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from:	Presidency
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Subject:	Judicial cooperation in border regions within the European Union

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**Judicial cooperation in border regions within the European Union**

**JHA 8 - 9 November 2010**

**Lunch topic**

One of the main goals of the European Union is the free movement of persons. The removal of controls at the internal borders between States belonging to the Schengen area, which began in 1995, made it easier for European citizens to move, work, and start businesses on the other side of the borders. This made for economic, social and territorial cohesion, involving greater cooperation between Member States. In this regard, a useful tool has been developed at EU level and used by some Member States: the European groupings of territorial cooperation (EGTCs), in accordance with Regulation 1082/2006. EGTCs aim at facilitating and promoting cross-border, transnational and/or interregional cooperation between members with the exclusive aim of strengthening economic and social cohesion. EGTCs are composed, among others, of regional and local authorities.

Unfortunately, this open area has also enabled criminality to spread more easily over the border regions, thus involving several Member States. This has brought a growing need for police and judicial authorities from different Member States to cooperate.

In this respect, judicial cooperation has developed extensively in recent years and relies on a certain number of instruments. At European level, Eurojust was set up with a view to reinforcing the fight against serious crime through closer judicial cooperation within the European Union. Eurojust's competence covers investigations and prosecutions in relation to serious crime, particularly organised crime. Its goals are to promote coordination between competent authorities in the Member States but also to facilitate international mutual legal assistance.

In the border regions, however, the need for greater cooperation is more marked, not only with regard to serious crimes but also for less serious offences. At the level of police cooperation, law enforcement agencies have agreed on the need to strengthen operational cooperation and the sharing of operational information between Member States in border areas, prompting the introduction of joint police stations, followed by police and customs cooperation centres (PCCCs), as one of the compensatory measures for the abolition of the internal border controls.

In the judicial area, while flows of international cooperation are more important in the border regions, structured forms of local cooperation are lacking. Such structured forms of judicial cooperation in the border regions could create added value by bringing together all the judicial authorities of neighbouring States.

A concrete example of structured judicial cooperation is to be found in the Euregio Meuse-Rhin, between the Netherlands, Germany and Belgium. For many years, initiatives have been undertaken to fight cross-border crime in this region. At first, a PCCC was established where police officers exchanged information on a daily basis. Subsequently, in order to improve investigation and prosecution between the three countries at the level of public prosecution services, the Bureau for Euregional Cooperation was set up. This Bureau is housed at the Public Prosecutor's Office in Maastricht. It consists of an "officier van justitie" assisted by Dutch staff. A Belgian legal advisor from the public prosecutor's office has been employed since September 2005, and Germany sent an *Oberstaatsanwalt* (German public prosecutor) in October 2008. This Bureau has proven to be a useful tool for exchanging information and enhancing cooperation on ongoing investigations with possible cross-border connections.

Based on this positive experience, the Belgian Presidency wishes to foster practical judicial cooperation within the border regions, by improving knowledge about the various existing forms of judicial cooperation and exchanging information on contact points and best practice. The plenary meeting of the European Judicial Network to be held on 29-30 November will be devoted to this subject. A questionnaire has already been sent to the EJM Contact Points in this respect.

The Belgian Presidency would also like to take the opportunity of the JHA Council meeting to launch discussion on judicial cooperation in border regions within the EU in order to exchange views and best practice between Member States on this subject and assess whether further steps need to be taken at EU level. The Presidency accordingly proposes that discussion should focus on the following:

- What is your national experience of cooperation with other Member States in border regions?
- Do you consider it useful to establish structured forms of judicial cooperation in border regions?
- Should such structured forms of judicial cooperation in border regions be promoted at EU level?

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