



Procedure file

Basic information		
CNS - Consultation procedure Decision	2008/0802(CNS)	Procedure completed
European Judicial Network. Initiative Slovenia, France, Czech Republic, Sweden, Spain, Belgium, Poland, Italia, Luxembourg, Netherlands, Slovakia, Estonia, Austria, Portugal		
Subject 7.40 Judicial cooperation		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		
Council of the European Union	Council configuration	Meeting	Date
	Employment, Social Policy, Health and Consumer Affairs2916		16/12/2008
	Justice and Home Affairs (JHA)	2887	24/07/2008
European Commission	Commission DG	Commissioner	
	Justice and Consumers	BARROT Jacques	

Key events			
14/02/2008	Legislative proposal published	05620/2008	Summary
21/02/2008	Committee referral announced in Parliament		
24/06/2008	Vote in committee		Summary
07/07/2008	Committee report tabled for plenary, 1st reading/single reading	A6-0292/2008	
24/07/2008	Debate in Council	2887	Summary
01/09/2008	Debate in Parliament		
02/09/2008	Results of vote in Parliament		
02/09/2008	Decision by Parliament	T6-0380/2008	Summary
16/12/2008	Act adopted by Council after consultation of Parliament		
16/12/2008	End of procedure in Parliament		
24/12/2008	Final act published in Official Journal		

Technical information	
Procedure reference	2008/0802(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/6/59598

Documentation gateway					
Legislative proposal		05620/2008	15/02/2008	CSL	Summary
Committee draft report		PE404.492	07/04/2008	EP	
Amendments tabled in committee		PE405.952	08/05/2008	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0292/2008	07/07/2008	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0380/2008	02/09/2008	EP	Summary
Commission response to text adopted in plenary		SP(2008)6073	17/10/2008	EC	

Additional information	
European Commission	EUR-Lex

Final act
Decision 2008/976 OJ L 348 24.12.2008, p. 0130 Summary

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

PURPOSE: to reinforce the European Judicial Network to adapt it to the new reality of judicial cooperation in civil matters in the EU and to strengthen its relationship with Eurojust.

PROPOSED ACT: Council Decision (initiative of Slovenia, France, the Czech Republic, Sweden, Spain, Belgium, Poland, Italy, Luxembourg, the Netherlands, Slovakia, Estonia, Austria and Portugal).

BACKGROUND: 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 is even more necessary than at the time of its creation and must therefore be strengthened.

In addition, Eurojust was set up by Decision 2002/187/JHA (see [CNS/2000/0817](#)) to improve coordination and cooperation between competent authorities of the Member States. It maintains privileged relations with the European Judicial Network based on consultation and complementarity. It is now necessary to clarify and formalise the relationship between the two in the light of new developments. Moreover, contact points of the European Judicial Network and Eurojust should be able to communicate whenever needed, directly and more efficiently through a secure telecommunications network.

CONTENT: the Initiative confirms that the European Judicial Network will remain as set up by Joint Action 98/428/JHA, while introducing additional provisions, on the basis of which the Network will from now on operate.

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 to this effect, care being taken to ensure effective coverage of the whole of its territory, and each Member State shall appoint, as is currently the case, a national correspondent for the European Judicial Network among the contact points. As for the Commission, it shall designate a contact point for those areas falling within its sphere of competence.

Manner of operation of the network: the Network shall operate in the following three ways:

- facilitate the establishment of contacts between the contact points in the various Member States;
- organise periodic meetings of the Member States' representatives;
- provide information by means of a telecommunications network to be implemented in accordance with this proposal.

Functions of contact points: the contact points shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in terms of serious crime. They may, if necessary, travel to meet other Member States' contact points.

They shall, inter alia, provide the local judicial authorities in their own country, the contact points in the other countries and the local judicial authorities in the other countries with legal and practical information and organise training sessions on judicial cooperation for the benefit of the competent authorities of their Member State.

The contact points may hold periodic meeting which would: (i) allow them to get to know each other and exchange experiences; (ii) provide a forum for discussion of practical and legal problems encountered in the context of judicial cooperation.

The Network may also meet in plenary, composed of all the national correspondents (at least once a year and at the invitation of the Presidency of the Council). These meetings may be held on the premises of the Council in Brussels or elsewhere, as required.

Content of the information disseminated within the European Judicial Network: the Network may make a series of information available to contact points and competent judicial authorities: (i) full details of the contact points in each Member State; (ii) an IT tool allowing a Member State to identify the competent authority in another Member State to receive and execute its request for judicial cooperation (including European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance); (iii) legal and practical information concerning the judicial and procedural systems in the Member States; (iv) texts of the relevant legal instruments.

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: one of the main characteristics of this renewed Judicial Network shall be the establishment of a secure telecommunication tool. To this effect, the Network shall:

- place the above information available on a website which is constantly updated;
- set up a secure telecommunications network for the operational work of the contact points of the Network, enabling the flow of data and of all 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.

Provisions have also been established to improve and better coordinate information communicated to the Council and the Commission. The Network may also submit any report or other information on its operation to the Council or the Presidency.

Relationship between the European Judicial Network and Eurojust (including in organisational and budgetary terms): the 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 draft decision.

The elements aimed at improving cooperation include elements of an institutional nature: thus the Secretariat of the European Judicial Network shall form part of the Eurojust secretariat, while functioning as a separate and autonomous unit. It may draw on the resources of Eurojust (including budgetary) which are necessary for the performance of the European Judicial Network's tasks. The Network shall also be supported by the Administration of Eurojust and operational expenses of the European Judicial Network may be covered by the Eurojust budget.

Reports and evaluation: the Council shall, every 4 years, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Commission, in cooperation with the European Judicial Network. In the meantime, the Administrative Director of Eurojust and the Presidency of the Council shall report to the Council and the Commission in writing every 2nd year on the activities and management, including budgetary management, of the Network. The Presidency shall prepare a bi-annual report on the activities of the European Judicial Network and on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities. In that report, the European Judicial Network, through the Presidency, may also make proposals for the improvement of judicial cooperation in criminal matters.

Territorial application: as regards the United Kingdom, the provisions of this Decision shall apply to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man. It should be noted that with the adoption of this initiative, Joint Action 98/428/JHA shall be repealed.

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

The Committee on Civil Liberties, Justice and Home Affairs unanimously adopted the report by Sylvia-Yvonne KAUFMANN (GUE/NGL, DE) on the initiative of several Member States to strengthen the European Judicial Network, calling on ? in its draft resolution ? both the Council and the Commission to give priority to dealing with any future proposal to amend this initiative by urgent procedure, as set out in the Lisbon Treaty and once this treaty enters into force.

In concrete, MEPs intended, above all, to strengthen the ?data protection? section of the proposal and to clarify the tasks and roles of the participants in the Network. Furthermore, they strengthened the European Parliament?s control over all of the Network?s activities.

The main amendments, approved under the consultation procedure, can be summarised as follows:

A national information contact point: MEPs consider that each Member State should appoint, among the contact points, a national information

contact point. These special contact points (which already exist today under the term 'national correspondents') would have coordinating functions (e.g. for terrorist matters).

Selection of contact points and sufficient resources: when selecting contact points, the Member States shall comply with the criteria set out in the Guidelines for the selection of contact points of the European Judicial Network. Member States shall also ensure that their contact points have sufficient resources to adequately fulfil their tasks.

Information provided by the European Judicial Network: MEPs ask that information be transmitted between members of the Network via an IT tool (including requests for judicial cooperation linked to European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance). They ask, in particular, that secure telecommunications connections be set up for the operational work of the Network. They request however that all judicial authorities be included within the data exchange network, not only the contact points. Liaison magistrates referred to in Joint Action 96/277/JHA with duties analogous to those assigned to the contact points of the Network may also be linked to the Network via secure telecommunications connections.

Transmission of information to Eurojust: MEPs request that the contact points of the European Judicial Network provide the national members of Eurojust with a certain amount of information. MEPs consider that Eurojust and the Judicial Network should inform each other when they are of the opinion that the other one would be in a better position to handle the case. In addition, the contact points of the Network should attend meetings of Eurojust, at its invitation, in the framework of strengthened cooperation.

Organisational amendments to the Network: MEPs make a certain number of organisational amendments to the Network in order to improve its functioning. They specify, in particular, the tasks of the Secretariat of the Network and the tasks of the participants in the Network. MEPs also specify the roles of the different contact points, national correspondents and information contact points in order to clarify their tasks. In terms of the national correspondents of the Network, MEPs consider that they should be responsible, in their respective Member States, for issues relating to the internal functioning of the Network, including the coordination of requests for information and replies issued by the competent national authorities. As for the national information contact points, they shall ensure that the information relating to their Member States is provided and updated, in relation to the activities of the Network.

Plenary meetings of the Network: MEPs changed an article on the Network's meetings. This refers to 'plenary' meetings, to which at least three contact points per Member State shall be invited. The timetable and location of the meetings are also specified, as well as the type of participant. As for the meetings of the national correspondents, these will take place periodically to discuss matters related to their tasks and how access to secure telecommunication can be optimised and provided for all competent judicial authorities.

Data protection: MEPs strengthened the provision on data protection in the framework of the European Judicial Network. Given that the Network facilitates direct contacts and exchange of data between the competent authorities of the Member States in the framework of judicial cooperation, MEPs consider that a certain level of data protection must be observed and that additional safeguards should be put in place when specific - sensitive - categories of data are exchanged. MEPs therefore include a reference to the future Framework Decision on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters, as well as a reference to the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data (and its Additional Protocol regulating the use of personal data in the police sector). Other provisions are also included to strengthen, where possible, the protection of data exchanged in the framework of the Network.

Parliamentary supervision: a series of reports has been called for in order to strengthen Parliament's supervision of the Network's activities. In particular, MEPs call for a report on the general functioning of the Network; a report every second year on the activities and management, including budgetary management, of the European Judicial Network (this report shall include information on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities; it shall also include proposals for the improvement of judicial cooperation in criminal matters). Lastly, the European Judicial Network may also submit to the Council any report or any other information on its internal operation.

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

The Council agreed on a general approach on a draft Decision on the European Judicial Network in criminal matters. The Network was established by Joint Action 98/428/JHA. Over the years, its usefulness in facilitating judicial cooperation in criminal matters has been demonstrated.

Following the EU's enlargements in 2004 and 2007, the European Judicial Network requires strengthening. Over the past five years, the Network has enjoyed preferential relations with Eurojust (following the creation of the latter by Decision 2002/187/JHA) based on consultation and complementarity.

Experience has demonstrated both the Network and Eurojust the need to maintain the two structures and the need to clarify their relationship.

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

The European Parliament adopted by 618 votes to 51, with 12 abstentions, a legislative resolution approving, under the consultation procedure, the initiative of several Member States to strengthen the European Judicial Network.

The report had been tabled for consideration in plenary by Sylvia-Yvonne KAUFMANN (GUE/NGL, DE) on behalf of the Committee on Civil Liberties, Justice and Home Affairs.

Above all, the legislative resolution calls on both the Council and the Commission to give priority to dealing with any future proposal to amend this initiative by urgent procedure, as set out in the Lisbon Treaty and once this treaty enters into force.

In concrete, the Parliament strengthened the 'data protection' section of the proposal and clarified the tasks and roles of the participants in the Network. Furthermore, it strengthened the European Parliament's control over all of the Network's activities.

The main amendments can be summarised as follows:

A national information contact point: the Parliament considers that each Member State should appoint, among the contact points, a national information contact point. These special contact points (which already exist today under the term 'national correspondents') would have coordinating functions (e.g. for terrorist matters).

Selection of contact points and sufficient resources: when selecting contact points, the Member States shall comply with the criteria set out in the guidelines for the selection of contact points of the European Judicial Network. Member States shall also ensure that their contact points have sufficient resources to adequately fulfil their tasks.

Information provided by the European Judicial Network: the Parliament asks that information be transmitted between members of the Network via an IT tool (including requests for judicial cooperation linked to European Arrest Warrants, European Evidence Warrants, orders for the freezing of assets and requests for mutual legal assistance). It asks, in particular, that secure telecommunications connections be set up for the operational work of the Network. It requests, however, that all judicial authorities be included within the data exchange network, not only the contact points. Liaison magistrates referred to in Joint Action 96/277/JHA, with duties analogous to those assigned to the contact points of the Network, may also be linked to the Network via secure telecommunications connections.

Transmission of information to Eurojust: the Parliament requests that the contact points of the European Judicial Network provide the national members of Eurojust with a certain amount of information. The Parliament considers that Eurojust and the Judicial Network should inform each other when they are of the opinion that the other one would be in a better position to handle the case. In addition, the contact points of the Network should attend meetings of Eurojust, at its invitation, in the framework of strengthened cooperation.

Organisational amendments to the Network: the Parliament makes a certain number of organisational amendments to the Network in order to improve its functioning. It specifies, in particular, the tasks of the Secretariat of the Network and the tasks of the participants in the Network. The Parliament also specifies the roles of the different contact points, national correspondents and information contact points in order to clarify their tasks. In terms of the national correspondents of the Network, the Parliament considers that they should be responsible, in their respective Member States, for issues relating to the internal functioning of the Network, including the coordination of requests for information and replies issued by the competent national authorities. As for the national information contact points, they shall ensure that the information relating to their Member States is provided and updated, in relation to the activities of the Network.

Plenary meetings of the Network: the Parliament specifies the typology and timetable of meetings of the European Judicial Network. This refers to 'plenary' meetings, to which at least three contact points per Member State shall be invited. As for the meetings of the national correspondents, these will take place periodically to discuss matters related to their tasks and how access to secure telecommunication can be optimised and provided for all competent judicial authorities.

Data protection: the Parliament strengthened the provision on data protection in the framework of the European Judicial Network. Given that the Network facilitates direct contacts and exchange of data between the competent authorities of the Member States in the framework of judicial cooperation, the Parliament considers that a certain level of data protection must be observed and that additional safeguards should be put in place when specific - sensitive - categories of data are exchanged. The Parliament therefore includes a reference to the [future Framework Decision on the Protection of Personal Data Processed in the Framework of Police and Judicial Cooperation in Criminal Matters](#), as well as a reference to the Council of Europe Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data (and its Additional Protocol regulating the use of personal data in the police sector).

Parliamentary supervision: lastly, a series of reports has been called for in order to strengthen Parliament's supervision of the Network's activities. In particular, the Parliament calls for a report on the general functioning of the Network; a report every second year on the activities and management, including budgetary management, of the European Judicial Network (this report shall include information on any criminal policy problems within the Union highlighted as a result of the European Judicial Network's activities; it shall also include proposals for the improvement of judicial cooperation in criminal matters). The European Judicial Network may also submit to the Council any report or any other information on its internal operation.

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

[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.

