well directly contact the competent authorities in another Member State and transmit requests for legal assistance (e.g. sending a European Arrest Warrant, including fingerprints).

Your rapporteur also thinks that a reference should be made to data protection rules that apply when the competent authorities and the contact points exchange personal data: the 'future' Council Framework Decision on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters, the Council of Europe Convention 108, its Additional Protocol of 8 November 2001 and Recommendation No R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe to the Member States regulating the use of personal data in the police sector, also where data is not processed automatically. Since the former is not yet in force and the latter rules are not European Union law it seems appropriate to insert an article on data protection in this Decision regarding basic protection rules (purpose limitation, physical security of data) and additional safeguards when exchanging specific – sensitive - categories of data (such as data relating to offences or criminal convictions).

As regards transmitting information on specific cases between the EJNI and Eurojust the general rule on when and what information has to be transmitted to Eurojust can be found in Art. 13 of 2008/.../JHA (Eurojust-Decision). This also applies to the EJNI contact points. However there should be the additional obligation that EJNI always informs Eurojust on a case - even though the conditions of Art. 13 2008/.../JHA are not met - when the contact points of EJNI realize that the case could be better dealt with by Eurojust. This also applies to Eurojust when having a case that could be better dealt with by EJNI.

With a view to reporting on the activities and the management of the Network, such a report should be drawn up by the EJNI, since the Network itself is in the best position to identify problems and also to make proposals on improving judicial cooperation. This report also has to be submitted to the Parliament so that it can fulfil its role and tasks assigned by the Treaties.

Another important amendment concerns the nomination of contact points. The functioning of the Network depends to a great deal on the functioning of the contact points. Therefore it is essential that the contact points meet certain criteria, which are laid down in the Guidelines for the selection of contact points of the EJNI, in order to be able to fulfil their tasks properly.

## PROCEDURE

<b>Title</b>	European Judicial Network		
<b>References</b>	05620/2008 – C6-0074/2008 – 2008/0802(CNS)		
<b>Date of consulting Parliament</b>	18.2.2008		
<b>Committee responsible</b> Date announced in plenary	LIBE 21.2.2008		
<b>Rapporteur(s)</b> Date appointed	Sylvia-Yvonne Kaufmann 27.2.2008		
<b>Discussed in committee</b>	27.2.2008	8.4.2008	24.6.2008
<b>Date adopted</b>	24.6.2008		
<b>Result of final vote</b>	+: 36	–: 0	0: 0
<b>Members present for the final vote</b>	Alexander Alvaro, Emine Bozkurt, Mihael Brejc, Kathalijne Maria Buitenweg, Michael Cashman, Giusto Catania, Jean-Marie Cavada, Carlos Coelho, Panayiotis Demetriou, Gérard Deprez, Armando França, Urszula Gacek, Kinga Gál, Patrick Gaubert, Roland Gewalt, Jeanine Hennis-Plasschaert, Ewa Klamt, Stavros Lambrinidis, Henrik Lax, Roselyne Lefrançois, Baroness Sarah Ludford, Claude Moraes, Javier Moreno Sánchez, Rareş-Lucian Niculescu, Martine Roure, Inger Segelström, Vladimir Urutchev, Manfred Weber, Renate Weber, Tatjana Ždanoka		
<b>Substitute(s) present for the final vote</b>	Edit Bauer, Evelyne Gebhardt, Ignasi Guardans Cambó, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Nicolae Vlad Popa		