


# Procedure file

Basic information		
CNS - Consultation procedure Decision	<a href="#">2000/0816(CNS)</a>	Procedure completed
Judicial cooperation: creation of a provisional Unit. Initiative Portugal, France, Sweden and Belgium		
Subject 7.40 Judicial cooperation		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Citizens' Freedoms and Rights, Justice and Home Affairs		29/08/2000
		PSE <a href="#">GEBHARDT Evelyne</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>JURI</b> Legal Affairs and Internal Market		17/10/2000
		ELDR <a href="#">WALLIS Diana</a>	
Council of the European Union	Council configuration	Meeting	Date
	Health	<a href="#">2319</a>	14/12/2000
	<a href="#">Justice and Home Affairs (JHA)</a>	<a href="#">2288</a>	28/09/2000

Key events			
20/07/2000	Legislative proposal published	<a href="#">10356/2000</a>	Summary
04/09/2000	Committee referral announced in Parliament		
28/09/2000	Debate in Council	<a href="#">2288</a>	Summary
23/10/2000	Vote in committee		Summary
23/10/2000	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0317/2000</a>	
13/11/2000	Debate in Parliament		
14/11/2000	Decision by Parliament	<a href="#">T5-0499/2000</a>	Summary
14/12/2000	Act adopted by Council after consultation of Parliament		
14/12/2000	End of procedure in Parliament		
21/12/2000	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0816(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the European Union (after Amsterdam) M 031; Treaty on the European Union (after Amsterdam) M 034-p2c
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/13535

Documentation gateway					
Document attached to the procedure		<a href="#">10354/2000</a>	14/07/2000	CSL	Summary
Legislative proposal		<a href="#">10356/2000</a> <a href="#">OJ C 243 24.08.2000, p. 0021</a>	20/07/2000	CSL	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0317/2000</a> <a href="#">OJ C 223 08.08.2001, p. 0006</a>	23/10/2000	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0499/2000</a> <a href="#">OJ C 223 08.08.2001, p. 0021-0094</a>	14/11/2000	EP	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Decision 2000/799</a> <a href="#">OJ L 324 21.12.2000, p. 0002</a> Summary

## Judicial cooperation: creation of a provisional Unit. Initiative Portugal, France, Sweden and Belgium

This is an explanatory note on the initiative of Portugal, France, Sweden and Belgium setting up a Provisional Judicial Cooperation Unit. This Unit will contribute, in the short term, to improved coordination between national prosecuting authorities, in particular by supporting criminal investigations in organised crime cases, and by helping to simplify the execution of letters rogatory. Furthermore, on the basis of experience gained in this area, the members of the Provisional Judicial Cooperation Unit will be able to assist the Council and the Member States in the negotiations on setting up the Eurojust Unit by providing them with information acquired through the experience of practitioners. ?

## Judicial cooperation: creation of a provisional Unit. Initiative Portugal, France, Sweden and Belgium

**PURPOSE :** to present an initiative of Portugal, France, Sweden and Belgium, on setting up a Provision Judicial Cooperation Unit. **CONTENT :** the Tampere European Council in October 1999 discussed the setting up of a unit (Eurojust) composed of prosecutors, magistrates or police officers of equivalent competence, to reinforce the fight against serious organised crime. Structural measures to facilitate the coordination of investigations and prosecutions covering the territory of several Member States need to be adopted at Union level without delay. This Decision sets up a "Provisional Judicial Cooperation Unit", which will stand until Eurojust is operating. Each Member State will assign to its Permanent Representation to the Union a prosecutor, magistrate, or police officer of equivalent competence to perform the liaison duties necessary to accomplish the aims of the Unit. These are: -to help ensure proper coordination between the competent national authorities with regard to investigations and prosecutions involving two or more Member States requiring coordinated action; -to facilitate judicial cooperation in criminal matters; -assist the Member States and Council with the negotiation and adoption of the act establishing Eurojust. The Decision will cease to apply when the instrument establishing Eurojust takes effect.?

## Judicial cooperation: creation of a provisional Unit. Initiative Portugal, France, Sweden and Belgium

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The Council noted political agreement between delegations regarding a draft decision setting up a provisional unit (EUROJUST). The solution adopted by the Council would fully associate the Commission with the work of the provisional unit in line with Article 36(2) of the EU Treaty, with particular reference to the negotiation and adoption by the Council of the act setting up a permanent EUROJUST Unit. The Commission would also be enabled to provide expertise in its fields of competence. With regard to the provisional unit's objectives, these are to improve cooperation between the competent national authorities with regard to investigations and prosecutions in relation to serious crime, particularly when it is organised, involving two or more Member States. The Council instructed the Permanent Representatives Committee to settle some unresolved questions concerning the practical organisation of the provisional unit's work so that it could set up the provisional EUROJUST unit once the European Parliament's Opinion had been examined.?

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The committee adopted the report by Evelyne GEBHARDT (PES, D) amending the proposal under the consultation procedure. Whilst fully supporting the initiative, the committee felt that a number of points should be clarified. It felt, for example, that to achieve a qualitative improvement in the area of judicial cooperation, cooperation between the relevant authorities should not just be coordinated but also strengthened. It also wanted the Commission to be closely involved, because in the end the objective must be a common European legal area, as the European Council agreed in Tampere, which was only possible through the development of common laws and procedures. The committee accepted the proposal that Eurojust be established in two stages, on condition that active use was made of the provisional unit's experience in order to make adaptations if necessary. The report pointed out that the purpose of the unit was to facilitate judicial, not police, cooperation. The only police officers involved, therefore, should be from Member States which did not have a separate public prosecution service and in which that role was performed by the police. The committee also stressed that new EU structures, such as the provisional unit, must guarantee the protection of personal data, the protection of human rights and the right to be defended - all principles which were enshrined in the legislation of the Member States. It wanted to include Article 29 of the TEU in the legal base as that article reflected the purpose of Eurojust, namely, "to provide citizens with a high level of safety within an area of freedom, security and justice". Lastly, the committee wanted to include a reference to the fact that Eurojust was supposed to be established before the end of 2001. ?

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The European Parliament voted 425 to 73 with 54 abstentions in favour of the resolution, drafted by Mrs Evelyne GEBHARDT (PES, D), to set up a provisional judicial cooperation unit as a forerunner to Eurojust - a European unit of public prosecutors and magistrates to reinforce the fight against serious organised crime. (Refer to the decisions of the committee responsible). It was also highlighted by the Parliament that this unit should consist of a prosecutor or magistrate - or a police officer of equivalent competence - from each Member State assigned to its Permanent Representation for liaison purposes. Non-binding amendments adopted seek to strengthen legal cooperation. The provisional unit may ascertain how to establish effective cooperation with Europol with a particular view to avoiding duplication of effort and conflicts over their respective powers. Parliament also stresses that the unit should not automatically be transformed into Eurojust, but that use should be made of the unit's experience in order to make adaptations if necessary. ?

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PURPOSE : to set up a Provisional Judicial Cooperation Unit. COMMUNITY MEASURE : Council Decision 2000/799/JHA setting up a Provisional Cooperation Unit. CONTENT : the objectives of the Provisional Unit are as follows: - to improve cooperation between the competent national authorities with regard to investigations and prosecutions in relation to serious crime, particularly when it is organised, involving two or more Member States; - in the same framework, to stimulate and improve the coordination of investigations and prosecutions in the Member States, taking into account any request emanating from a competent national authority and any information provided by any body competent by virtue of provisions adopted within the framework of the Treaties. The Provisional Unit shall provide its expertise to the Member States and to the Council, where necessary, with a view to the negotiation and adoption by the Council of the instrument establishing Eurojust. Each Member State shall assign to the formation a prosecutor, judge or police officer of equivalent competence, to perform the liaison duties. Furthermore, the Commission shall be fully associated with the work of the Provisional Unit. ENTRY INTO FORCE : 14/12/2000. This Decision shall cease to apply on the date on which the instrument establishing Eurojust takes effect. That instrument is to be adopted before the end of 2001.?