

12687/04

LIMITE

**CRIMORG 82
ENFOPOL 122**

TRANSLATION PROVIDED BY PRESIDENCY

NOTE

from : Presidency

Subject : Improving the functioning of Europol/Eurojust

Objective

Europol and Eurojust have a key role to play in the fight against serious cross-border crime and make an effective contribution to the efforts of the Member States' national law enforcement agencies.

What this requires is specific, adequate threat assessments and more effective, better coordinated multilateral investigations by Member States, especially through the use of joint investigation teams.

Measures

1. With effect from 1 January 2005, the Member States must take responsibility for effective compliance with the obligation to make good-quality information available to Europol through their competent national authorities.
2. With effect from the end of December 2004, all the Member States must have ratified the protocols to the Europol Convention and have fully implemented the Council Decision on Eurojust, the EU Convention on Mutual Legal Assistance and its accompanying protocol and the Framework Decision on Joint Investigation Teams.
3. Not later than 1 January 2008, the Council should adopt the European laws on Europol and Eurojust provided for in the Constitutional Treaty (Articles III-177/III- 276 and III-174/III-273 respectively), taking account of the tasks referred to there.
4. With effect from 1 January 2005, the Council should lay down specific annual targets for Eurojust and Europol concerning the type and number of cases to be dealt with and the number of assessments to be produced.
5. Europol and Eurojust must implement the cooperation agreement between them and report annually on the specific results.
6. With effect from 1 January 2006, Europol must draw up (at Eurojust's request or on its own initiative) threat assessments on serious forms of cross-border crime affecting two or more Member States and, in collaboration with SITCEN, on terrorism.
7. The threat assessments, accompanied by an advisory report by Eurojust, must be submitted to the Council with a view to setting strategic priorities. Once the Constitutional Treaty enters into force, the Internal Security Committee (Article III-162/III-261) will be responsible for proposing strategic priorities for adoption by the Council and will monitor implementation.

Propositions:

1. A well-coordinated joint approach to cross-border crime depends first and foremost on the Member States having fully implemented the legal framework for Europol, Eurojust and joint investigation teams and having taken the organisational measures required for effective operation.
2. The purpose of setting specific targets for Europol and Eurojust is to improve the functioning of the two organisations and allow it to be measured. Not only the number of cases but also qualitative aspects must be monitored; Eurojust must concentrate on serious forms of crime and cases with an international character.
3. In order to function properly, Eurojust needs up-to-date, good-quality information and assessments, which must be supplied by Europol. This depends on optimum use being made of the cooperation agreement between them. The operation of the agreement must be evaluated before the European laws on Europol and Eurojust are drawn up, so that account can be taken of any difficulties that have arisen.
4. The quality of assessments must be improved. Europol assessments must henceforth focus on expected threats, rather than on descriptions of crime trends in recent years. Such threat assessments will form the basis for the strategic priorities to be set by the Council. Once the Constitutional Treaty enters into force, the Internal Security Committee will do the preparatory work for this decision-making process in the Council, and will also be responsible for ensuring that the Member States act on the priorities that have been set. For details of the development of the Committee, see the fiche on the subject.
