



Eurojust: Reinforcing the links with the Member States

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ERA Seminar

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Articles 12, 13 and 13a of the new Decision: **strengthening Eurojust via**

- The establishment of the ENCS
- A radical change in the flow of information

Role of the MS and Eurojust in the implementation

- Creation of the Informal Working Group



1. The Eurojust National Coordination System

Article 12

- Role of the National Correspondent:
 - Already in the current Decision
 - Assisting the NM to fulfil his tasks
 - Summarising and transmitting info
 - Assisting national prosecutors who dealing with EJ
 - Replying to enquiries from NM, etc.
 - Now : Main responsible for the reliable and efficient flow of information to and from Eurojust
- But direct contacts between NMs and national authorities still the main channel



1. The Eurojust National Coordination System

Article 12

- Role of the ENCS:
 - « Plaque tournante » for the coordination between
 - ✓ the National Desk at Eurojust
 - ✓ the competent national authorities
 - ✓ the EJM contact points
 - Possibly a « virtual » platform



2. A reinforced exchange of information

- Articles 13 and 13a:

A new « dynamic » in the exchange of info between the MS and Eurojust

- Article 13(1) to (10):

Transmission of info by MS

- ad hoc (Articles 6 and 7)
- Systematic

- Article 13a:

Transmission of information by Eurojust



2. A reinforced exchange of information

▪ Article 13(1) to (10)

Transmission of information by MS – Systematic:

1. Information on the setting up of JITs and results
2. Cases where conflicts of jurisdiction have arisen or are likely to arise
3. Controlled deliveries affecting at least three States (including at least two Member States)
4. Repeated difficulties or refusals regarding the execution of requests for judicial cooperation
5. Serious cases where at least three Member States are directly involved, related to specific offences or involving a criminal organisation



2. A reinforced exchange of information

- Articles 13a:

- Transmission of information by Eurojust to MS

- Spontaneously :

- Information and feedback on results of processing of information, including existence of links with cases already stored in the CMS

- On request:

- Any information - timely

Reinforced exchange of information

Article 13

Info/requests from MS

- ad hoc
- systematic

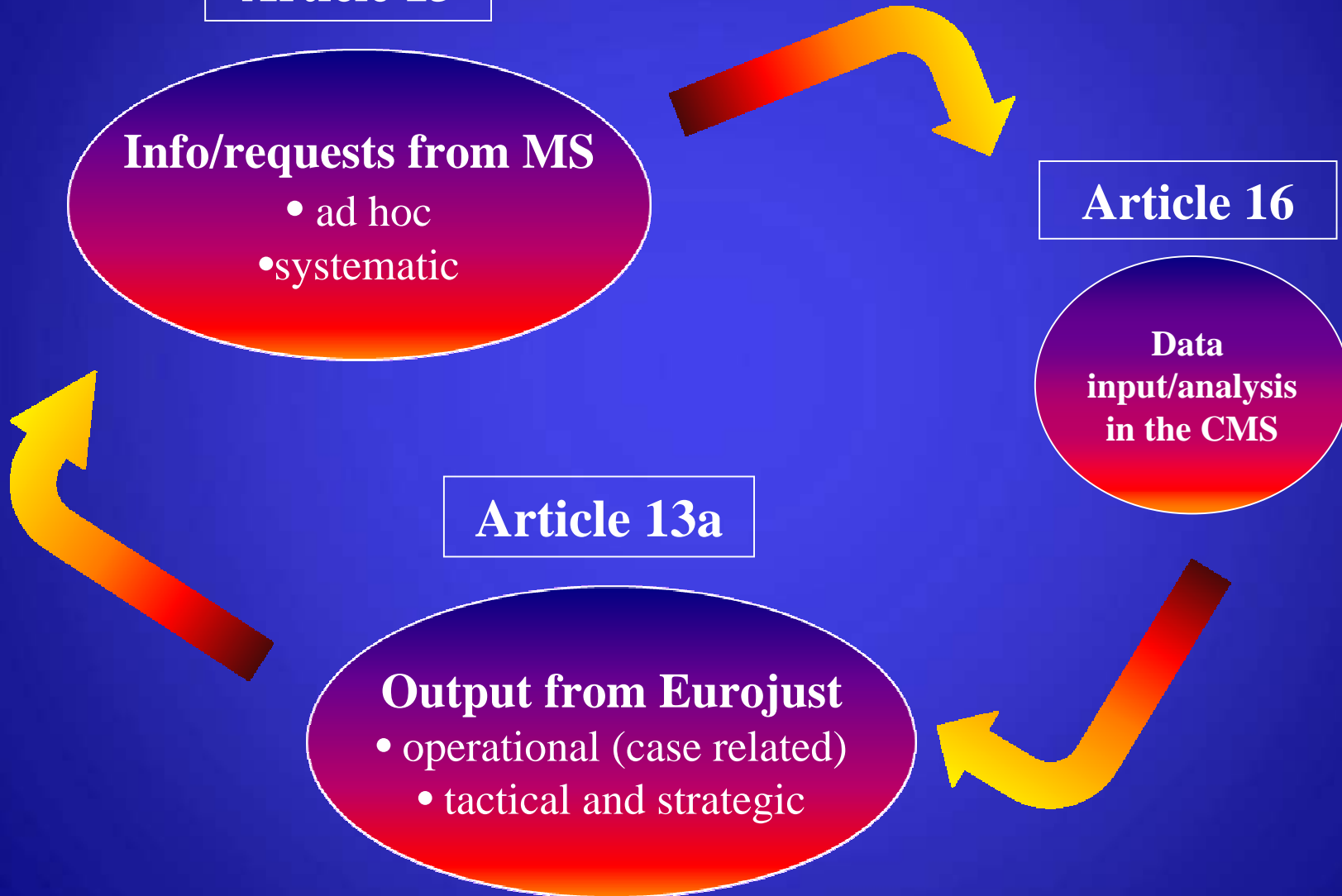
Article 16

Data
input/analysis
in the CMS

Article 13a

Output from Eurojust

- operational (case related)
- tactical and strategic





2. A reinforced exchange of information

- Operational output:
 - Operational report including links with existing cases
 - Identification of possible obstacles to cooperation
 - Plan of judicial action
 - Prevention of *ne bis in idem* cases
 - Solution to conflicts of jurisdiction and identification of the best place to prosecute,
 - Assistance in setting up a JIT
 - Etc.



2. A reinforced exchange of information

- Strategic and tactical output
 - Annual Report
 - Article 32(1)
 - OCTA, TE-SAT
 - Etc.



3. The practical and technical challenges

Article 12(6)

- The ENCS shall be connected to the Eurojust Case Management System (CMS)

Article 12(5)(a)

- The ENCS shall ensure that the Eurojust CMS receives the information related to Member State cases

Article 13(11)

- The information referred to in Article 13 shall be transmitted to Eurojust in a structured way

Article 16b

- Specific access to the CMS restricted and decided by National Members and Member States



3. The practical and technical challenges

■ Link between the ENCS and the CMS

- via secure webmail

■ Specific access to the CMS restricted and decided by National Members and Member States

- need for adopting new access profiles
- need for adjusting the CMS software (E-POC)



3. The practical and technical challenges

■ Transmission of information in a structured way

➤ need for specific template

■ In the long term, need for security and technical standards for the transmission of judicial information at EU level

➤ E-POC IV project

Conclusions

We need to talk.....

What about creating « Fiches suédoises »?????

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Vielen Dank!

Thank you!

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