
GUIDELINES ON THE STRUCTURE AND FUNCTIONING OF THE EUROPEAN JUDICIAL NETWORK

This document is intended to provide guidance on the structure and operation of the European Judicial Network (hereinafter “the EJN”), in the light of the Council Decision 2008/976/JHA of 16 December 2008 on the European Judicial Network² (hereinafter “the EJN Decision”) and taking into account the Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, as amended by the Decision 2009/426/JHA of 16 December 2008³ (hereinafter “the Eurojust Decision”).

Nothing in this document shall be construed as affecting the flexible nature of the EJN, informal contacts between the EJN contact points, their daily work or internal relations within the Member States.

I. THE PRESIDENCY OF THE EUROPEAN JUDICIAL NETWORK AND THE EJN PRESIDENCY BOARD

The Presidency of the European Judicial Network (EJN) is assumed by the Member State holding the rotating Presidency of the Justice and Home Affairs (JHA) configuration of the Council, hereinafter “*the Presidency*”. The Presidency shall work in close cooperation and coordination with the former Presidency and the two incoming Presidencies, hereinafter “*The EJN Presidency Board*”. The composition of the EJN Presidency Board will change every sixth month, with the former Presidency leaving and the next incoming Presidency in line joining the team. To ensure the execution of the EJN Work Programme, the Presidency, which follows the current EJN Presidency Board, may be invited to join the EJN Presidency Board.

¹ EJN/2009/1 REV2010

² OJEU 21.12.2008, L 348.

³ The Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust and amending Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime, OJEU 04.06.2009, L 138/14..

The EJN Presidency Board shall work in close cooperation with the EJN Secretariat in the interest of the Network and of the continuity of its activities.

Ensuring the **continuity** of the EJN activities is one of the core tasks of the EJN Secretariat, as responsible for the Network's administration in accordance with the EJN Decision. The EJN Presidency Board mechanism represents an added value in ensuring the coherence of the EJN activities according to its annual Work Programmes, hereinafter "*EJN Work Programme*", with the work programmes of the rotating Presidencies of the JHA Council configuration.

The EJN Presidency Board should function and cooperate with the EJN Secretariat on the basis of common principles and best practices, such as those identified by the previous EJN Trio Presidencies configuration, preceding the current EJN Presidency Board mechanism⁴.

The principles and best practices are the following:

- (1) The EJN Presidency Board has to work closely with the EJN Secretariat for the implementation of the EJN Work Programme.
- (2) The EJN Presidency Board and the EJN Secretariat should meet regularly at least in connection to each of the EJN Plenary meetings and the meetings of National Correspondents. The purpose of the meetings is to plan the EJN activities and projects including the agenda of the EJN meetings. These meetings - "EJN Presidency Board meetings" - are normally organised at the premises of Eurojust in The Hague or in the Member State of the Presidency.
- (3) The EJN Secretariat should prepare the EJN Work Programme in close cooperation with the Presidency, assisted by the three other Member States composing the EJN Presidency Board.
- (4) Further proposals of a member of the EJN Presidency Board or from the EJN Secretariat on future projects and activities of the EJN should be subject of discussion in the EJN Presidency Board meetings.
- (5) The EJN Secretariat is entrusted by the EJN Presidency Board in the administrative matters of the EJN, particularly the EJN website, and the management of the relevant projects for the effective implementation of the EJN Decision and of the EJN Work Programme.

⁴ The EJN Trio Presidencies was set up under the Spanish Presidency in 2010 at the first meeting of the EJN Trio Presidencies composed of Spain, Belgium and Hungary, in their meeting of 4 February 2010 in accordance with the Decision of 1 December 2009 on the exercise of the Presidency of the Council (2009/881/EU), OJEU 2.12.2009 L 315/50.



- (6) The EJM Secretariat, being a unit within Eurojust⁵, manages its annual/biannual planning inside Eurojust in conformity with the objectives of the EJM Presidency Board.
- (7) In order to contribute to the strengthening of the privileged relations between the EJM and Eurojust, the EJM Presidency Board and the EJM Secretariat will meet at least once per year with the Eurojust Presidency Team and the Administrative Director of Eurojust to discuss common interests or matters related to both structures. With the view of enhancing the relations and the coordination between both structures, the EJM Presidency Board alongside with the EJM Secretariat may participate in Eurojust internal meetings at the invitation of its College or Administration.

II. THE ADMINISTRATION OF THE NETWORK (ARTICLES 2(8), 7, 9(1), 11, 13 OF THE EJM DECISION)

The EJM Secretariat shall be responsible for the administration of the EJM (Article 2(8) of the EJM Decision). It is therefore essential that the EJM Secretariat may provide effective support to the work of the EJM contact points in general and also assistance to the Presidency.

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:

- (1) 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 fulfill their tasks and keeping the EJM identity;
- (2) setting up, maintenance and improvement of the EJM information system/ website;
- (3) drafting documents related to the activities of the EJM (including reports referred to in the Article 13 of the EJM Decision);
- (4) keeping a general up-to-date record of projects and decisions taken within the EJM;
- (5) providing support to the Presidency in relation to the organization of the meetings;
- (6) sharing of information on the challenges, achievements, difficulties and any other issues of general interest for the EJM with the EJM contact points on a permanent consultation basis (e. g. through a newsletter);

⁵ Article 25a(1)(b) of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by Council Decision 2003/659/JHA and by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust.



- (7) preparation of draft Action plans for the new and ongoing projects of the EJN after consultations with the national correspondents;
- (8) 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
- (9) 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.

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 and the drafting of the EJN biannual reports in accordance with article 13 of the EJN Decision.

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 Presidency and to fulfill 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.⁶ 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 human or financial resources of the EJN Secretariat subject to concrete and reasonably presented facts.

⁶ See Article 25a(1)(b) of the Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by Council Decision 2003/659/JHA and by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust.



III. THE EJN MEETINGS

1. THE PLENARY MEETINGS

The Plenary meetings of the EJN contact points shall take place at least three times a year, being organized by the EJN Secretariat, in close cooperation with the Presidency, (Article 5(1)(3) of the EJN Decision). The Plenary meeting held in Brussels or in The Hague (“the Regular meeting”), will usually take place during February. The other two Plenary meetings will usually take place towards the end of each Presidency period in the Member State of the Presidency.

1.1. THE PLENARY MEETINGS OF THE EJN CONTACT POINTS IN THE MEMBER STATE HOLDING THE PRESIDENCY OF THE COUNCIL

ARTICLE 5(1)(3) OF THE EJN DECISION

At least three contact points per Member State shall be invited to the Plenary meeting organized in the Member State of the Presidency.⁷ The meeting should consist of two parts:

- (1) One part should be devoted to the matters related to the functioning of the EJN, 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.
- (2) The other part should be left to the organising Member State who will decide on the theme of the meeting (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 EJN Decision).

The EJN 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).

⁷ In the Guidelines of the European Judicial Network Meetings (EJN/2016/4), it is specified which other delegates are invited.

1.2. THE REGULAR MEETINGS OF THE EJN CONTACT POINTS IN BRUSSELS / THE HAGUE

ARTICLE 5(3) OF THE EJN DECISION

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 of the Presidency, 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 of the Presidency and the NCM. It should be devoted to practical and organizational matters of the EJN or new initiatives on the judicial cooperation in the EU. Its particular content shall be determined by the Presidency in close cooperation with the EJN Secretariat, the Council Secretariat and the European Commission. It should be restricted to the EJN contact points only, unless the Presidency decides otherwise, and in accordance with the Guidelines on the EJN meetings⁸.

2. MEETINGS OF NATIONAL CORRESPONDENTS (NCM)

ARTICLES 2(3), 4(4), 6(1), 10 OF THE EJN DECISION

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:

- (1) preparation and execution of the budget of the EJN and other budgetary issues;
- (2) 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;
- (3) 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;

⁸ Guidelines of the European Judicial Network Meetings (EJN/2016/4)



- (4) 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;
- (5) providing feedback from the EJN contact points and up-to-date information on the main issues of concern from the national practitioners;
- (6) providing feedback on the implementation of the Council Decision on the EJN in the Member States; and
- (7) preparation, elaboration and implementation of possible Action plans on the new and ongoing projects of the EJN.

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.

According to the EJN Decision, the NCM shall take place on an *ad hoc* basis, at least once a year (Article 6(1) of the EJN Decision). The NCM is usually held in October. If the Presidency of the first semester of the year, in consultation within the EJN Presidency Board, considers it necessary, taking into account the challenges of the EJN and the foreseen role of the NCM, an additional NCM may be held (normally in April).

The NCM should take place on the premises of Eurojust in The Hague and should be prepared and chaired by the national correspondent of the Presidency, with the support and close cooperation of the EJN Secretariat (Article 6(1) of the EJN Decision).

Each Member State shall be represented in the NCM by its national correspondent (Article 6(1) of the EJN Decision). The contact point of the European Commission may also be invited to the NCM, as well as other delegates as appropriate depending on the topics of the meeting. Travel and accommodation expenses of the national correspondents (one representative per Member State) are reimbursed from the EJN budget⁹. Whether a participation of a second EJN contact point for each Member State (without the possibility of reimbursement of the costs) is also allowed, should be determined on a case-by-case basis by the Presidency, in close cooperation with the EJN Secretariat. It should be borne in mind that one of the main advantages of the NCM is its format as a small and effective group.

⁹ For further details on the principles for reimbursement for the NCM, see the Guidelines of the European Judicial Network Meetings (EJN/2016/4).



3. MEETINGS OF TOOL CORRESPONDENTS (TCM)

ARTICLES 2(4), 4(5), 6(2), 7, 8 OF THE EJN DECISION

The TCM shall take place at least once a year (Article 6(2) of the EJN Decision). The tool correspondents meetings should take place on the premises of Eurojust in The Hague and should be prepared and chaired by the tool correspondent of the Presidency, with the support and close cooperation of the EJN Secretariat (in particular the EJN webmaster). Tasks of the tool correspondents should *inter alia* include:

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

The TCM usually takes place in March.

IV. BUDGETARY MATTERS AND TIME FRAME FOR THE PREPARATION, ADOPTION AND EXECUTION OF THE EJN BUDGET

According to the EJN Decision, in order for the EJN to be able to carry out its tasks, the budget of Eurojust shall contain a specific “part related to the activities of the Secretariat of the European Judicial Network” (Article 11 of the EJN Decision).

In accordance with the Eurojust Decision, the EJN shall be informed on the parts related to the activity of its Secretariat “in due time before the forwarding of the estimate to the Commission” (Article 35 paragraph 1).

The EJN Secretariat prepares the EJN Work Programme and the Eurojust Unit Plan¹⁰ for the EJN Secretariat, in close cooperation with the Presidency.

¹⁰ The Unit Plan reflects the activities of the EJN in relation to Eurojust. The Unit Plan is the tool used for the EJN Secretariat to justify and request budget from Eurojust. The Unit Plan is linked to Eurojust Annual

In order to ensure an effective consultation of the Network and an active involvement of the EJM at an early stage in the process of preparation of the part of the Eurojust budget related to the activity of its Secretariat, the following steps should be taken on an annual basis:

| TIMELINE | |
|-------------------------------|---|
| By mid-year | <p>At the EJM Plenary meeting in the middle of the calendar year, the EJM Secretariat informs about the interim execution of the budget for the ongoing calendar year.</p> <hr/> <p>The EJM Secretariat updates the EJM Work Programme and draft budget for the next year (if needed)¹¹.</p> <hr/> <p>The EJM Secretariat prepares the EJM Work programme and draft budget for the year following the next year.</p> |
| By October | <p>The EJM Secretariat presents to the NCM the execution of the budget for the ongoing calendar year.</p> <hr/> <p>The EJM Secretariat presents to the NCM, the EJM Work Programme and draft budget for next year (in updated versions, if applicable) and the EJM Work Programme and draft budget for the year following the next year.</p> <hr/> <p>After the NCM in October and based on the outcome of the NCM, the draft budget for the next year and the draft budget for the year following the next year are submitted by the EJM Secretariat to the Eurojust administration for the approval of Eurojust College.¹²</p> |
| By November | <p>The EJM Secretariat presents and the EJM Plenary agrees on:</p> <ul style="list-style-type: none"> - the execution of the budget for the ongoing calendar year. <hr/> <ul style="list-style-type: none"> - the EJM Work Programmes and draft budgets for the next year and the for the year following the next year. |
| By the end of the year | <p>The EJM Secretariat receives, through the Eurojust administration, a notification from the Eurojust College about the adopted budget for the next year and requests for additional updates, if applicable (e.g. due to budget reductions, budget allocations etc). The EJM Secretariat informs the National Correspondents.</p> |

AMENDMENTS OF THE BUDGET FOR THE NEXT YEAR

During the There may be requests from Eurojust to further amend the already

Objectives, which are simultaneously connected to the strategic Objectives and Goals of Eurojust as stated in the Eurojust Multi-Annual Strategic Plan (MASP).

¹¹ During the course of the ongoing calendar year, the EJM Secretariat may receive via Eurojust administration information about updates of the budget for the **next year**.

¹² The EJM (The EJM Presidency Board and the EJM Secretariat) may be invited to the Eurojust College plenary meeting to discuss their budget proposal for the next year.



first semester adopted budget for the next year.

In those cases, there may be a short deadline for submitting the adjusted budget. This can mean that the EJP may be required to execute cuts at short notice. Should these cuts occur, the EJP Secretariat – in cooperation with the Presidency – and in cooperation with the Budget and Finance Unit of Eurojust will redraft an adjusted budget with indications of key items for the execution of EJP activities where cuts are not desirable.

Once Eurojust's budget (including the EJP budget) is finally approved by the European Commission, the EJP Secretariat will inform the National Correspondents accordingly.

BUDGET ALLOCATION

Should the EJP 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 5% of the total EJP budget and on condition that the transfer does not lead to a substantial change of the EJP Work Programme or the full cancellation of a project for which the financial resources have been allocated. For reallocation of higher sums or reallocation resulting in substantial changes of the EJP Work Programme or the full cancellation of a project, approval of the national correspondents has to be secured before any reallocation is made. Decision on such reallocation in the NCM shall be adopted by a simple majority of the national correspondents.

Where approval has been sought in a written procedure (normally by email), the national correspondents shall have a reaction period, according to the EJP budget cycle constraints, in which they assess on such reallocation. After this time-limit, reallocation shall be deemed to have been approved if a majority of the national correspondents has agreed or remained silent.

Possible timeframe of the different meetings within the EJM during the calendar year

