

EU Agency for Criminal Justice Cooperation (Eurojust)

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.