



EUROPEAN JUDICIAL NETWORK

**The Hague, 10 December 2009
EJN/2009/7**

COVER NOTE

From: European Judicial Network – Swedish Presidency
To: EJN Contact Points
Subject: European Judicial Network Manual

Contact Points will find hereafter the European judicial Network Manual adopted in the 33rd Plenary meeting of the EJN on the 23-24 November 2009.

European Judicial Network Manual



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1. Background

On the 16th of December 2008 Council Decision 2008/976/JHA (“the EJM Decision”) was adopted by the Council, providing a consolidated legal framework for the European Judicial Network (EJM). The EJM Decision demonstrated political will to further develop EJM ten years after its creation in 1998, as a reliable instrument to facilitate judicial cooperation in criminal matters between the Member States of the European Union.

At the 32nd plenary meeting of the EJM, held in Prague, from 24 to 26 June 2009, Guidelines were adopted to provide guidance for the structure of the EJM according to the EJM Decision, as well as for the organisation of regional meetings (hereinafter referred to as “EJM Guidelines” and “EJM Guidelines on Regional meetings”).

The EJM Manual is intended to provide support for strategic planning by guiding the activities of the EJM and ensuring the proper functioning of the Network. The EJM Manual focuses on the legal framework consisting mainly of the EJM Decision, the Eurojust decision (in so far as it concerns the EJM) and the EJM Guidelines, which require action by the EJM or its working parties in order to be implemented or fulfilled.

1.1. Purpose of the EJM Manual

The main purpose of this document is to identify actions required in order to achieve objectives regarding EJM as stated by



- Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network;
- Council Decision 2002/187/JHA of 28 February 2002 on setting up Eurojust with a view to reinforcing the fight against serious crime;
- Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime;
- EJM Guidelines adopted under the Czech presidency.

The second purpose of the EJM Manual is to locate responsibility for required action.

The fulfilment of the EJM Manual requires institutional cooperation between EJM and Eurojust, in particular concerning the EJM Secretariat.¹ Thus, the EJM Manual intends to reflect the implementation of the new Eurojust Decision to the extent that it has bearing on the EJM and the EJM Secretariat.

1.2. Structure of the document

1. Legal framework
2. A. Identify required action
B. Locate responsible actor (Secretariat, National Correspondents, Contact Points, Tool Correspondents, Presidency and Member States);

¹ See Article 25 a (b) of the Council Decision 2002/187/JHA of 28 February 2002 setting up of Eurojust with a view of reinforcing the fight against serious crime, as amended by Council Decision 2003/659/JHA and by Council Decision 2008/426/JHA of 16 December 2008 on the strengthening of Eurojust.



3. Identify resources required
4. Identify expected results
5. Identify risks

1.3. Composition of the EJM

Article 2 of the EJM Decision states:

1. The European Judicial Network shall be made up, taking into account the constitutional rules, legal traditions and internal structure of each Member State, of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation.
2. One or more contact points of each Member State shall be established in accordance with its internal rules and internal division of responsibilities, care being taken to ensure effective coverage of the whole of its territory.
3. Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network.
4. Each Member State shall appoint a tool correspondent for the European Judicial Network.
5. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate.
7. The Commission shall designate a contact point for those areas falling within its sphere of competence with the contact points in the other Member States.
8. The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the Network.

1.4. Operation of the network

General legal basis for the operation of the network is foreseen in Article 3 of the EJM Decision, which stipulates:



The European Judicial Network shall operate in particular in the following three ways:

(a) it shall facilitate the establishment of **appropriate contacts between the contact points** in the various Member States in order to carry out the functions laid down in Article 4;

(b) it shall organise **periodic meetings** of the Member States representatives in accordance with the procedures laid down in Articles 5 and 6;

(c) it shall constantly provide a certain amount of **up-to-date background information, in particular by means of an appropriate telecommunications network**, under the procedures laid down in Articles 7, 8 and 9.



2. EJM Contact points

2.1. Legal framework

EJM decision

Article 2 - Composition

1. The European Judicial Network shall be made up, taking into account the constitutional rules, legal traditions and internal structure of each Member State, of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation.

2. One or more contact points of each Member State shall be established in accordance with its internal rules and internal division of responsibilities, care being taken to ensure effective coverage of the whole of its territory.

5. Each Member State shall ensure that its contact points have functions in relation to judicial cooperation in criminal matters and adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States.

7. The Commission shall designate a contact point for those areas falling within its sphere of competence.

Article 4

1. The contact points shall be active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in actions to combat forms of serious crime. They shall be available to enable local judicial authorities and other competent authorities in their own Member State, contact points in the other Member States and local judicial and other competent authorities in the other Member States to establish the most appropriate direct contacts.



They may if necessary travel to meet other Member States contact points, on the basis of an agreement between the administrations concerned.

2. The contact points shall provide the local judicial authorities in their own Member State, the contact points in the other Member States and the local judicial authorities in the other Member States with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.

3. At their respective level the contact points shall be involved in and promote the organisation of training sessions on judicial cooperation for the benefit of the competent authorities of their Member State, where appropriate in cooperation with the European Judicial Training Network.

Eurojust decision

Article 12 (2) - Eurojust national coordination system

Each Member State shall, before 4 June 2011, set up a Eurojust national coordination system to ensure coordination of the work carried out by:

- (a) the national correspondents for Eurojust;
- (b) the national correspondent for Eurojust for terrorism matters;
- (c) the national correspondent for the European Judicial Network and up to three other contact points of the European Judicial Network;

Article 25a - Cooperation with the European Judicial Network and other networks of the European Union involved in cooperation in criminal matters

1 (a) national members shall, on a case-by-case basis, inform the European Judicial Network Contact points of all cases which they consider the Network to be in a better position to deal with

1 (c) European Judicial Network Contact points may be invited on a case-by-case basis to attend Eurojust meetings.

EJN Guidelines

The EJN contact points should exchange information and share best practice during the plenary meeting.



Other

Guidelines for the selection of contact points of the European Judicial Network, adopted at the Plenary meeting in Obidos, Lisbon 12-13 December 2007, (PLEN2 2007/2) see annex I.

2.2. Action and responsibility

1. Nomination of Contact points
 - ***Responsible:*** Member States and Commission
 - ***Deadline:*** Permanent

2. Administer the list of Contact points
 - ***Responsible:*** Tool correspondent and EJM Secretariat
 - ***Deadline:*** Permanent

3. Training for the Contact points on “the role and function of the Contact point”. This can be done at national as well as at European level, with support from the EJM Secretariat and in partnership with the EJTJ.
 - ***Responsible:*** Member States, with the support of the EJM Secretariat
 - ***Deadline:*** Ongoing

4. Active involvement, in cooperation with the competent local institutions (school of magistrates) and EJTJ in organisation of training sessions for practitioners. Best practices from some Member States may be taken as a model.
 - ***Responsible:*** EJM Contact points (with a particular role for the National Correspondents)
 - ***Deadline:*** Permanent



2.3. Resources

1. Adequate resources to be allocated at national level
2. Adequate resources to be allocated at the EJM Secretariat to support the Contact points to fulfil their tasks

2.4. Expected results

1. Nomination of contact points in compliance with the criteria in art. 2(5) of the EJM decision and bearing in mind the Guidelines for the selection of contact points of the European Judicial Network
2. The EJM Contact points fully achieve all their tasks provided for by the EJM Decision

2.5. Risks

1. Nomination of Contact points not in line with the EJM decision and Guidelines for the selection of contact points of the European Judicial Network (PLEN2 2007/2)
2. Insufficient resources allocated at national level which may jeopardise the functioning of the network and have an adverse impact on judicial co-operation.



3. National correspondents

3.1. Legal framework

EJN decision

Article 2(3),

Each Member State shall appoint, among the contact points, a national correspondent for the European Judicial Network.

Article 4(4),

The national correspondent, in addition to his tasks as a contact point referred to in paragraphs 1 to 3, shall in particular:

(a) be responsible, in his Member State, for issues related to the internal functioning of the Network, including the coordination of requests for information and replies issued by the competent national authorities;

(b) be the main person responsible for the contacts with the Secretariat of the European Judicial Network including the participation in the meetings referred to in Article 6;

(c) where requested, give an opinion concerning the appointment of new contact points.

Article 6(1),

The European Judicial Network national correspondents shall meet on an *ad hoc* basis, at least once a year and as its members deem appropriate, at the invitation of the national correspondent of the Member State which holds the Presidency of the Council, which shall also take account of the Member States wishes for the correspondents to meet. During these meetings, administrative matters related to the Network shall in particular be discussed.



Article 10

The European Judicial Network and Eurojust shall maintain privileged relations with each other, based on consultation and complementarity, especially between the contact points of a Member State, the Eurojust national member of the same Member State and the national correspondents for the European Judicial Network and Eurojust. In order to ensure efficient cooperation, the following measures shall be taken:

(a) the European Judicial Network shall make available to Eurojust the centralised information indicated in Article 7 and the secure telecommunications connection set up under Article 9;

(b) the contact points of the European Judicial Network shall, on a case-by-case basis, inform their own national member of all cases which they deem Eurojust to be in a better position to deal with;

(c) the national members of Eurojust may attend meetings of the European Judicial Network at the invitation of the latter.

Eurojust decision

Article 12 (2) - Eurojust national coordination system

Each Member State shall, before 4 June 2011, set up a Eurojust national coordination system to ensure coordination of the work carried out by:

(a) the national correspondents for Eurojust;

(b) the national correspondent for Eurojust for terrorism matters;

(c) the national correspondent for the European Judicial Network and up to three other contact points of the European Judicial Network;

(d) national members or contact points of the Network for Joint Investigation Teams and of the networks set up by Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (*), Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to, crime (**), and by Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption (***) .

3. The persons referred to in paragraphs 1 and 2 shall maintain their position and status under national law.



4. The national correspondents for Eurojust shall be responsible for the functioning of the Eurojust national coordination system. When several correspondents for Eurojust are designated, one of them shall be responsible for the functioning of the Eurojust national coordination system.

5. The Eurojust national coordination system shall facilitate, within the Member State, the carrying out of the tasks of Eurojust, in particular by:

(a) ensuring that the Case Management System referred to in Article 16 receives information related to the Member State concerned in an efficient and reliable manner;

(b) assisting in determining whether a case should be dealt with with the assistance of Eurojust or of the European Judicial Network;

(c) assisting the national member to identify relevant authorities for the execution of requests for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition;

(d) maintaining close relations with the Europol National Unit.

6. In order to meet the objectives referred to in paragraph 5, persons referred to in paragraph 1 and paragraph 2(a), (b) and (c) shall, and persons referred to in paragraph 2(d) may, be connected to the Case Management System in accordance with this Article and Articles 16, 16a, 16b and 18 as well as with the Rules of Procedure of Eurojust. The connection to the Case Management System shall be at the charge of the general budget of the European Union.

7. Nothing in this Article shall be construed to affect direct contacts between competent judicial authorities as provided for in instruments on judicial cooperation, such as Article 6 of the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union. Relations between the national member and national correspondents shall not preclude direct contacts between the national member and his competent authorities.

Article 25a - Cooperation with the European Judicial Network and other networks of the European Union involved in cooperation in criminal matters

1. Eurojust and the European Judicial Network shall maintain privileged relations with each other, based on consultation and complementarity, especially between the national member, the European Judicial Network contact points of the same Member State and the national correspondents for Eurojust and the European Judicial



Network. In order to ensure efficient cooperation, the following measures shall be taken:

(a) national members shall, on a case-by-case basis, inform the European Judicial Network contact points of all cases which they consider the Network to be in a better position to deal with;

(b) the Secretariat of the European Judicial Network shall form part of the staff of Eurojust. It shall function as a separate unit. It may draw on the administrative resources of Eurojust which are necessary for the performance of the European Judicial Network's tasks, including for covering the costs of the plenary meetings of the Network. Where plenary meetings are held at the premises of the Council in Brussels, the costs may only cover travel expenses and costs for interpretation. Where plenary meetings are held in the Member State holding the Presidency of the Council, the costs may only cover part of the overall costs of the meeting;

(c) European Judicial Network contact points may be invited on a case-by-case basis to attend Eurojust meetings.

EJN Guidelines

The NCM should act as a steering committee of the EJN. The objective of the NCM should be to ensure detailed examination of the relevant activities of the EJN, discussion thereof and preparation of possible solutions, which are subsequently submitted to the plenary meetings of the EJN contact points for discussion and adoption of final decisions. Tasks of the NCM, performed by the national correspondents in close cooperation with the EJN Secretariat, should inter alia include:

- preparation and execution of the budget of the EJN and other budgetary issues;
- internal policy of the EJN, including administrative matters, documents or rules to be applied within the EJN and relevant statistics on the workflow in each Member State;
- external policy of the EJN, including public relations and the list of activities arranged or likely to take place in the field of the external relations of the EJN towards partners in the third countries over a given period;
- preparation of strategic decisions concerning further developments of the IT tools within the EJN website (the tool correspondents are responsible for the technical preparation), including the allocation of the financial resources;



- providing feedback from the EJM contact points and up-to-date information on the main issues of concern from the national practitioners;
- providing feedback on the implementation of the Council Decision on the EJM in the Member States; and
- preparation, elaboration and implementation of possible action plans on the new and ongoing projects of the EJM.

3.2. Action and responsibility

1. Nomination of National correspondent
 - **Responsible:** Member States
 - **Deadline:** 24 December 2008 + permanent responsibility
2. Administer the list of National Correspondents
 - **Responsible:** EJM Secretariat
 - **Deadline:** Permanent
3. Organisation of National correspondent meeting (NCM)²
 - **Responsible:** EJM Secretariat and Presidency
 - **Deadline:** Twice a Year
4. Coordination of the administration of EJM at national level
 - **Responsible:** National correspondent
 - **Deadline:** Permanent

² Practical arrangements (Meeting rooms, catering, visits, invitations, accommodation (in cooperation with EJ services). Preparation of agenda and documents. Travel arrangements: missions notifications and claims for reimbursement to the external participants (approx. 30). Budgetary matters: FC's for the meeting, events notification, quotes' requests for services, etc.



5. Coordination of the activities of the contact points in the Member states
 - **Responsible:** *National correspondent*
 - **Deadline:** *Permanent*

6. Collect information from the Contact points and other national practitioners in order to be able to provide feedback to the NCM on the main issues of concern for national practitioners
 - **Responsible:** *National correspondent*
 - **Deadline:** *Permanent*

7. Liaise with persons in their Member State responsible for the implementation of the EJM- and Eurojust-decisions with the aim of being informed of and provide feedback on the implementation
 - **Responsible:** *National correspondent*
 - **Deadline:** *Permanent*

8. Provide the EJM Secretariat with an activity report on the work flow of the Contact points from the Member States
 - **Responsible:** *National correspondent*
 - **Deadline:** *By the end of February each year*

9. Representing EJM in external relations
 - **Responsible:** *EJM Secretariat and National correspondent*
 - **Deadline:** *On a case by case basis*

3.3. Resources

1. National correspondents appointed by all Member States



2. Adequate resources to be allocated at national level as well as at the EJM Secretariat to support the Contact points to fulfil their tasks

3.4. Expected results

1. National coordination of EJM activities
2. Good governance of the EJM activities
3. Good governance of the EJM Budget
4. Coordination of the implementation of the EJM decision and the Eurojust decision
5. Proper preparation and execution of the NCM

3.5. Risks

1. Insufficient resources allocated in the Member states regarding the work of the National correspondents and at the Secretariat, impeding the fulfilment of required actions and responsibilities, which may jeopardise the functioning of the network and have an adverse impact on judicial co-operation
2. Differences regarding the level of ambition as to the work of the NC in the different Member states



4. Tool correspondents

4.1. Legal framework

EJN decision

Article 2(4),

Each Member State shall appoint a tool correspondent for the European Judicial Network

Article 4(5),

The European Judicial Network tool correspondent, who may also be a contact point referred to in paragraphs 1 to 4, shall ensure that the information related to his Member State and referred to in Article 7 is provided and updated in accordance with Article 8.

Article 6(2),

The European Judicial Network tool correspondents shall meet on an *ad hoc* basis, at least once a year and as its members deem appropriate, at the invitation of the tool correspondent of the Member State which holds the Presidency of the Council. The meetings shall deal with the issues referred to in Article 4(5).

Article 7 - Content of the information disseminated within the European Judicial Network

The Secretariat of the European Judicial Network shall make the following information available to contact points and competent judicial authorities:

- (a) full details of the contact points in each Member State with, where necessary, an explanation of their responsibilities at national level;
- (b) an information technology tool allowing the requesting or issuing authority of a Member State to identify the competent authority in another Member State to receive and execute its request for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition;



(c) concise legal and practical information concerning the judicial and procedural systems in the Member States;

(d) the texts of the relevant legal instruments and, for conventions currently in force, the texts of declarations and reservations.

Article 8 - Updating of information

1. The information distributed within the European Judicial Network shall be constantly updated.

2. It shall be each Member State's individual responsibility to check the accuracy of the data contained in the system and to inform the Secretariat of the European Judicial Network as soon as data on one of the four points referred to in Article 7 need to be amended.

Eurojust decision

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EJN-Guidelines

Tasks of the tool correspondents should inter alia include:

- ensuring that the information referred to in Article 7 of the EJM Decision is provided and updated in accordance with Article 8 of the EJM Decision (Article 4(5) of the EJM Decision);
- discussion on the new EJM information tools and further development of the existing EJM information tools;
- discussion on the technical details concerning the EJM website;
- assessment of the state of play of questionnaires distributed within the EJM;
- training issues relating to the handling of the EJM information tools.

4.2. Action and responsibility

1. Nomination of tool correspondent

➤ **Responsible:** Member states

➤ **Deadline:** 24 December 2008 + permanent responsibility



2. Organisation of tool correspondent meeting³
 - **Responsible:** *EJN Secretariat + Presidency*
 - **Deadline:** *Once a Year*

3. Provide information to the EJN Website and tools
 - **Responsible:** *Tool Correspondent*
 - **Deadline:** *Permanent*

4. Check the accuracy of information on tools
 - **Responsible:** *Tool Correspondent and EJN Secretariat*
 - **Deadline:** *Permanent*

5. Training and assistance to the Tool Correspondents
 - **Responsible:** *EJN Secretariat*
 - **Deadline:** *Permanent*

4.3. Resources

1. Tool correspondents appointed by all Member States
2. Adequate resources to be allocated at national level as well as at the EJN Secretariat to support the Contact points to fulfil their tasks

³ Practical arrangements (Meeting rooms, catering, visits, invitations, accommodation (in cooperation with EJ services). Preparation of Agenda and documents. Travel arrangements: missions notifications and claims for reimbursement to the external participants (approx. 30). Budgetary matters: FC's for the meeting, events notification, quotes' requests for services, etc.



4.4. *Expected results*

1. Well administrated and updated information and tools
2. Proper preparation and execution of the Tool correspondent meeting
3. New improved tools for the EJM website
4. EJM Manual for the execution of projects
5. Possible creation of ad-hoc groups to work on specific projects, in coordination with the EJM Secretariat
6. Determine the possibility / extent to which the EJM website / tools can be translated into community languages.

4.5. *Risks*

1. Insufficient resources allocated in the member states regarding the work of the tool correspondent and at the Secretariat, impeding the fulfilment of actions and responsibilities according to articles 4(5), 7 and 8 of the EJM decision
2. Difficulty in establishing a realistic level of ambition regarding creation of new tools
3. Impact translating EJM website / tools into community languages may have on scope to develop future tools



5. EJN Secretariat

5.1. *Legal framework*

EJN decision

Articles 2(8)

The European Judicial Network shall have a Secretariat which shall be responsible for the administration of the Network.

Articles 7 - Content of the information disseminated within the European Judicial Network

The Secretariat of the European Judicial Network shall make the following information available to contact points and competent judicial authorities:

- (a) full details of the contact points in each Member State with, where necessary, an explanation of their responsibilities at national level;
- (b) an information technology tool allowing the requesting or issuing authority of a Member State to identify the competent authority in another Member State to receive and execute its request for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition;
- (c) concise legal and practical information concerning the judicial and procedural systems in the Member States;
- (d) the texts of the relevant legal instruments and, for conventions currently in force, the texts of declarations and reservations.

Article 9 (1) - Telecommunication tools

The Secretariat of the European Judicial Network shall ensure that the information provided under Article 7 is made available on a website which is constantly updated.



Article 11 - Budget

In order for the European Judicial Network to be able to carry out its tasks, the budget of Eurojust shall contain a part related to the activities of the Secretariat of the European Judicial Network.

13 of the EJM Decision govern the main tasks of the EJM Secretariat.

Eurojust decision

Article 25a

1 (b) the Secretariat of the European Judicial Network shall form part of the staff of Eurojust. It shall function as a separate unit. It may draw on the administrative resources of Eurojust which are necessary for the performance of the European Judicial Network's tasks, including for covering the costs of the plenary meetings of the Network. Where plenary meetings are held at the premises of the Council in Brussels, the costs may only cover travel expenses and costs for interpretation. Where plenary meetings are held in the Member State holding the Presidency of the Council, the costs may only cover part of the overall costs of the meeting;

EJM Guidelines

The Guidelines outlined that "as the administrating unit which should be able to provide the necessary professional experience, history and continuity, its tasks should in practical terms inter alia include:

- ensuring the proper administration of the EJM (including the financial and budget management in close cooperation with the Budget unit of Eurojust), with a view to enabling the EJM contact points to fulfil their tasks and keeping the EJM identity
- setting up, maintenance and improvement of the EJM information system/website
- drafting documents related to the activities of the EJM (including reports referred to in the Article 13 of the EJM Decision)
- keeping a general up-to-date record of projects and decisions taken within the EJM



- providing support to the Member State holding the Presidency of the Council in relation to the organization of the meetings
- sharing of information on the challenges, achievements, difficulties and any other issues of general interest for the EJN with the EJN contact points on a permanent consultation basis (e. g. through a newsletter)
- preparation of draft action plans for the new and ongoing projects of the EJN after consultations with the national correspondents
- establishment and maintenance of relations with other bodies and structures in the field of judicial cooperation in criminal matters within and outside the EU; and
- promotion of the EJN, including presentation of the EJN in meetings, conferences or other events organized both within the EU or outside by partners in the third countries or international organizations.

The role of the EJN Secretariat is of the utmost importance for the effective functioning of the EJN as such. The EJN Secretariat shall have its own identity to be able not only to represent the EJN in close consultation and coordination with the Member State which holds the Presidency of the Council and to fulfil its tasks according to the EJN Decision, but also to be a visionary team, to identify new areas where the EJN may be involved or focused on, taking advantage of its strategic position and transmitting to the national correspondents updated information concerning what is going on in the field of the international judicial cooperation. For those reasons, the EJN Secretariat has to be equipped by all the means necessary in order to fulfill its important tasks, including human, financial and other material resources.”

The EJN Secretariat is located on the premises of Eurojust and the staff of the EJN Secretariat is part of the staff of Eurojust. The EJN Secretariat may draw on the administrative resources of Eurojust which are necessary for the performance of its tasks.⁴ It should be able to fully use and benefit from all the means which are at the disposal of Eurojust, such as the legal, IT and financial support. This should allow for the effective functioning of the EJN Secretariat, while at the same time keeping its low cost profile, which has been continuously considered as a very good example of cost-efficient administration. This should not preclude a possible need to increase the

⁴ See Article 25a(1)(b) of the Council Decision on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime of the new Eurojust Decision.



human or financial resources of the EJN Secretariat subject to concrete and reasonably presented facts.

5.2. Action and responsibility

1. Administrating the EJN and coordinating the EJN Secretariat
2. Administration of the EJN website
3. Drafting reports of EJN Secretariat's activities
4. Preparation and execution of the multiannual working programme and budgetary planning
5. Liaison with Eurojust Administrative Director to ensure that the needs of the Network are taken into account in future budget allocations.
6. Ensure the regular support of the EJN Secretariat to the CP's
7. Decision on short and long term projects of the EJN in strategic matters of the EJN
8. Implementation of Secure Telecommunication Network
9. Drafting documents related to the activities of the EJN, including reports (Article 13, EJN Decision) and preparation of draft EJN Manuals for new and ongoing projects of the EJN
10. Providing support to the rotating presidencies of the EU
11. Organisation and preparation of EJN meetings
(see points above)
12. Enhance the exchange of information and awareness of the EJN in the field of judicial cooperation
13. Promotion of training session on judicial cooperation
14. Promotion of language training for the improvement of communication between CP's and practitioners in order to enable judicial cooperation
15. Participation in sessions, seminars and conferences



- **Responsible:** *the EJM Secretariat*
(with administrative support from Eurojust)
- **Deadline:** *Permanent*

5.3. Resources

1. Continuing the evaluation of adequate level of human resources at the Secretariat, taking into account the new tasks of the Secretariat as a result of the EJM Guidelines
2. Continuous training of staff

5.4. Expected results

1. Ensuring proper administration of the EJM
2. Maintenance and development of the EJM
3. Ensuring the long term continuity of the EJM
4. Coordination between presidencies
5. Ensuring the interests of the EJM are properly considered when its budget is determined

5.5. Risks

1. Potential gaps between objectives and execution without sufficient human resources
2. Effect of budgetary reductions on effective functioning of the Network



6. Plenary meetings in the Member States

6.1. *Legal framework*

EJN decision

Article 5 - Purposes and venues of the plenary meetings of contact points

1. The purposes of the plenary meetings of the European Judicial Network, to which at least three contact points per Member State shall be invited, shall be as follows:

(a) to allow the contact points to get to know each other and exchange experience, particularly concerning the operation of the Network;

(b) to provide a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation, in particular with regard to the implementation of measures adopted by the European Union.

3. Meetings referred to in paragraph 1 shall be organized regularly and at least three times a year. Once a year, the meeting may be held on the premises of the Council in Brussels or on the premises of Eurojust in The Hague. Two contact points per Member States shall be invited to meetings organised on the premises of the Council and at Eurojust.

Eurojust decision

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EJN Guidelines

At least three contact points per Member State shall be invited to the plenary meeting organized in the Member State holding the Presidency of the Council. The meeting should consist of two parts:



- One part should be devoted to the matters related to the functioning of the EJM, which have been discussed and prepared in advance by the national correspondents meeting (NCM), and submitted to the plenary meeting for discussion and adoption of final decisions. The role of the NCM in identifying matters for discussion at the plenary meeting is described below in the part related to the NCM.
- The other part should be left to the organising Member State who will decide on the theme of the conference (in general related to the practical and legal problems encountered by the Member States in the context of the judicial cooperation in criminal matters within the EU (Article 5(1)(b) of the EJM Decision)).

The EJM contact points should exchange information and share best practice during the plenary meeting. Workshops may be used as a forum to enable a proper operational discussion on concrete subject matters (e. g. specific case examples or the theme of the conference).

6.2. Action and responsibility

1. Close cooperation between the Presidency and the EJM Secretariat in organising the plenary meeting consisting of *inter alia*
 - a) preparatory meeting between representatives of the Secretariat and of the Presidency at the beginning of the Presidency
 - b) information and training on administrative proceedings for the organisation of the meeting to the Presidencies
 - c) timely and continuous exchange of information between the Presidency and the Secretariat
2. Preparation of documents relating to the functioning of the EJM and discussion of these issues at the NCM preceding the plenary



3. Preparation and discussion of the Agenda and programme for the plenary meetings
 4. Preparation of contract agreement and financial aspects for the plenary meetings
 5. Preparation and dissemination of documents
 6. Administrative organisation of the plenary meeting by the Presidency, with the support of the Secretariat
 7. Hosting the plenary meeting by the Presidency with the active support of the EJM Secretariat
- **Responsible:** Presidency and the EJM Secretariat
 - **Deadline:** On annual basis, according to the schedule of the meetings

6.3. Resources

1. The plenary meetings already existed under the former legal framework. No additional resources needed
2. Financial resources, co-financed by the EJM budget.
3. Human resources in Presidency country and at the EJM Secretariat

6.4. Expected results

1. Well organised plenary meetings
2. Plenary meetings contributing to the proper function and development of the EJM
3. Objectives for the plenary meeting ensured by close cooperation between the Presidency and the EJM Secretariat



4. Proper management of contractual and budgetary procedures

6.5. Risks

1. Plenary meetings organised by the presidencies without taking due consideration to the overall objectives for the EJM as a whole
2. Tight deadlines for the drafting of documents, especially in the last Plenary of the year



7. Regular meetings

7.1. *Legal framework*

EJN decision

Article 5 - Purposes and venues of the plenary meetings of contact points

1. The purposes of the plenary meetings of the European Judicial Network, to which at least three contact points per Member State shall be invited, shall be as follows:

(a) to allow the contact points to get to know each other and exchange experience, particularly concerning the operation of the Network;

(b) to provide a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation, in particular with regard to the implementation of measures adopted by the European Union.

3. Meetings referred to in paragraph 1 shall be organized regularly and at least three times a year. Once a year, the meeting may be held on the premises of the Council in Brussels or on the premises of Eurojust in The Hague. Two contact points per Member States shall be invited to meetings organised on the premises of the Council and at Eurojust.

Eurojust decision

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EJN Guidelines

The regular meeting of the EJN contact points may be held on the premises of the Council in Brussels or on the premises of Eurojust in The Hague once a year (Article 5(3) of the EJN Decision). Two EJN contact points per Member State shall be invited to this meeting.



It is a specific, more limited, form of the plenary meeting which otherwise takes place at the end of the Presidency period and is organized in the Member State holding the Presidency of the Council, on the other hand providing greater number of participants than the NCM.

The regular meeting shall have different objectives and role in comparison to the plenary meetings organized in the Member State holding the Presidency of the Council and the NCM. It should be devoted to practical and organizational matters of the EJM or new initiatives on the judicial cooperation in the EU. Its particular content shall be determined by the Member State holding the Presidency of the Council in close cooperation with the EJM Secretariat, the Council Secretariat and the European Commission. It should be restricted to the EJM contact points only, unless the Member State holding the Presidency of the Council decides otherwise. If the meeting is held in Brussels, the travel expenses cannot, as from 2010, be paid out of the Council's budget.⁵

7.2. Action and responsibility

1. Close cooperation between the Presidency and the EJM Secretariat in organising the plenary meeting consisting of *inter alia*
 - a) preparatory meeting between representatives of the Secretariat and of the Presidency at the beginning of the Presidency
 - b) information and training on administrative proceedings for the organisation of the meeting to the Presidencies
 - c) timely and continuous exchange of information between the Presidency and the Secretariat
2. Consultation between the Presidency and the EJM Secretariat on the topics of the meeting and agreement on the draft agenda

⁵ With regard to the adoption of the EJM Decision, the EJM meetings in Brussels shall not be considered as the meetings of the Council working party anymore and hence the travel expenses cannot be paid out of the Council's budget.



3. Administrative organisation of the meeting by the Presidency and EJM Secretariat, in cooperation with Eurojust/Council Secretariat
 4. Preparation of documents relating to practical and organisational matters of the EJM by the Presidency and by the EJM Secretariat
 5. Determining new initiatives on the judicial cooperation in the EU to be presented during the meeting and selection of speakers on these topics
 6. Sending invitations by the Secretary to the EJM
 7. Meeting held
- **Responsible:** *Presidency and the EJM Secretariat*
 - **Deadline:** *On annual basis, according to the schedule of the meetings*

7.3. Resources

1. Financial and human resources are required for the organisation of the regular meeting, especially taking into account that the meeting will be held at the premises of Eurojust in The Hague

7.4. Expected results

1. Proper preparation of meeting regarding the core matters
2. Suitable organisation of the meeting related with administrative and logistical matters
3. Agreed actions



7.5. Risks

1. Additional costs for the EJM Budget
2. Additional tasks for the EJM secretariat if the meeting is organised in The Hague
3. Difficulties for the meeting to focus and take decisions on vital issues



8. Regional meetings

8.1. Legal framework

EJN decision

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Eurojust decision

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EJN Guidelines

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Other

EJN Guidelines for Regional Meetings

The functioning of the EJN may be improved through organizing of the regional meetings of the EJN contact points in various Member States.

The regional meetings of the EJN contact points shall be organized on the basis of an application for financial support submitted to the EJN Secretariat by the EJN contact point(s) of the Member State(s) organizing the regional meeting at the latest by:

- 30 September for regional meetings organized between January and June the following year; or
- 31 March for regional meetings organized between July and December of that year.



8.2. Action and responsibility

1. National Correspondents and EJM Secretariat to ensure that CPs are aware of the possibility to hold (funded) regional meetings.
 2. CPs to prepare and submit a business case
 3. Selection of requests according to the criteria mentioned in the Guidelines for the regional meetings
 - a. Contact with the applicant(s)
 - b. Information on the guidelines for the organisation of the meetings
 - c. Support to the selected application
 - d. Preparation of contract agreement and financial aspects for these meetings
 - e. Dissemination of documents (preliminary and outcomes) on request of the selected applicant(s)
- ***Responsible:*** *the EJM Secretariat, National Correspondents and Contact Points*
- ***Deadline:*** *March and September of every year, starting with 2010*

8.3. Resources

1. Additional task for the Secretariat that together with other new tasks may require an increase in human resources



8.4. Expected results

1. Applications' selection procedure
2. Execution of budget line
3. Correct implementation of the Guidelines for Regional meetings
4. Improved judicial co-operation

8.5. Risks

1. Insufficient budget in case of numerous applications
2. Existence of the Guidelines/ budget not communicated effectively to CPs so regional meetings not held/funding not applied for.



9. Budgetary matters

9.1. Legal framework

EJN decision

Article 11 - Budget

In order for the European Judicial Network to be able to carry out its tasks, the budget of Eurojust shall contain a part related to the activities of the Secretariat of the European Judicial Network.

Eurojust decision

Article 35.1 - Drawing up of the budget

Each year the College, on the basis of a draft drawn up by the Administrative Director, shall produce an estimate of revenue and expenditure for Eurojust for the following financial year. This estimate, which shall include a draft establishment plan, shall be forwarded by the College to the Commission by 10 February at the latest. The European Judicial Network and networks referred to in Article 25a(2) shall be informed on the parts related to the activities of their secretariats in due time before the forwarding of the estimate to the Commission.

EJN Guidelines

Budgetary matters and time frame for the preparation, adoption and execution of the EJN budget

According to the EJN Decision the Eurojust budget shall contain a specific part related to the activities of the Secretariat of the EJN (Article 11 of the EJN Decision). In order for Eurojust to be able to include a part related to the activities of the Secretariat of



the EJM in its budget⁶, the EJM shall prepare a draft budget to be submitted to Eurojust.

At the October NCM:

- the EJM Secretariat presents a five-year budget plan of the EJM and its amendments;
- the EJM Secretariat presents the initial draft budget of the EJM for two years in advance;
- the EJM Secretariat, in cooperation with the administrative director of Eurojust, may indicate possible cuts in the EJM budget for the next year and if so will present a redraft of the EJM budget for the next year with indications of key items where cuts are not desirable and marginal items where the EJM Secretariat could execute cuts if they are necessary;
- the EJM Secretariat informs about the execution of the budget in the course of the budgetary period for which the budget has been adopted.

Subsequently, **the EJM plenary meeting at the end of the calendar year** approves:

- the five-year budget plan of the EJM and its amendments;
- the initial draft of the EJM budget for two years in advance;
- the final draft of the EJM budget for the next year; and
- the execution of the budget in the course of the budgetary period for which the budget has been adopted.

At the March/April NCM and the EJM plenary meeting in the middle of the calendar year the EJM Secretariat informs about the interim execution of the budget in the course of the budgetary period for which the budget has been adopted.

Due to the fact that the European Parliament approves the Eurojust budget every year in the middle of December, the EJM plenary meeting at the end of the calendar year may approve the EJM budget for the next year only in the form of a draft, showing key items where cuts are not desirable and marginal items where the EJM Secretariat could execute cuts if they are necessary. Once the EJM budget is finally approved, the EJM Secretariat shall inform members of the NCM thereof.

⁶ For the Eurojust budget see Articles 34-37 of the Council Decision on the strengthening of Eurojust and amending Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime of the new Eurojust Decision.



Should the EJM Secretariat consider it necessary to reallocate expenditures between the budget lines within the already approved budget during the course of the budgetary period for which the budget has been adopted, it may do so solely up to a maximum of 1% of the total EJM budget and on condition that the transfer does not lead to the full cancellation of a project for which the financial resources have been allocated. For reallocation of higher sums or reallocation resulting from the full cancellation of a project, approval of the NCM has to be secured before any reallocation is made. Decision on such reallocation shall be adopted by a simple majority of the national correspondents, who may communicate their decision by email. Where approval has been sought by email, the national correspondents shall have two weeks in which they may oppose such reallocation. After this time-limit, reallocation shall be deemed to have been approved if majority of the national correspondents has agreed or remained silent.

9.2. Action and responsibility

1. Preparation of Work Programme and Budget forecasts – 5 years
 2. Ratification of execution and forecast for the current year
 3. Execution of financial year
 4. Monitoring overall budget and budget lines
- ***Responsible:*** *the EJM Secretariat, with the support of the Budget and Finance Unit of Eurojust. National Correspondents scrutinize and the Plenary approves*
 - ***Deadline:*** *On yearly basis*

9.3. Resources

1. Additional task for the Secretariat that together with other new tasks may require an increase in human resources



9.4. Expected results

1. Ensuring accountability and a proper administration of the EJM budget

9.5. Risks

1. Possible conflicts between timetables between Eurojust and the EJM namely, presentation of Work programme (e.g. Eurojust EJM Manual for delivery of budgetary estimates)
2. Possible problems with the urgent budgetary allocation, especially in the final period of the year (use of remaining funds for execution)
3. Adjustments between EJ allocation of money within budget lines and EJM working programme approved by EJM NCM (e.g. year 2009)
4. Agreed objectives not carried out and judicial co-operation jeopardised as a result



10. Ad hoc groups

10.1. Legal framework

EJN decision

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Eurojust decision

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EJN Guidelines

In accordance with the best practice within the EJN, the EJN Secretariat may establish, on an *ad hoc* basis, a sub-group for a specific purpose and within a specified time frame, when it considers it important for the accomplishment of the specific outcomes, in particular regarding the EJN information tools.

Should the NCM consider it appropriate, it may on the request of the EJN Secretariat or any Member State on an *ad hoc* basis, establish a sub-group for a specific purpose and within a specified time frame.

10.2. Action and responsibility

1. Identifying type of projects in which the setting up of subgroups would bring an added value for the EJN work
2. Elaboration of transparent criteria for the selection of the members of different subgroups



- **Responsible:** *the EJM Secretariat, National Correspondents and Tool Correspondents*
- **Deadline:** *Ongoing*

10.3. Resources

1. Volunteers among the Contact Points, which depends on resource allocation within Member States

10.4. Expected results

1. Supporting the EJM Secretariat in implementing the Work programme
2. Enhancing judicial co-operation

10.5. Risks

1. Delayed conclusion of a particular project
2. Resource constraints in Member States may mean the sub-group cannot be formed or is unable to call on necessary expertise



Annex I



The Hague, 29 May 2007

Ref: PLEN2 2007/2
Subject: Guidelines for the selection of contact points of the European Judicial Network (EJN)

I. Introduction

At the 25th plenary meeting of the EJN, held from 29 November to 1 December 2006 in Rovaniemi, the "EJN Vision Paper" was adopted (European Union Council, 11.12.2006; 16444/06; EJN 28). A European Commission communication on this topic and on the future of the European Judicial Network and Eurojust as a whole has been announced for September 2007. During the 26th plenary meeting of the EJN on 26 February 2007 in Brussels, the "Vision Paper" was again discussed. In a preliminary assessment, the European Commission already declared fundamental agreement with large parts of the "Vision Paper". Among other things, the Commission had remarked that the guidelines considered in the "Vision Paper" for the selection of contact points within the European Judicial Network would be considered positive.

Accordingly it was decided in the plenary meeting of 26 February 2007 that these guidelines should be drafted straight away.



II. Requirements

1. General points

The internal organisation of the national part of the European Judicial Network remains within the national competence. These guidelines can only serve as a general guidance for the national authorities when nominating new Contact Points.

The guidelines for the selection of contact points of the European Judicial Network must be based on the range of tasks carried out by the network, as defined by the legal basis for its establishment, namely the Joint Action of 29 June 1998 – adopted by the Council on the basis of Article K. 3 of the Treaty on European Union – on the creation of a European Judicial Network.

Accordingly, taking into account the constitutional provisions, the legal traditions and the internal structure of each Member State, the network is comprised of the central authorities responsible for cooperation in international judicial matters, the judicial authorities or other competent authorities that, within the framework of international cooperation, have individual responsibilities either for serious crimes in general or for certain forms of serious crimes such as organised crime, corruption, drugs trafficking or terrorism. The contact points are active agents that are meant to facilitate judicial cooperation between the Member States, particularly in the field of the prosecution of serious crimes.

These guidelines include both individual and institutional requirements of the contact points. The former takes into account the personal abilities, experiences and dispositions of the person to hold the position of a contact point. The latter takes into account the position that the contact point should have within the national structure of the law enforcement system.

The individual requirements should not only apply for the contact points themselves but also for those other persons who work as deputies or assistants to the former in relation with EJM-related matters.



2. Individual items

The above gives rise to the fundamental requirements as to the selection of contact points of the European Judicial Network.

These requirements are intended to simplify the selection process for the Member States. They should generally be met, but are not binding.

- a) The contact points should possess broad, practical experience as public prosecutors, judges, officers of other investigating authorities or ministry officials within their respective countries. They should preferably have worked in criminal proceedings to fight serious crimes, especially in the field of organised crime, corruption, drug trafficking or terrorism. They should be especially well-versed in the investigative measures permitted in criminal proceedings in their respective countries, in particular in the range of measures that can be used in undercover investigations and to seize and confiscate proceeds of crime. Furthermore they should be familiar with the Information Tools of the EJM.
- b) The contact points should possess practical experience in international cooperation in criminal matters, particularly within the European Union, but also with Non-member States. They should be familiar with the legal basis for international cooperation in the areas of extradition and mutual legal assistance in criminal matters, and therefore particularly with the relevant United Nations Conventions, the major Council of Europe Conventions, the European Union Joint Actions and Framework Decisions and national legislation and practice in their respective countries
- c) Furthermore, it is desirable that they constantly follow the major new developments within the third pillar of the European Union.
- d) As is already stated in the Joint Action, Article 2 paragraph 3, it is vital that, in addition to the language of their respective countries, the contact points possess adequate knowledge of at least one other European Union language.



Furthermore, it would be desirable for them to have knowledge of additional European Union languages.

- e) The EJM will only be able to carry out its tasks optimally if the contact points are able to act flexibly, reliably, quickly and in a sustainable manner. Accordingly, high qualitative requirements should be set as to the particular motivation and ability of the EJM contact points.
- f) The contact points should be in a position to make contact with all authorities responsible for international cooperation in the area of criminal prosecution in their respective countries, to do so quickly and without a large outlay, irrespective of whether these authorities be public prosecutor's offices, courts or ministries, and to obtain relevant information from these bodies. In so far as national law permits, it would also be desirable for the contact points to be located at authorities that are themselves authorised to exert a supporting and formative influence on investigative procedures within their country.
- g) Moreover, the contact points should be willing to cooperate with the other bodies at a European level, especially with Eurojust, with the liaison magistrates and with OLAF, and to demonstrate trustworthiness and initiative in this cooperation.
- h) The contact points are contact persons for the competent authorities, both in their own country and in the other Member States of the European Union. The contact points should therefore be willing to and undertake to answer all questions as soon as possible, fully and appropriately and to play an active part in ensuring that requests for legal assistance are met rapidly and in full.
- i) The contact points should be open to new developments with regard to cross-border cooperation. They should be prepared to accompany these developments in a constructive and practice oriented manner.