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from :	Presidency
to :	Coreper/Council
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Subject :	Draft Council Conclusions on the Communication from the Commission to the Council and the European Parliament on the role of Eurojust and the European Judicial Network in the fight against organised crime and terrorism in the European Union

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At the meetings of the Article 36 Committee on 21 November 2007 and the JHA Counsellors on 3 December 2007, Delegations discussed and agreed on the draft Council Conclusions that the Presidency has drawn on the basis of the Communication from the Commission to the Council and the European Parliament on the role of Eurojust and the European Judicial Network in the fight against organised crime and terrorism in the European Union, as set out in the Annex.

The Council,

welcomes the Commission Communication<sup>1</sup>,

considering the Seminar 'Eurojust, navigating the way forward' held in Lisbon on 29-30 October 2007, organised by Eurojust under the auspices of the Presidency,

1. recalls the recommendation of the Hague Programme for strengthening freedom, security and justice in the European Union of November 2004 inviting the Commission and the Council to consider further development of Eurojust;
2. expresses appreciation for the pragmatic analysis carried out in the Commission Communication on the basis of the positive impact that five years of application of the Eurojust Decision<sup>2</sup> have had on judicial cooperation within Europe;
3. fully endorses the Commission's approach to evaluate the implementation of the Eurojust Decision with a view to envisaging possible future developments for Eurojust, including its relationships with the European Judicial Network (EJN) and other counterparts within and outside the European Union;
4. underlines the importance of the practical and operational experience gained by Eurojust in these five years of existence and by the EJN, considers it to be a valuable basis that should be taken into account when evaluating the needs for further developments and improvements of Eurojust and of the EJN;

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<sup>1</sup> 14253/07 EUROJUST 56 EJN 30 COPEN 145.

<sup>2</sup> Council Decision 2002/187/JHA of 28 February 2002, OJ L 63, 6.3.2002

5. notes that Member States have implemented the Eurojust Decision taking into account their different legal traditions, thus contributing to an objective lack of balance among national members as regards the capacity to perform their tasks in an equivalent manner. Both for Eurojust and the national members, this situation and the actual use of available powers, including any problems encountered, should be thoroughly assessed when examining any needs for improvements;
6. invites Member States to examine further ways of consolidating and strengthening Eurojust with a view to helping Eurojust achieve its potential to enhance practical cooperation, including Eurojust's capacity to provide assistance to national authorities .
7. invites Member States to examine the possibility of enabling national members to play a proactive and effective role in facilitating co-operation and co-ordination of trans-national serious investigations, while respecting allocation of competences within national systems;
8. considers that further reflection should be undertaken as regards the question of whether there are grounds for enhancing the capacities of the College of Eurojust as a whole, in cooperation with national competent authorities with the aim of optimising their respective roles;
9. calls the attention on the importance of ensuring a more effective flow of information, compatible with national systems, between Member States and Eurojust and calls for the analysis of possible solutions that would enable an enhanced, systematic, structured and comprehensive transmission of information;
10. recommends that suitable solutions be envisaged to better rationalise and optimise the respective tasks of Eurojust and the EJM with a view to avoiding duplication and overlap of work and to strengthening links between Eurojust, the EJM and competent national authorities.
11. invites Member States to bring closer the work of Eurojust national members and national competent authorities, including the EJM and other network contact points with a view to facilitating the coordination of the work carried out by Eurojust, the EJM and other local contact points such as the national correspondent for terrorism;

12. shares the Commission's view that the relationship between Eurojust, Europol, OLAF and other relevant counterparts acting in the area of judicial co-operation should be improved;

13. will examine any proposals that may be presented that will achieve the above political orientations.

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