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International cooperation in the border regions within the European Union

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35th EJN Plenary Meeting – Kortrijk 28-30 November 2010

General Conclusions

The 35th Plenary Meeting of the European Judicial Network, held on 28-30 November 2010 in Kortrijk, Belgium, was devoted to judicial cooperation in the border regions within the European Union. The aim of this Plenary Meeting was to gain insight on the various forms of judicial cooperation and police cooperation for judicial purposes in the border regions between the Member States.

As a follow-up to the informal discussions of the Ministers of Justice at their lunch during the Council meeting on 8-9 November 2010, the objective pursued by the Plenary Meeting was to improve knowledge about different forms of international cooperation in border regions as well as to exchange information on contact points and best practices. This objective is directly linked to the priorities set out under the current Trio Presidency Programme.

Findings:

1. In today's European Union judicial authorities from different Member States increasingly need to work together in order to fight cross border crime. Member States often go even further and create regional ad-hoc organisations or intensified cooperation between each other. At the administrative level, with a view to strengthening territorial cooperation, EC Regulation 1082/2006 provides for the possibility of setting up a European grouping of territorial cooperation (EGTC).
2. Judges, public prosecutors and police services in the field, as well as academics in some Member States, take a keen interest in the issue of international cooperation in the border regions of Europe. This has been shown by the large number of replies to the questionnaire, the massive attendance at the Plenary Meeting and the active participation of the persons present.
3. Answers to the questionnaire and the debate in the Plenary Meeting revealed that there is great diversity among border regions of the EU, both at police level and at judicial level, as regards the approach to cooperation within the border regions and its organization.
4. The histories and origins of the specific forms of cooperation are often diverse. Most cooperation models are created from the bottom up. Many specific forms of cooperation are not based on a Convention or on provisions of law.
5. On the one hand, specific police cooperation in border regions is widespread in the EU (for instance about 34 *Police and/or Custom Cooperation Centres* have been created within the European Union). Beside this recurrent form of structured police cooperation, informal mechanisms for cooperation often exist between the police services within border regions.
6. On the other hand, judicial forms of cooperation are less developed. Strongly structured cooperation between judicial authorities remains exceptional (see, for instance, the "*Bureau for Euregional Cooperation*" in Maastricht involving Belgium, Germany and The Netherlands).

7. Several obstacles have been identified such as budget restrictions, language problems, lack of secured telecommunication systems, differences in the legal and judicial systems involved in the border region, lack of competence of the law enforcement and judicial authorities. Participants in the Plenary Meeting showed a genuine commitment to finding solutions in order to overcome these obstacles.

Conclusions:

1. In border regions, swift and flexible cooperation at police and/or judicial level is necessary in cases of cross-border pursuit, observation, arrest, interception of telecommunications and transfer of evidence. Unnecessary formalities or bureaucracy should be avoided.
2. A common regional cross-border approach is a main asset in border regions, which are often confronted with typical cross-border crime and phenomena (for instance drug tourism). It is therefore useful to establish structured or strengthened forms of judicial cooperation in border regions.
3. Nevertheless, their creation and level of integration, as well as the way they operate, should be proportionate to the real need and specificity of the local situation. The initiative should come from the persons in the field. Flexible and informal mechanisms of cooperation should be preferred as a first step.
4. Direct personal contacts between the authorities involved from the different sides of the border are of crucial importance. Such contacts should, amongst other things, be organised through regular meetings in order to ensure continuity.
5. The identification of common priorities, based on statistics and analysis of criminal trends, could be achieved through the organisation of these regular meetings. The involvement of the academic world may bring added value in this process. Regular meetings can facilitate spontaneous exchange of information as foreseen by Article 7 of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters.

6. A Memorandum of Understanding could be a basis for practical daily cooperation in order to clarify competences and projects. A “Vademecum” or manual containing practical information on the different judicial systems applicable in the countries involved could also be useful in order to improve mutual knowledge.
7. The existing contact points of the regional judicial cooperation organisations could become EJM Contact points with regional specificity in order to integrate the EJM structure and use all its facilities (lists, website, financing of regional meetings).
8. In general, lack of resources is an obstacle for cross-border cooperation. The question remains whether a contribution from the EU-budget could be useful to improve and facilitate cross-border cooperation where necessary (for instance, to cover the costs of translation or interpretation). Prior use should be made of existing possibilities, such as applying for contributions from the EJM Budget for regional meetings (subject to the involvement of EJM Contact points), EU funding via the financial programmes of the Commission and the JIT funding project via Eurojust in case a JIT is set up.
9. The answers to the questionnaire could be a basis to start an exhaustive inventory on regional cooperation across the European Union. Indeed, a global overview of cross-border cooperation in Europe, a list of contact persons, and first and foremost an exchange of good practices are deemed necessary. The question arises as to which entity could be best placed to undertake this exercise.
10. International cooperation may occur at different levels: through European bodies such as Eurojust, national central authorities or regional authorities. The three levels (regional, national, European) should be connected without interfering or competing with each other. Synergy and transparency are key words in this respect.