



**COUNCIL OF  
THE EUROPEAN UNION**

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**I/A ITEM NOTE**

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from : General Secretariat

to : Coreper/Council

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Subject : Draft Council Conclusions on the fourth Eurojust Annual Report (calendar year 2005)

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Delegations will find enclosed the Draft Council Conclusions on the fourth Eurojust Annual Report (calendar year 2005) as agreed on by the Article 36 Committee at its meeting on 8 June 2006.

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

## **Draft Council Conclusions on the fourth Eurojust Annual Report (calendar year 2005)**

The Council,

having examined the Annual Report,

recalling that the Eurojust Decision, based on Articles 31 and 34 (2) (c) of the Treaty, lays down the objectives and tasks of Eurojust:

1. Welcomes the fourth Eurojust Annual Report (calendar year 2005)<sup>1</sup> and notes with appreciation that most of the objectives to be achieved in 2005 and as set out in the Annual Report for 2004 have been successfully attained;
2. In particular, draws the attention to:
  - a. the progress made in the establishment of a consolidated infrastructure and in the development of Eurojust 's capacity to act as the relevant European counterpart for judicial co-operation and co-ordination of cross-border and serious crime;
  - b. the significant increase in the caseload, namely the fact that 588 cases were handled, i.e. a 54% increase over the 2004 figures and the fact that these were mainly complex cases;
  - c. the implementation of the Case Management System (CMS) in accordance with the internal data protection rules and the installation of the secure network for internal communication;

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<sup>1</sup> Doc. 7318/06 EUROJUST 11

3. Takes note of the figures, the caseload assessment and the case illustrations outlined in the Report, which highlight the increased number and quality of the cases dealt with by Eurojust. It requests Eurojust to continue the development of transparent, reliable and detailed statistics on the nature and quality of cases and casework, so that progress may be adequately monitored in the future. In particular, by endorsing Eurojust's assessment concerning the complexity of cases regardless of their bilateral nature, nevertheless invites Eurojust to continue focussing and giving priority to co-ordination cases and to involve, as far as possible, the EJM for the handling of purely bilateral MLA cases;
4. Welcomes the fact that in 2005 Eurojust took action under Article 7 (a) of the Decision in two cases and encourages the Unit to continue with a pro-active approach to judicial co-operation. In this regard the Council endorses Eurojust's assessment concerning the objective of making increased use of its power to ask the competent authorities of the Member States concerned to undertake investigations or prosecutions under Article 7 (a) of the Decision.
5. Notes that despite the positive trends in the casework and the increasing involvement of the countries which acceded to the EU in 2004, significant differences between Member States still exist as regards their use of Eurojust. Hence, reiterates the invitation to Member States to take advantage as much as possible of the facilities offered by Eurojust for dealing with serious trans-border criminal cases;
6. Takes note of the assessment procedures carried out by Eurojust with a view to evaluating the effectiveness of the co-ordination meetings, and underlines the importance of the analysis performed on the legal problems and the barriers which have arisen in cases referred to Eurojust, and also with a view to identifying possible shortcomings and, on that basis, enable Eurojust to make proposals for improving judicial cooperation in accordance with Article 32 of the Eurojust Decision. Such assessment should be carried out in a transparent and rigorous manner, together with the competent authorities concerned.  
Suggests that any conclusions and recommendations drawn by Eurojust from the operational work should be taken into consideration by national and European authorities with a view to improving the effectiveness of the fight against trans-national serious crime;

7. Expresses satisfaction with Eurojust's commitment in the fight against terrorism and welcomes the appointment of national correspondents on terrorism by all Member States. Asks Member States to ensure that information on terrorist investigations and prosecutions be forwarded to Eurojust. Moreover, calls on Member States to implement by June 2006 the Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and co-operation concerning terrorist offences quickly and effectively;
8. Underlines the importance of the role of Eurojust as regards joint investigation teams and the European Arrest Warrant. With regard to the joint investigation teams, the Council welcomes the initiatives taken by Eurojust and Europol to host the meetings of the informal network of experts on JITs and to produce a guide on national legislations. Encourages Eurojust and the Member States to take all necessary initiatives with a view to enhancing the use of the JITs. The Council recalls the importance of the legal obligation to inform Eurojust about cases where the time limits of the EAW are exceeded, as well as the possibility of seeking its advice in certain cases and asks Member States to fulfil their obligations. Invites the relevant Council working parties to examine the reasons given by Member States for non-compliance with time limits; and asks that this issue be examined in the course of the ongoing 4<sup>th</sup> round of mutual evaluation on the EAW;
9. Underlines, mindful of its previous conclusions of 12.10.2005 on intelligence-led policing and the development of the Organised Crime Threat Assessment (OCTA), the importance of taking into account the advice of Eurojust on the strategic priorities to be adopted on the basis of the OCTA and expects that Eurojust's role in the process will be of significant and growing importance.
10. Notes with regret that the effectiveness of the role of Eurojust in the improvement of judicial co-operation seems to be weakened by the lack of implementation of a number of legislative EU instruments by all Member States. In particular, urges those countries that did not implement the Eurojust Decision to do so and invites all Member States to take all necessary measures to comply with the Decision in order to provide their national Members with the appropriate powers and means to perform their tasks effectively;

11. Invites the Commission to prepare its second report on the legal transposition of the Council Decision of 28.2.2002 setting up Eurojust, as announced in the Council and Commission Action Plan implementing the Hague Programme on strengthening freedom, security and justice in the European Union;
12. Welcomes the progress made in the relationship with other EU bodies, namely EJM, OLAF and Europol. While underlining the importance of establishing synergies between the relevant European counterparts in the field of judicial and police co-operation, the Council invites Eurojust to keep developing such relationships and advises all the parties concerned to consider any possible initiatives to allow the structural obstacles to co-operation to be overcome;
13. Takes note of the advancement of the relationships with third countries, by means of the appointment of contact points and the negotiations of co-operation agreements, and encourages Eurojust to finalise the negotiations with the priority countries scheduled in the list provided to the Council in September 2005<sup>1</sup>;
14. Notes that in 2005, a significant development of Eurojust's caseload and infrastructure occurred namely through the increased number of co-ordination meetings held, the consolidation of its internal infrastructure, the installation of the Case Management System and of a secure internal communication network and the expansion of the administrative staff structure. The Council affirms the importance of providing Eurojust with the indispensable budgetary means to enable the Unit to fulfil its tasks effectively, including the completion of the EPOC-III Project for the secure transmission of information between Eurojust and the Member States, and the tasks of the EJM's secretariat, including the adequate development and translation of EJM information tools, while making cost-efficient use of allocated means;
15. Calls upon the relevant parties to find suitable solutions for stable and permanent premises to accommodate Eurojust and Europol, if possible at least in proximity of each other;

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<sup>1</sup> Doc. 12527/05 EUROJUST 68 CATS 55

16. Invites the Member States, the relevant Council working parties and the Commission to analyse the progress made and to envisage further developments of Eurojust's role for an effective action against serious and organised crime at European level.
  17. Invites Eurojust to report in its next Annual Report on the implementation of these conclusions.
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