



**COUNCIL OF
THE EUROPEAN UNION**

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From : General Secretariat
To : Coreper/Council

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Subject : Draft Council Conclusions on the third Eurojust Annual Report (calendar year 2004)

Delegations will find in the Annex the draft Council Conclusions on the third Eurojust Annual Report (calendar year 2004) as they were agreed upon by the Article 36 Committee at its meeting on 20 September 2005.

Following the presentation given by Michael Kennedy, President of the College of Eurojust, all delegations lifted their reservations. In his presentation he mentioned the following countries as subject to agreements with Eurojust, ongoing discussions on agreements or having expressed an interest in concluding agreements with Eurojust: Iceland and Romania (to be approved by the Council), USA, Switzerland, Russian Federation, Ukraine, Liechtenstein, Croatia, Canada, Israel, Morocco.

Agreement was reached on the German proposal to have a meeting in the Working Party on Co-operation in Criminal Matters to discuss the Annual Report and on Eurojust to host the meeting. The Presidency and Eurojust will find a suitable date for delegates to visit Eurojust both to understand better the day to day operation of Eurojust and to discuss with Eurojust the contents of its 2004 Annual Report¹ and its report on judicial powers of the national members of Eurojust².

Coreper is invited to request the Council to adopt the conclusions outlined in the Annex.

¹ Doc. 9522/05 EUROJUST 33.

² Doc. 11943/05 EUROJUST 58.

Council Conclusions
on the third Eurojust Annual Report (calendar year 2004)

The Council:

1. Welcomes the third Annual Report of Eurojust (calendar year 2004)¹; and notes with satisfaction that most of the objectives set out in the Annual Report 2003 to be achieved in 2004 have been successfully attained;

2. In particular, notes with appreciation
 - the adoption of the agreement between Eurojust and Europol and the conclusion of the agreement with Norway, both approved by the Council, respectively in 2004 and early in 2005;
 - the adoption of the Rules of Procedure on the processing and protection of personal data, approved by the Council on 24.2.2005;
 - the installation of the Case Management System being operational since 15 October 2004;

3. Underlining the importance of Eurojust's role in the improvement of judicial co-operation between the Member States, in particular as regards the fight against organised serious crime and terrorism, the Council welcomes the figures outlined in the Report whereby it emerges that the number of operational cases handled by Eurojust has increased remarkably, and especially that terrorism-related cases and multilateral cases involving more than three countries have more than doubled; at the same time it notes that there are still 2.5 times fewer multilateral than bilateral cases;

¹ Doc. 9522/05 EUROJUST 33.

- 3bis Encourages Eurojust to continue working closely with the European Judicial Network so that competent national authorities know how best to choose the right channels of support in bilateral and multilateral cases; Welcomes the fact that the privileged partnership with the EJM has deepened and that Eurojust's work in the field of infrastructures is carried out with the aim of including a network connecting the contact points of the EJM;
4. Notes that, although there are positive trends in the casework, there are still significant differences between Member States as regards the use of Eurojust and that Eurojust's capacity to deal with serious cross-border crime and terrorism-related cases is still not being fully exploited by the Member States' authorities. The Council, therefore, calls on all Member States to make maximum use of Eurojust's potential to support them, primarily in the multilateral cases and in other cases if appropriate, namely by referring cases at an early stage of the investigations. The Council also requests Eurojust to consider the issue of statistics with a view to giving the budgetary authority and policy makers more detailed information about the full extent of national members' involvement in judicial cooperation in Europe;
5. Suggests Eurojust focus on complex cases which require coordination and to make internal periodical assessments on the case referrals from each country and on the quality of the cases handled with a view to improving the value of casework; invites Eurojust to report on such assessments to the Council as appropriate;
6. Urges the Member States, mentioned in the 2004 Annual Report of Eurojust, that have yet to implement the Eurojust Decision to take all necessary measures to comply with it in order to provide all National Members with the necessary powers and means to perform their tasks effectively. To that extent the Council takes note of the report from Eurojust on judicial powers of the national members of Eurojust¹. Invites all Member States to ensure regular and, if possible, full time representation in the College of Eurojust;

¹ 11943/05 EUROJUST 58.

7. Takes note that all Member States have appointed the Eurojust national correspondents for terrorism by virtue of the Council Decision 2003/48/JHA and takes note of the guidelines recommended by Eurojust as regards the arrangements to be put in place with a view to enabling national correspondents and national authorities to communicate the appropriate communication to Eurojust. The Council calls on Member States to take all necessary initiatives to ensure effective implementation of the Council Decision, particularly by making all arrangements needed to provide national correspondents with rapid access to the relevant information on terrorism and then to forward it to Eurojust;
8. Asks Eurojust to assess the progress made and to analyse criminal trends highlighted as a result of Eurojust's activities in the fight against terrorism, and to report to the Council as necessary and at least once a year. The report should identify measures necessary to conduct the fight against terrorism, including where appropriate priorities, structures, targets and deadlines;
9. Requests Eurojust to explore all possible fields of collaboration according to the agreement with Europol and to strengthen their partnership with a view to building up a comprehensive strategic approach to the fight against trans-national organised crime and terrorism;
10. Underlines that Eurojust should be associated with work of Joint Investigation Teams as far as possible; the Council therefore welcomes Eurojust's and Europol's offer to host a meeting of the Network of experts on Joint Investigation Teams, to be designated in accordance with the Hague Programme;
11. Calls on Eurojust and OLAF to improve their collaboration and notes with satisfaction that OLAF and Eurojust have recently started to work together to co-operate within their respective competencies in investigations and prosecutions regarding the protection of the financial interests of the Communities; calls on Eurojust and the Commission (OLAF) to examine legal requirements permitting rapid arrangements for the exchange of personal data;

12. Welcomes the development of external relations between Eurojust and third countries, through both the designation of contact points and the conclusion of agreements. The Council encourages Eurojust to continue with negotiations for concluding agreements with USA, Russia, Switzerland and Ukraine and to prepare for further agreements with key partners;
13. Takes note of Eurojust's concerns about the lack of certainty due to the fact that neither a Seat Agreement nor a Lease Agreement have been concluded with the Host country. The Council therefore urges all parties involved to conclude the ongoing negotiations as soon as possible and to find suitable solutions for definitive premises; in that context, a possible relocation together with Europol should be examined;
14. Asks the Member States' authorities to examine closely the Annual Report with a view to further enhancing Eurojust's tasks improving co-operation and co-ordination between the relevant authorities of the Member States and to have a role in identifying criminal trends, priorities and targets to be achieved within such co-operation.
