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Welcome to Eurojust

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Welcome

Eurojust

The European Union's
Judicial Cooperation Unit

WHAT IS EUROJUST?



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A Justice & Home Affairs Agency of the European Union...



European Monitoring Centre
for Drugs and Drug Addiction



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... coordinating investigation and prosecution in criminal cases

Eurojust's Mission:

to stimulate and improve the coordination of investigation and prosecution among the competent judicial authorities of the European Union Member States when they deal with serious cross-border and organised crime

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Eurojust's organisation

- College
 - **28 National Members**
 - experienced **prosecutors, judges or police officers** of equivalent competence
 - supported by Deputies, Assistants or Seconded National Experts
- Administration
 - Headed by **Administrative Director**

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The College of Eurojust (Dec. 2014)



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WHY EUROJUST?



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European Union - freedom of movement



- 28 Member States
>500 million
- Free movement of
 - Goods
 - People
 - Services
 - Capital
- Schengen area:
no border controls

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The dark side of freedom of movement



Easier movement of:

- **Illegal goods**
(drugs, weapons, counterfeit products)
- **People** (human trafficking)
- **Services**
(corruption, fraud)
- **Capital** (money laundering, financing of terrorism)

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Limitations on national police, prosecutors

- **Jurisdiction ends at the borders** of the Member State(s)
- **30 different national legal systems** (+ the EU): cooperation challenging - but necessary
- EU budget and financial interests also need protection – **no EU police, no EU prosecutor**

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EUROJUST AT WORK



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Eurojust's powers

- **Request the authorities of a Member State to**
 - investigate or prosecute specific acts
 - accept that one Member State may be in a better position to undertake an investigation or to prosecute specific acts
 - coordinate between Member States
 - set up a joint investigation team (JIT)
 - provide Eurojust with necessary information

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Eurojust's powers

- Ensure that the **Member States inform each other** about relevant investigations and prosecutions
- Assist in ensuring the **best possible coordination** of investigations and prosecutions

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Eurojust's competences

- Terrorism
- Drug trafficking
- Trafficking in human beings
- Smuggling of illegal immigrants
- Trafficking in nuclear and radioactive substances
- Vehicle crime
- Counterfeiting and forgery

**ORGANISED
CRIME**

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Eurojust's competences

- Money laundering
- Computer crime
- Fraud, corruption and financial crime
- Environmental crime
- Participation in a criminal organisation
- Other serious forms of international crime
- Other offences committed with any of the above

**ORGANISED
CRIME**

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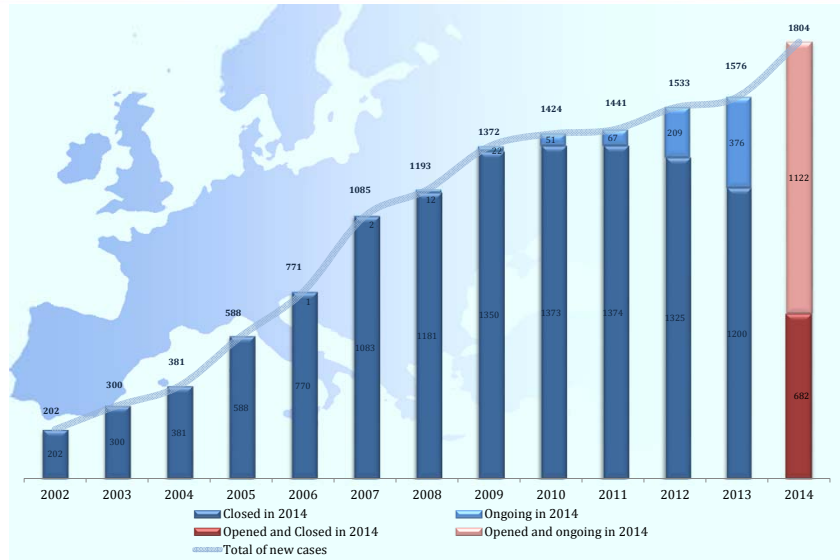
Operational meetings



Coordination centre



Case evolution 2002 - 2014



Statistics produced with data retrieved from CMS on 13 January 2015.
Due to the ongoing nature of cases the figures may change after the reporting date.



ACTS OF EUROJUST



Acts of Eurojust

OPERATIONAL

- **Acting through National Member** (on behalf of Eurojust or as competent national authority)
- **Acting as a College**

ADMINISTRATIVE

- **Access to documents**
- **Data Protection**
- **(Procurement and contracts)**
- **(Staff matters)**

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Acts of Eurojust - OPERATIONAL

Eurojust acting through its National Members or as College:

Requests to

- undertake investigations or prosecution,
- to set up JITs, to provide information,
- to coordinate between other authorities,
- to accept the jurisdiction of one MS, etc.
- role as facilitator in Mutual Legal Assistance in criminal matters

Member States shall ensure that authorities respond without undue delay.

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Acts of Eurojust - OPERATIONAL

Additional tasks of Eurojust acting as College

- gives written non-binding opinions on cases of conflict of jurisdiction
- gives written non-binding opinions in recurrent difficulties regarding cooperation

Follow-up of the requests and opinions of Eurojust

If national authorities decide not to comply with requests and opinions:

- They shall inform Eurojust without undue delay of their decision and the reasons for it (some exceptions)

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Remedies - Operational Acts by National Members and College

- **Admissibility of actions for annulment (OLAF Case 60/81 IBM vs Commission)**

*“any measure the legal effects of which are **binding** on and capable of **affecting the interests of the applicant** by bringing about a **distinct change** in his legal position”.*

a **distinct change** in the legal position of the applicant can only arise *“when the act is **definitive**, unless an intermediate measure produces legal effects which cannot later be challenged in proceedings brought against the definitive measure”.*

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Remedies - Operational Acts by National Members and College

OLAF	EUROJUST
Competence to conduct administrative investigations	No competence to conduct investigations
Jurisprudence: Transmission of information without legally binding effect for judicial authorities	No obligation to act for competent national authorities on basis of Eurojust information
Jurisprudence: Final reports by OLAF do not produce legally binding effects	Acts by College/National Members are no final measures

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Remedies - Operational Acts by National Members and College

➤ Article 267 TFEU : Preliminary rulings:

- Validity or interpretation of Eurojust act subject to reference for preliminary ruling?

1. References on interpretation

National courts prevented from making a reference if:

- *the CJEU has already ruled on the point* or
- *the correct interpretation of the rule of law in question is obvious*

2. References on determination of validity

National courts must submit a request for a preliminary ruling to the CJEU when they have doubts about the validity of such an act, stating the reasons for which they consider that the act may be invalid.

See OLAF Case C-348/11, Thomson Sales Europe – validity of OLAF investigation in Thailand

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Acts of Eurojust in Public Access to documents

➤ Right of access to Eurojust documents

- Citizens of the EU and any natural or legal person residing or having its registered office in a Member State may make a request for access to all documents of Eurojust (Article 15 TFEU)
- **Internal appeal procedure:**
Confirmatory application (to Administrative Director)
- Article 8(2) Eurojust Decision on Access to Documents: *“Eurojust will inform the applicant **of the remedies open to him or her**”*

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Acts of Eurojust in Public Access to documents

Decisions taken in relation to requests for **access to documents:**

- **As from 1 December 2014**, jurisdiction of CJEU to deal with complaints regarding replies to confirmatory applications to **all** Eurojust documents.
- **Case law** suggests strict interpretation of the use of exceptions

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Acts of Eurojust in Data Protection

Procedural Rights under the Eurojust Decision

- right to access of any individual concerning his/her own personal data or to get such information checked; right of correction, deletion or blocking of one's own personal data.
- the individual must make a request on which Eurojust must decide within three months.
- the individual can appeal to the Joint Supervisory Body (JSB).
- Decisions of the JSB shall be final and binding on Eurojust.

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Contact Information

Natalie Bergmann

Senior Legal Officer – Head of Sector

nbergmann@eurojust.europa.eu

0031 70 412 5602



www.eurojust.europa.eu

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