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## **COORDINATING JUDICIAL COOPERATION WITH THIRD STATES**

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### **Eurojust and third states: External Relations Team**

- Team works to develop relations between Eurojust and Third States both in and out of Europe

## Activities

- Cooperation agreements
- Contact points
- Seminars and meetings
- Study visits

## Eurojust & Third Countries

- Art. 3(2) of the Eurojust Decision:
  - “In accordance with the rules laid down by this Decision and at the request of a Member State’s competent authority, Eurojust may also assist investigations and prosecutions concerning only that Member State and a non-Member State where an agreement establishing co-operation pursuant to Article 27(3) has been concluded with the said State or where in a specific case there is an essential interest in providing such assistance”.

## Co-operation agreements

- Art. 27 (3) of the Eurojust Decision (current):
  - “Eurojust may conclude co-operation agreements, approved by the Council, with third States (...)”.

## Co-operation agreements

- Plans for entering into negotiations approved by the College
- Agreed draft agreement approved by the College
- Opinion of JSB
- Approval by the Council

## Co-operation agreements

- Art. 26a (2) of the Eurojust Decision (new):
  - "Eurojust may conclude agreements with the entities referred to in paragraph 1. Such agreements may, in particular, concern the exchange of information, including personal data, and the secondment of liaison officers or liaison magistrates to Eurojust..."

## Co-operation agreements: Amended Eurojust Decision

- Information to the Council of any plans for entering into negotiations
- The Council may draw any conclusions it deems appropriate

## Co-operation agreements: Amended Eurojust Decision

- Prior to the entry into force of the agreement Eurojust may directly receive information, including personal data in so far as this is necessary for legitimate performance of its tasks
- Prior to the entry into force of the agreement Eurojust may under the conditions laid down in Article 27(1), directly transmit information, except personal data in so far this is necessary for the legitimate performance of the recipient's task
- Need to maintain a record of all data transferred under cooperation agreements, along with the grounds for it

## Co-operation agreements: Amended Eurojust Decision

- Secondment of Eurojust liaison magistrate to a third State (Article 27a)

## Co-operation agreements: Amended Eurojust Decision

- Requests for judicial cooperation to and from third States (Article 27b)
- With the agreement of the MS concerned Eurojust may coordinate the execution of requests for judicial cooperation issued by a third State (requests part of the same investigation, execution in at least 2 MS)
- In case of urgency OCC may receive and process a request from third State if a cooperation agreement has been concluded
- Facilitation of judicial cooperation with a third State (MS requests related to the same investigation to be executed in a third State; with the agreement of MS)
- Condition – requests may be transmitted through Eurojust if it is in conformity with the instruments applicable to the relationship between the third State and EU or MS

## Co-operation agreements: state of play

Priorities follow these criteria:

- A country has specific significance in designated criminal fields (terrorism, trafficking in human beings, drugs, etc.).
- The country must uphold the rule of law and human rights.
- The EU has several cross-border cases with a specific country.

## Co-operation agreements

- Existing agreements with:
  - Norway (Liaison Prosecutor)
  - Iceland
  - USA (Liaison Prosecutor)
  - Croatia (not entered into force yet)
  - Switzerland (not entered into force yet)
  - The Former Yugoslav Republic of Macedonia (not entered into force yet)

## Co-operation agreements

- Pending or potential negotiations:
  - Ukraine
  - Russian Federation
  - Montenegro (first meeting in July 2008)
  - Moldova (first meeting in December 2008)
  - Liechtenstein (first meeting in December 2008)
  - Cape Verde (first meeting in November 2008)

## New proposals for 2009

- Republic of Serbia
- Bosnia and Herzegovina

## Memorandum of Understanding

- Memorandum of understanding
  - IBERRED (concluded)
  - UNODC
  - ICC
  - EULEX Mission in Kosovo



## Eurojust Third States Contact Points

- Albania
- Argentina
- Bosnia & Herzegovina
- Canada
- Croatia
- FYROM
- Iceland
- Israel
- Japan
- Liechtenstein
- Moldova
- Mongolia

## Eurojust Third States Contact Points

- Montenegro
- Norway
- Russian Federation
- Serbia
- Singapore
- Switzerland
- Thailand
- Turkey
- Ukraine
- USA

## Seminars and meetings

- EU-US on MLA and Extradition Agreements (November 2008)
- Tactical meeting with MEDA countries (November 2008)

## Study visits

- Delegations of prosecutors and judges
- One month missions of prosecutors to Eurojust

	2006	2007	2008	Coordination meetings in 2008
USA			27	10
Switzerland			26	10
Norway			22	7
Turkey			7	1
Morocco			6	0
Albania			6	1
Australia			6	5
Ukraine			4	0
Croatia			4	2
Moldova			4	0
Russian Federation			4	0
FYROM			3	1
Serbia			3	0

Cases  
involving  
Third  
States  
opened  
in 2008

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	2006	2007	2008	Coordination meetings in 2008
Canada			3	1
Colombia			3	0
Liechtenstein			2	1
Venezuela			2	0
South Africa			2	0
Monaco			1	0
Montenegro			1	0
Mongolia			1	0
Uruguay			1	0
Algeria			1	0
United Arab Emirates			1	0
<b>TOTAL</b>			<b>140</b>	<b>39</b>

Cases  
involving  
Third  
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opened  
in 2008

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