

# European Judicial Network. Initiative Slovenia, France, Czech Republic, Sweden, Spain, Belgium, Poland, Italia, Luxembourg, Netherlands, Slovakia, Estonia, Austria, Portugal

2008/0802(CNS) - 16/12/2008 - Final act

**PURPOSE:** to reinforce the European Judicial Network to adapt it to the new reality of judicial cooperation in civil matters in the EU.

**LEGISLATIVE ACT:** Council Decision 2008/976/JHA on the European Judicial Network.

**CONTENT:** the European Judicial Network was set up by Joint Action 98/428/JHA (see [CNS/1997/0911](#)). It has demonstrated its usefulness in the facilitation of judicial cooperation in criminal matters. However, since its creation, judicial cooperation has evolved in that there is more direct contact between competent judicial authorities. The impact of these changes to judicial cooperation was further increased by the enlargement of the European Union in 2004 and 2007. Because of this evolution, the European Judicial Network must be strengthened and the terms of cooperation with EUROJUST must be better defined. This Decision therefore repeals Joint Action 92/428/JHA and provides for a new text defining the basic rules under which the European Judicial Network shall function.

**Creation:** this Decision maintains the network of judicial contact points set up between the Member States under Joint Action 98/428/JHA.

**Composition:** the European Judicial Network shall be made up of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation. One or more contact points of each Member State shall be established, care being taken to ensure effective coverage of the whole of its territory, and each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network. The Commission shall designate a contact point for those areas falling within its sphere of competence.

Moreover, each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and 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. There are also provisions to link to the European Judicial Network liaison magistrates referred to in Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union.

Furthermore, the European Judicial Network shall have a Secretariat which shall be responsible for the administration of the Network.

**Manner of operation of the Network:** the European Judicial Network shall operate in particular in the following three ways:

- it shall facilitate the establishment of appropriate contacts between the contact points in the various Member States;

- it shall organise periodic meetings of the Member States representatives;
- it shall constantly provide a certain amount of up-to-date background information, in particular by means of an appropriate telecommunications network, in accordance with this Decision.

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

The contact points shall provide the local judicial authorities in their own Member State, the contact points in the other Member States and the local judicial authorities in the other Member States with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general. They may also organise training sessions on judicial cooperation for the benefit of the competent authorities of their Member State.

The national correspondent shall also: (i) be responsible, in his Member States, for issues related to the internal functioning of the Network; (ii) be the main person responsible for the contacts with the Secretariat of the European Judicial Network; (iii) give an opinion concerning the appointment of new contact points.

**Organisation of the plenary meetings of contact points:** the Decision lists the purposes and venues of the plenary meetings of contact points. Overall, these meetings shall: (a) allow the contact points to get to know each other and exchange experience; (b) provide a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation (in particular with regard to the implementation of measures adopted by the EU). Meetings shall be organised at least three times a year, according to the terms set out in the Decision. Other meetings may be held in the Member States, to enable the contact points of all the Member States to meet authorities of the host Member State other than its contact points and visit specific bodies in that Member State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime.

**Meetings of the correspondents:** the Decision also provides for the organisation of annual meetings between national correspondents of the European Judicial Network in order to discuss more administrative or technical issues related to the functioning of the Network.

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

- full details of the contact points in each Member State;
- an information technology tool allowing a Member State to identify the competent authority in another Member State to receive and execute its request for, and decisions on, judicial cooperation (for example, European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance);
- concise legal and practical information concerning the judicial and procedural systems in the Member States;
- the texts of the relevant legal instruments (conventions currently in force, the texts of declarations and reservations).

This information shall be constantly updated and it shall be each Member State's individual responsibility to check the accuracy of the data.

**Telecommunication tools:** the European Judicial Network shall:

- ensure that the aforementioned information is made available on a website which is constantly updated;
- set up a **secure telecommunications connection for the operational work of the contact points of the European Judicial Network**, which shall make possible the flow of data and of 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. This Network may also be used for terrorist matters, according to the needs of the liaison magistrates appointed by Eurojust.

The setting up of the secure telecommunications connection shall be at the charge of the general budget of the European Union.

**Relationship between the European Judicial Network and Eurojust:** the European Judicial Network and Eurojust shall maintain privileged relations with each other, including strengthening all information measures that may benefit both the Judicial Network and Eurojust, in accordance with a specific framework set out in the Decision. The elements aimed at improving cooperation include: (i) the Network shall make available to Eurojust the centralised information and the secure telecommunications connection; (ii) the contact points of the European Judicial Network shall, on a case-by-case basis, inform their own national member of all cases which they deem Eurojust to be in a better position to deal with; (iii) the national members of Eurojust may attend meetings of the European Judicial Network.

**Budget:** in order for the European Judicial Network to be able to carry out its tasks, the budget of Eurojust shall contain a part related to the activities of the Secretariat of the European Judicial Network.

**Reports and assessment:** every second year from 24 December 2008, the European Judicial Network shall report to the European Parliament, the Council and the Commission on its activities and management. At the request of the European Parliament, it is also provided that the report shall indicate any criminal policy problems within the European Union highlighted as a result of the European Judicial Network's activities and it may also make proposals for the improvement of judicial cooperation in criminal matters. The Network may also submit any report or any other information on its operation. It is also provided that the Council shall, every four years from 24 December 2008, carry out an assessment of the operation of the European Judicial Network.

**Territorial application:** the United Kingdom shall notify in writing the President of the Council when it wishes to apply this Decision to the Channel Islands and the Isle of Man. A decision on that request shall be taken by the Council.

**ENTRY INTO FORCE:** the Decision shall take effect on 24/12/2008. Joint Action 98/428/JHA is repealed.