










Procedure file

| Basic information | |
|--|---|
| COD - Ordinary legislative procedure (ex-codecision procedure) Regulation 2013/0256(COD) | Procedure completed 25/10/2017: Decision to enter into interinstitutional negotiations confirmed by plenary (Rule 69c) |
| 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) | |
| 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 Shadow rapporteur  KAUFMANN Sylvia-Yvonne  UJAZDOWSKI Kazimierz Michał  GRIESBECK Nathalie  DE JONG Dennis  JOLY Eva  FERRARA Laura | 03/09/2014 |
| | Former committee responsible LIBE Civil Liberties, Justice and Home Affairs | PPE VOSS Axel | 30/09/2013 |
| | Committee for opinion BUDG Budgets | Rapporteur for opinion The committee decided not to give an opinion. | Appointed |
| | CONT Budgetary Control |  GRÄSSLE Ingeborg | 06/05/2015 |
| | JURI Legal Affairs |  MARINHO E PINTO | 03/09/2014 |

[António](#)

Former committee for opinion

BUDG Budgets

CONT Budgetary Control

14/10/2013

PPE [HOHLMEIER Monika](#)

JURI Legal Affairs

04/11/2013

S&D [BERLINGUER Luigi](#)

Meeting

Date

Council of the European Union

Council configuration

[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/single reading | | |
| 07/10/2013 | Debate in Council | 3260 | |
| 20/10/2014 | Committee referral announced in Parliament, 1st reading/single reading | | |
| 04/12/2014 | Debate in Council | 3354 | |
| 19/10/2017 | Vote in committee, 1st reading/single 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/single reading | A8-0320/2017 | Summary |
| 03/10/2018 | Debate in Parliament |  | |
| 04/10/2018 | Results of vote in Parliament |  | |
| 04/10/2018 | Decision by Parliament, 1st reading/single 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

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|---------------------|--|
| 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) |
| Legal basis | Treaty on the Functioning of the EU TFEU 085-p1-a3 |
| Modified legal basis | Rules of Procedure EP 150 |
| 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 | | |

Additional information

| | |
|----------------------|-------------------------|
| National parliaments | IPEX |
| European Commission | EUR-Lex |

Final act

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

2013/0256(COD) - 17/07/2013 Legislative proposal

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 TFEU.

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.

2013/0256(COD) - 23/10/2017 Committee report tabled for plenary, 1st reading/single reading

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, Eurojusts 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,

2013/0256(COD) - 04/10/2018 Text adopted by Parliament, 1st reading/single reading

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 Parliaments 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 Eurojusts 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.