



ERA Seminar
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**“Structuring the exchange of information and a Eurojust National Coordination System –
How will it work?”**

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Articles 12, 13 and 13a of the new Eurojust Decision provide for

- the establishment of the Eurojust national coordination systems and
- a radical change concerning flow of information between Eurojust and the Member States that will increase significantly under the new Decision.

1. The Eurojust National Coordination System

1.1 The Member States will have 2 years to set up the **Eurojust National Coordination System (“ENCS”)**. Its composition is determined in Article 12(2) of the new Decision: it shall ensure the coordination of the work carried out by:

- the national correspondent(s) for Eurojust;
- the national correspondents for Eurojust for terrorism matters;
- the national correspondent for EJM and up to three other contact points of EJM; and
- National Members or contact points of the JIT network, the genocide network, the Asset Recovery Offices and the anti-corruption network.

1.2 The new Decision does not describe the exact functions, role, and status of the **national correspondent for Eurojust**. It only states that the national correspondent(s) for Eurojust will be responsible for the functioning of the ENCS. As the ENCS is responsible for ensuring the reliable and efficient flow of information to and from Eurojust, the national correspondent will in the future be held accountable for this flow of information; he will therefore play a major role in the well- functioning and correct utilisation of Eurojust by the national authorities.

However the general principle of direct contacts enshrined in Article 6 of the 2000 Convention on Mutual Assistance in Criminal Matters will remain intact and will not be impacted by the new Decision (*see* Article 12(7)).



2. The exchange of information

Articles 13 and 13a of the new Decision is to improve the exchange of information to and from Eurojust by creating a new „dynamic“.

2.1 The Member States shall exchange information with Eurojust not only on an ad-hoc basis (Articles 6 and 7 of the Decision), but on a systematic basis:

The information that must be provided on a systematic basis includes (*see* Article 13 (1) to (10)):

- the setting up of JITs,
- cases of conflicts of jurisdiction,
- controlled deliveries, and
- repeated difficulties or refusals regarding the execution of requests for judicial cooperation.

In addition, the national authorities must inform Eurojust of cases in which at least three Member States are directly involved and for which requests for judicial cooperation have been transmitted to at least two Member States, and where one of the following alternatives applies:

- there are factual indications that a criminal organisation is involved,
- the case may have a serious cross-border dimension, or
- the offence involved is one of the following: trafficking in human beings, sexual exploitation of children and child pornography, drug trafficking, trafficking in firearms, corruption, fraud affecting the financial interests of the European Communities, and counterfeiting of the Euro.

2.2 The aim of the obligation on the Member States to exchange this information to Eurojust is to enhance the possibilities for Eurojust to work not only reactively as is currently the case, but proactively.

The provision of Article 13 must be read in parallel with the provision of Article 13a under which Eurojust shall provide competent authorities

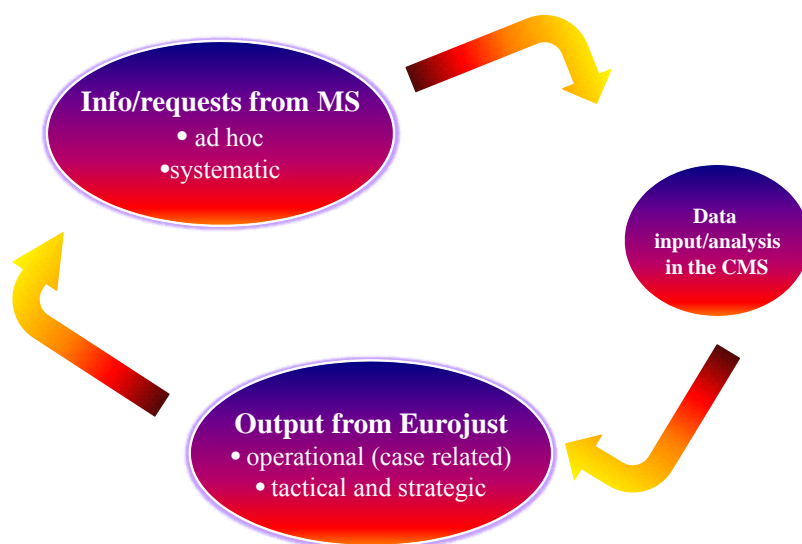
- spontaneously with information and feedback on the results of the processing of information, including the existence of links with cases already stored in the Case Management System, and
- on request, with any information.

The benefits that will be gained from this qualitative and quantitative increase of information will naturally be observed both:

- at operational level:
 - operational report including links with existing cases, identification of possible obstacles to cooperation,
 - plan of judicial action based on the emerging investigative picture and legal possibilities (where to collect evidence, where to seize assets, execute arrests, etc.)
 - prevention of *ne bis in idem* cases,
 - solution of conflicts of jurisdiction and identification of the best place to prosecute, and
 - assistance in setting up a JIT
 -
- at strategic and tactical level
 - identification of serious cross-border criminal phenomena
 - identification of recurrent obstacles to judicial cooperation
 - strategic reports on given crime areas and identified problems in cooperation (e.g. contributions to TE-SAT, OCTA)

The circuit of information should be boosted according to the new Decision:

Reinforced exchange of information





3. The Technical Challenges Faced by Eurojust

1. Article 12(6) of the new Decision states that the members of the ENCS shall be connected to the Case Management System of Eurojust (and that the connection to the CMS shall be charged to the general budget of the EU)

→ development of a secure webmail system.

2. Article 12(5)(a) of the new Decision states that the coordination system shall ensure that the Eurojust Case Management System receives information related to the Member State concerned in an efficient and reliable manner.

→ internal Eurojust project (E-POC III+)

3. Article 13(11) of the new Decision states that the information referred to in Article 13 shall be transmitted to Eurojust in a structured way

→ need for streamlined template

4. Article 16b provides details related to the specific and restricted access that the members of the ENCS will have to the CMS, and to the decision-making process related to this access.

→ need to create new access profiles

The Case Management System (“CMS”)

The Case Management System or CMS is an IT tool for the operational work at Eurojust. It allows not only the registry of cases which are transmitted to Eurojust from the national authorities but also allows users to work efficiently with them because it is set up as a secure system to deal with “classified” information.

This CMS is based on E-POC software (“European Pool against Organised Crime”) created in 2003 with co-funding from the Commission and is regularly updated and improved.

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