

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0256(COD) Procedure completed
EU Agency for Criminal Justice Cooperation (Eurojust) Repealing Decision 2002/187/JHA 2000/0817(CNS) Repealing Decision 2003/659/JHA 2002/0173(CNS) Repealing Decision 2009/426/JHA 2008/0804(CNS) See also 2013/0255(APP) Amended by 2021/0393(COD) Amended by 2022/0130(COD) Subject 7.30.30 Action to combat crime 7.40.04 Judicial cooperation in criminal matters 8.40.08 Agencies and bodies of the EU	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 LIBE Civil Liberties, Justice and Home Affairs	 VOSS Axel	03/09/2014
		Shadow rapporteur	
		 KAUFMANN Sylvia-Yvonne	
		 UJAZDOWSKI Kazimierz Michał	
		 GRIESBECK Nathalie	
		 JOLY Eva	
		 FERRARA Laura	
	Former committee responsible		
	 LIBE Civil Liberties, Justice and Home Affairs		
Committee for opinion	Rapporteur for opinion	Appointed	
 BUDG Budgets	The committee decided not to give an opinion.		
 CONT Budgetary Control		06/05/2015	
	 GRÄSSLE Ingeborg		
 JURI Legal Affairs		03/09/2014	
	 MARINHO E PINTO		

Former committee for opinion

BUDG Budgets

CONT Budgetary Control

JURI Legal Affairs

Council of the European Union

Council configuration

Meeting

Date

[Economic and Financial Affairs ECOFIN](#)

[3646](#)

06/11/2018

[Justice and Home Affairs \(JHA\)](#)

[3354](#)

04/12/2014

[Justice and Home Affairs \(JHA\)](#)

[3260](#)

07/10/2013

European Commission

Commission DG

Commissioner

[European Anti-Fraud Office \(OLAF\)](#)

REDING Viviane

Key events

17/07/2013	Legislative proposal published	COM(2013)0535	Summary
10/09/2013	Committee referral announced in Parliament, 1st reading		
07/10/2013	Debate in Council	3260	
20/10/2014	Committee referral announced in Parliament, 1st reading		
04/12/2014	Debate in Council	3354	
19/10/2017	Vote in committee, 1st reading		
19/10/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
23/10/2017	Committee report tabled for plenary, 1st reading	A8-0320/2017	Summary
23/10/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
25/10/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
03/10/2018	Debate in Parliament		
04/10/2018	Results of vote in Parliament		
04/10/2018	Decision by Parliament, 1st reading	T8-0379/2018	Summary
06/11/2018	Act adopted by Council after Parliament's 1st reading		
14/11/2018	Final act signed		
14/11/2018	End of procedure in Parliament		
21/11/2018	Final act published in Official Journal		

Technical information	
Procedure reference	2013/0256(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Decision 2002/187/JHA 2000/0817(CNS) Repealing Decision 2003/659/JHA 2002/0173(CNS) Repealing Decision 2009/426/JHA 2008/0804(CNS) See also 2013/0255(APP) Amended by 2021/0393(COD) Amended by 2022/0130(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 085-p1-a3
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/00208

Documentation gateway					
Legislative proposal		COM(2013)0535	17/07/2013	EC	Summary
Committee draft report		PE606.167	27/06/2017	EP	
Amendments tabled in committee		PE609.655	05/09/2017	EP	
Committee opinion	CONT	PE536.024	15/09/2017	EP	
Committee opinion	JURI	PE607.846	11/10/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0320/2017	23/10/2017	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0379/2018	04/10/2018	EP	Summary
Draft final act		00037/2018/LEX	14/11/2018	CSL	
Commission response to text adopted in plenary		SP(2018)755	21/11/2018	EC	

Additional information	
National parliaments	IPEX
European Commission	EUR-Lex

Final act
Regulation 2018/1727 OJ L 295 21.11.2018, p. 0138 Summary

EU Agency for Criminal Justice Cooperation (Eurojust)

PURPOSE: to establish a European Union Agency for Criminal Justice Cooperation (Eurojust).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND:

Eurojust was set up by [Council Decision 2002/187/JHA](#) to reinforce the fight against serious organised crime in the European Union. Ever since, Eurojust has facilitated coordination and cooperation between national investigative and prosecutorial authorities in dealing with cases affecting various Member States.

These years have witnessed the continued growth of the organisation into what is now a central player in judicial cooperation in criminal matters.

In parallel, the fight against organised crime and the disruption of criminal organisations remain a daily challenge. Combatting them effectively therefore requires a coordinated pan-european response.

In this context, Eurojust's role in improving judicial cooperation and coordination between competent judicial authorities of Member States and assisting investigations involving third countries remains crucial.

Under the Lisbon Treaty, new possibilities to enhance Eurojust's efficiency in tackling these forms of criminality have been introduced. Article 85 of the Treaty on the Functioning of the EU (TFEU) explicitly recognises Eurojust's mission and provides for Eurojust's structure, operation, field of action and tasks to be determined by regulations adopted in accordance with the ordinary legislative procedure. It also requires that they determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.

Against this background, it is proposed to repeal the Regulation establishing Eurojust by creating a new legal framework in view of the creation of an EU Agency for Criminal Justice Cooperation (Eurojust) which is the legal successor of Eurojust.

IMPACT ASSESSMENT: no formal impact assessment was undertaken. However, the Commission organised a consultative meeting with Member State experts, representatives of the Council Secretariat, the European Parliament and Eurojust to discuss issues related to a possible reform under Article 85 TFUE.

The issues included:

- strengthened governance,
- parliamentary involvement at European and national level,
- possible additional powers,
- links with the development of the [European Public Prosecutor's Office](#) (EPPO).

The meeting generally supported improving Eurojust's governance structure and efficiency.

LEGAL BASIS: Article 85 of the Treaty on the Functioning of the European Union.

CONTENT: this proposal aims to establish a European Union Agency for Criminal Justice Cooperation (Eurojust) and to repeal Decisions [2002/187/JHA](#), [2003/659/JHA](#) and [2009/426/JHA](#).

Objectives: the main objectives of the proposals are to:

- increase Eurojust's efficiency through providing it with a new governance structure;
- improve Eurojust's operational effectiveness through homogeneously defining the status and powers of National Members;
- provide for a role for the European Parliament and national Parliaments in the evaluation of Eurojust's activities in line with the Lisbon Treaty;
- bring Eurojust's legal framework in line with the Common Approach, whilst fully respecting its special role regarding the coordination of on-going criminal investigations;
- ensure that Eurojust can cooperate closely with the European Public Prosecutor's Office, once this is established.

Tasks and competences: the proposal defines the tasks and competences of the future European Agency. These are outlined in the Annex to the draft Regulation. It should be noted that Eurojust shall enjoy the most extensive legal capacity accorded to legal persons under their laws.

Organisation of Eurojust:

- Eurojust's national members: the reform maintains their link to their Member State of origin but at the same time explicitly lists the operational powers they shall all have. This will allow them to cooperate with each other and with national authorities in a more effective way.
- Structure: it has set up the new structure of Eurojust by respectively regulating the College, the Executive Board and the Administrative Director. Eurojust's governance is improved by clearly distinguishing between two compositions of the College, depending on whether it exercises operational or management functions. The former refer to the core business of Eurojust in supporting and coordinating national investigations. The latter are related for example to the adoption of the agency's work programme, annual budget or the Annual report. A new organ, the Executive Board, is set up to prepare the College's management decisions and to directly assume some administrative tasks. The Commission is represented in the College when it exercises its management functions and in the Executive Board. Finally, the appointment procedure, responsibilities and tasks of the Administrative Director are clearly spelled out. This introduces a double degree of governance as foreseen in the Common Approach whilst maintaining Eurojust's special nature and safeguarding its independence. It is also cost-effective, and contributes to Eurojust's efficiency, as national members will be assisted in budgetary and administrative matters, which will allow them to focus on their operational tasks.
- Operational matters: existing mechanisms for the operational effectiveness of Eurojust, including the On-call Coordination (OCC), the Eurojust National Coordination System (ENCS), the exchanges of information and follow-up to Eurojust's requests are maintained. The architecture of the Eurojust Case Management System also remains the same.

Processing of Information and protection of personal data: the proposal complements the existing provision on the data protection by Eurojust. It complements [Regulation 45/2001](#) as far as operational personal data are concerned, respecting the specificity of judicial cooperation activities while taking into account the need for consistency and compatibility with the relevant data protection principles. Restrictions on the

processing of personal data continue to be possible.

The proposal also aligns the provisions on the rights of the data subjects with Regulation 45/2001 and takes into account the standards of protection foreseen in the data protection reform package, adopted by the Commission in January 2012. Furthermore, it foresees an important change in the supervision mechanism. It establishes the responsibilities of the European Data Protection Supervisor (EDPS) as regards the monitoring of all personal data processing at Eurojust. The EDPS will take over the tasks of the Joint Supervisory Body established under the Eurojust Council Decision.

Relations with partners: the proposal reflects the importance of partnership and cooperation between Eurojust and other EU institutions, bodies and agencies in the fight against crime.

In particular, it focuses on:

- the relations with the Secretariats of the European Judicial Network, the Joint Investigation Teams Expert Network and the Genocide Network, which are hosted by Eurojust;
- specific provision on relations with the European Public Prosecutor's Office;
- the privileged relationship between the two agencies in order to increase their effectiveness in combating serious forms of international crime within their competence. This includes a mechanism for cross-checking of their respective information systems and the ensuing exchange of data;
- links with third countries: the Lisbon Treaty has changed the way in which the European Union conducts its external relations, and these changes also affect the agencies. As a consequence, agencies will no longer be able to negotiate international agreements themselves such agreements will have to be established in accordance with Article 218 TFEU. However, Eurojust will be able to conclude working arrangements to enhance cooperation with competent authorities of third countries, including by exchanging information.

Financial provisions: provisions aim to modernise Eurojust's budget, its establishment and implementation, presentation of accounts and discharge provisions.

Staff: a number of provisions have been made as regards Eurojust staff. Eurojust's hybrid nature and the importance of the operational link between national desks and their Member States of origin explain that salaries and emoluments of such staff are borne by the Member States.

Eurojust's Administrative Director is still appointed by the College of Eurojust but on the basis of a shortlist drawn up by the Commission, following an open and transparent selection procedure. This respects the autonomy of the agency whilst guaranteeing a rigorous evaluation of candidates. A similar procedure is foreseen for dismissal of the Administrative Director.

Evaluation and Reporting: the proposal spells out the involvement of the European Parliament and national parliaments in the evaluation of Eurojust's activities. This is done in a cost-effective way, on the basis of Eurojust's Annual Report, whilst preserving Eurojust's operational independence. A periodic overall evaluation of Eurojust is also provided every five years.

BUDGETARY IMPLICATION: there are no cost implications of the governance reform ("management board" back to back with the College) and there are no new tasks foreseen for Eurojust in this proposal, other than supporting the European Public Prosecutor's Office, which will be done on a zero cost basis.

EU Agency for Criminal Justice Cooperation (Eurojust)

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Axel VOSS (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust).

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Duties and competences: Eurojust shall exercise its tasks at the request of the competent authorities of the Member States or on its own initiative or at the request of the European Public Prosecutor's Office.

Until the date when the European Public Prosecutors Office (EPPO) has assumed its investigative and prosecutorial tasks conferred on it in accordance with the [Regulation](#) implementing enhanced cooperation on the establishment of the European Public Prosecutors Office, Eurojust's competence shall cover the forms of crime listed in Annex 1 of the Regulation.

However, Eurojust shall not, in general, exercise its competence in respect of crimes for which the European Public Prosecutors Office exercises its competence. As an exception to this general rule, Eurojust shall exercise its competence in criminal cases:

- involving Member States participating in enhanced cooperation, but in respect of which the European Public Prosecutors Office does not exercise its competence;
- involving Member States which do not participate in enhanced cooperation on the establishment of that Office, at the request of those Member States or at the request of the European Public Prosecutors Office.

Members stressed that Eurojust, the European Public Prosecutors Office and the Member States concerned shall consult and cooperate with each other. The practical details on the exercise of competence shall be regulated by a working arrangement.

Eurojust's operational functions: Members stated that Eurojust should:

- assist and improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;
- cooperate closely with the European Public Prosecutors Office on matters relating to its competence;
- support, and where appropriate participate in, the Union centres of specialised expertise developed by Europol and other Union bodies and agencies;
- cooperate with Union agencies, bodies and networks established in the area of Freedom, Security and Justice;
- support Member States' action for the prevention and suppression of serious forms of crime listed in Annex I (terrorism, terrorist offences, offences related to a terrorist group and offences related to terrorist activities; money-laundering; murder and grievous bodily

injury; robbery and aggravated theft; immigration smuggling; illegal trafficking in animal species, including endangered species, sexual abuse and sexual exploitation, including child pornography and solicitation of children for sexual purposes).

Structure and organisation of Eurojust: Members stated that the term of office of national members and their deputies shall be four years, renewable once. Member States must designate national members and deputies on the grounds of proven high level of and longstanding practical experience in the field of criminal justice.

National members and deputies should be appointed on the basis of demonstrated high standards and long experience in criminal law. National members may issue and execute any mutual assistance or mutual recognition requests.

The management tasks of the College shall include in particular the adoption of Eurojust's work programmes, budget, annual activity report, and working arrangements with partners.

The Executive Board shall be responsible for taking administrative decisions to ensure the proper functioning of Eurojust. The Executive Board shall prepare Eurojust's annual and multi-annual work programme based on the draft prepared by the Administrative Director and forward it to the College for adoption.

The Administrative Director shall be appointed by the College on the grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience in the relevant areas. The term of office of the Administrative Director shall be four years.

Exchange of information with the Member States and between national members: the national competent authorities shall inform their national members without undue delay of any case affecting at least three Member States directly and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member States and,

- the offence involved is punishable in the requesting or issuing Member State by a custodial sentence or a detention order for a maximum period of at least five or six years to be decided by the Member State concerned, and is included in the following list: (i) trafficking in human beings; (ii) sexual abuse and sexual exploitation including child pornography and solicitation of children for sexual purposes; (iii) drug trafficking; (iv) illicit trafficking in firearms, their parts and components and ammunition and explosives; (v) corruption; (vi) crime against the financial interests of the Union; (vii) forgery of money and means of payment; (viii) money laundering activities; (ix) computer crime;
- there are factual indications that a criminal organisation is involved; or
- there are indications that the case may have a serious cross-border dimension or repercussions at Union level.

Processing of information: Members called for [Regulation No 45/2001](#) to apply to the protection of individuals with regard to the processing of personal data by Eurojust in the context of its activities.

Budget: to guarantee the full autonomy and independence of Eurojust, Members called for it to be granted an autonomous budget sufficient to properly carry out its work,

EU Agency for Criminal Justice Cooperation (Eurojust)

The European Parliament adopted by 515 votes to 64, with 26 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Tasks: on the basis of operations conducted and information supplied by the Member States' authorities and by the European Union Agency for Law Enforcement Cooperation (Europol), the European Public Prosecutor's Office and OLAF, Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime which Eurojust is competent to deal with, where that crime affects two or more Member States, or requires prosecution on common bases.

Eurojust shall carry out its tasks at the request of the competent authorities of the Member States, on its own initiative or at the request of the EPPO within the limits of the EPPOs competence.

Competence of Eurojust: Eurojust shall be competent with respect to the forms of serious crime listed in Annex I. However, as of the date on which the EPPO assumes its investigative and prosecutorial tasks in accordance with [Regulation \(EU\) 2017/1939](#), Eurojust shall not exercise its competence with regard to crimes for which the EPPO exercises its competence, except in those cases where Member States which do not participate in enhanced cooperation on the establishment of the EPPO are also involved and at the request of those Member States or at the request of the EPPO.

Eurojust shall exercise its competence for crimes affecting the financial interests of the Union in cases involving Member States which participate in enhanced cooperation on the establishment of the EPPO but in respect of which the EPPO does not have competence or decides not to exercise its competence.

Eurojust shall establish and maintain a close relationship with the EPPO based on mutual cooperation within their respective mandates. The practical details of its exercise of competence shall be governed by a working arrangement.

On an operational level, Eurojust shall:

- cooperate closely with the EPPO on matters relating to its competence;
- cooperate with Union institutions, bodies, offices and agencies, as well as networks established in the area of freedom, security and justice;
- support Member States' action in combating forms of serious crime listed in Annex I (e.g. terrorism; money laundering activities; murder and grievous bodily harm; robbery and aggravated theft; crime related to nuclear and radioactive materials; immigration smuggling; trafficking in human beings; organ trafficking; drug and firearms trafficking; swindling and fraud; insider dealing; product counterfeiting and piracy; computer crime; corruption; sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes).

Structure and organisation of Eurojust: the amended text specifies that the terms of office of the national members and their deputies shall be five years, renewable once. Member States shall appoint national members and deputies on the basis of a proven high level of relevant, practical experience in the field of criminal justice. The national members shall have the power to facilitate or otherwise support the issuing or execution of any request for mutual legal assistance or mutual recognition.

The Executive Board shall be responsible for taking administrative decisions to ensure the proper functioning of Eurojust. It shall oversee the necessary preparatory work of the Administrative Director on other administrative matters for adoption by the College.

The Administrative Director shall be appointed by the College from a list of candidates proposed by the Executive Board, following an open and transparent selection procedure in accordance with Eurojust's rules of procedure. The term of office of the Administrative Director shall be four years.

Exchanges of information with Member States and between national members: competent national authorities shall also inform national members without undue delay of cases falling under the competence of Eurojust that directly involve at least three Member States and for which requests or decisions on judicial cooperation have been transmitted to at least two Member States and where the offence is punishable in the requesting Member State by a custodial sentence of at least five or six years and is included in a list of serious offences specified in the Regulation.

Processing of personal data by Eurojust: the updated rules take into account the new data protection rules for EU institutions and agencies.

- Member States shall be responsible for the accuracy of the data they have transferred to Eurojust, for keeping such data up to date and for the legality of transmitting those data to Eurojust.
- Eurojust shall be responsible for the accuracy of data provided by other data suppliers or resulting from Eurojust's own analyses or data collection and for keeping such data up to date. Eurojust should ensure that data are processed fairly and lawfully, and are collected and processed for a specific purpose. Eurojust shall also ensure that the data are adequate, relevant, not excessive in relation to the purpose for which they are processed, stored no longer than is necessary for that purpose, and processed in a manner that ensures appropriate security of personal data and confidentiality of data processing.

A data subject shall be able to exercise the right of access to operational personal data relating to him or her which are processed by Eurojust.

The European Data Protection Supervisor (EDPS) shall be responsible for monitoring and ensuring the complete application of the data protection provisions of this Regulation with regard to processing of operational personal data by Eurojust.

Democratic control: in order to increase the transparency and democratic oversight of Eurojust, the revised Regulation provides for a mechanism for the joint evaluation of Eurojust's activities by the European Parliament and national parliaments.

The evaluation should take place in the framework of an interparliamentary committee meeting in the premises of the European Parliament in Brussels, with the participation of members of the competent committees of the European Parliament and of the national parliaments.

EU Agency for Criminal Justice Cooperation (Eurojust)

PURPOSE: to update the objectives, tasks and governance of the European Foundation for the Improvement of Living and Working Conditions (Eurofound).

LEGISLATIVE ACT : Regulation (EU) 2019/127 of the European Parliament and of the Council establishing the European Foundation for the improvement of living and working conditions (Eurofound), and repealing Council Regulation (EEC) No 1365/75.

CONTENT: since it was established in 1975, Eurofound has played an important role in supporting the improvement of living and working conditions throughout the Union. The new Regulation updates the objectives, tasks and structures of the Agency in the light of societal developments and fundamental changes in the labour markets.

Objectives and tasks

Eurofound will provide the Commission, other Union institutions, bodies and agencies, the Member States and the social partners with support for the purpose of shaping and implementing policies concerning the improvement of living and working conditions, devising employment policies, and promoting the dialogue between management and labour.

To that end, Eurofound shall enhance and disseminate knowledge, provide evidence and services for the purpose of policy making, including research-based conclusions, and shall facilitate knowledge sharing among and between Union and national actors.

Eurofound shall: (i) investigate and analyse trends in living and working conditions, employment and labour market developments; (ii) analyse the developments in industrial relation systems; (iii) carry out pilot projects; (iv) provide forums for exchange of experiences and information; (v) establish a strategy for relations with third countries and international organisations.

Eurofound shall have its seat in Dublin.

Administrative and management structure

This will be comprised of:

- a Management Board composed of: (i) for each Member State, one member representing the Government, one member representing the employers' organisations and one member representing the workers' organisations; (ii) three members representing the Commission and (iii) an independent expert appointed by the European Parliament;
- an Executive Board tasked with preparing meetings of the Management Board to prepare board meetings and supporting its decision-making and monitoring processes; it may take certain provisional decisions on behalf of the Management Board for reasons of urgency,
- an Executive Director, responsible for the overall management of the Agency in accordance with the strategic direction set by the Management, including the day-to-day administration and the management of financial and human resources. He shall report to the European Parliament on the performance of his duties when he is invited to do so.

The members of the Management Board and their alternates must be appointed on the basis of their knowledge in the field of social policies and employment, and aim to ensure a balanced representation of women and men. Each member, at the time of taking office, must sign a written declaration certifying that he is not in a situation of a conflict of interests.

Programming

Each year, the Management Board shall approve a programming document containing a multiannual and an annual work programme, on the basis of a draft drawn up by the Executive Director, taking into account the opinion of the Commission. The programming document will become definitive after the final adoption of the general budget of the Union.

Budget

In order to ensure its full autonomy and independence and to enable it properly to carry out its objectives and tasks, Eurofound will be granted an adequate and autonomous budget with revenue stemming mainly from a contribution from the general budget of the Union. The Court of Auditors will audit Eurofound's accounts.

Eurofound's work should complement those of the European Agency for Safety and Health at Work ([EU-OSHA](#)) and the European Centre for the Development of Vocational Training ([Cedefop](#)) when they have similar fields of interest while favouring tools that work well, such as memoranda of understanding.

ENTRY INTO FORCE : 20.2.2019.