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NOTE

From: Presidency
To: Working Party on Cooperation in Criminal Matters

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Subject: Proposal for a Regulation on the European Union Agency for Criminal
Justice Cooperation (Eurojust)
- Revised text Chapters III, V and VI

Delegates will find a revision of the Commission's proposal Chapter III, Chapter V with the exception of the Articles dealing with the EJM (Article 39) and EPPO (Article 41), and Chapter VI in the Annex.

The changes in the text are highlighted in **bold** and ~~strikethrough~~.

CHAPTER III OPERATIONAL MATTERS

Article 19

On-call coordination (OCC)

1. In order to fulfil its tasks in urgent cases, Eurojust shall operate an On-Call Coordination able to receive and process at all times requests referred to it. The On-Call Coordination shall be **contactable**, ~~through a single On-Call Coordination contact point at Eurojust~~, on a 24 hour/7 day basis.
2. The On-Call Coordination shall rely on one representative (On-Call Coordination representative) per Member State who may be either the national member, his deputy, or an Assistant entitled to replace the national member. The On-Call Coordination representative shall be able to act on a 24 hour/7 day basis.
3. The On-Call Coordination representatives shall act without delay, in relation to the execution of the request in their Member State **through the exercise of the powers available to them in accordance with Article 8(3)**.

Article 20

Eurojust National Coordination System

1. Each Member State shall designate one or more national correspondents for Eurojust.
2. Each Member State shall 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 in criminal matters and up to three other contact points of that European Judicial Network;

- d) national members or contact points of the Network for Joint Investigation Teams and of the networks set up by Decision 2002/494/JHA, Decision 2007/845/JHA and by Decision 2008/852/JHA.
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 member shall be informed of all meetings of the ENCS where casework related matters are discussed and may attend as necessary.**
6. ~~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 24 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 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 those based on instruments giving effect to the principle of mutual recognition;
- d) maintaining close relations with the Europol National Unit, **other European Judicial Network contact points and other relevant competent national authorities.**
7. ~~6.~~ In order to meet the objectives referred to in paragraph ~~6~~5, persons referred to in paragraph 1 and in points (a), (b) and (c) of paragraph 2 shall, and persons referred to in point (d) of paragraph 2 may be connected to the Case Management System in accordance with this Article and with Articles 24, 25, 26 and 30. The connection to the Case Management System shall be at the charge of the general budget of the European Union.

8. ~~7~~ The setting up of the Eurojust national coordination system and the designation of national correspondents shall not prevent direct contacts between the national member and the competent authorities of his Member State.

Article 21

Exchanges of information with the Member States and between national members

1. The competent authorities of the Member States shall exchange with Eurojust any information necessary for the performance of its tasks in accordance with Articles 2 and 4 as well as with the rules on data protection set out in this Regulation. This shall at least include the information referred to in paragraphs **4, 5 and 6** ~~and 7~~.
2. The transmission of information to Eurojust shall only be interpreted as a request for the assistance of Eurojust in the case concerned if so specified by a competent authority.
3. The national members shall exchange any information necessary for the performance of the tasks of Eurojust, without prior authorisation, among themselves or with their Member State's competent authorities. In particular, the competent national authorities shall promptly inform their national members of a case which concerns them.
4. The national competent authorities shall inform their national members of the setting up of joint investigation teams and of the results of the work of such teams.
5. The national competent authorities shall inform their national members without undue delay of any case concerning crimes ~~under the competence of Eurojust~~ **listed in Annex 1** affecting at least three Member States and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member States.
6. The national competent authorities shall inform their national members of:
 - a) cases where conflicts of jurisdiction have arisen or are likely to arise;
 - b) controlled deliveries affecting at least three countries, at least two of which are Member States;

- c) repeated difficulties or refusals regarding the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition.
7. National authorities shall not be obliged in a particular case to supply information if this would mean:
- a) harming essential national security interests; or
 - b) jeopardising the safety of individuals.
8. This Article shall be without prejudice to conditions set in bilateral or multilateral agreements or arrangements between Member States and third countries including any conditions set by third countries concerning the use of information once supplied.
9. Information referred to in this Article shall be provided in a structured way ~~as established by Eurojust.~~ **using a template provided for in the rules of procedure.**

Article 22

Information provided by Eurojust to competent national authorities

1. Eurojust shall provide competent national authorities with information **and feedback** on the results of the processing of information, including the existence of links with cases already stored in the Case Management System. This information may include personal data.
2. Where a competent national authority requests Eurojust to provide it with information, Eurojust shall transmit it in the timeframe requested by that authority.

Article 24

Case Management System, index and temporary work files

1. Eurojust shall establish a Case Management System composed of temporary work files and of an index which contain personal data as referred to in Annex 2 and non-personal data.

2. The purpose of the Case Management System shall be to:
 - a) support the management and coordination of investigations and prosecutions for which Eurojust is providing assistance, in particular by the cross-referencing of information;
 - b) facilitate access to information on on-going investigations and prosecutions;
 - c) facilitate the monitoring of lawfulness and compliance with the provisions of this Regulation concerning the processing of personal data.
3. The Case Management System may be linked to the secure telecommunications connection referred to in Article 9 of Decision 2008/976/JHA.
4. The index shall contain references to temporary work files processed within the framework of Eurojust and may contain no personal data other than those referred to in points (1)(a) to (i), (k) and (m) and (2) of Annex 2.
5. In the performance of their duties, the national members may process data on the individual cases on which they are working in a temporary work file. ~~They shall allow the Data Protection Officer to have access to the temporary work file.~~ The Data Protection Officer shall be informed by the national member concerned of the opening of each new temporary work file that contains personal data. **The national member shall allow the Data Protection Officer to have access to the temporary work file.**
6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System. **Eurojust may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to its tasks and can be included in the Case Management System.**¹
7. [²The Case Management System and its temporary work files shall be made available for use by the European Public Prosecutor's Office.

¹ A new 28(1)(f) will specify the time limitation for retention of data for this purpose.

² Paras 7 and 8 are in square brackets until EPPO is progressed further.

8. The provisions on access to the Case Management System and the temporary work files shall apply *mutatis mutandis* to the European Public Prosecutor's Office. However, the information entered into the Case Management System, temporary work files and the index by the European Public Prosecutor's Office shall not be available for access at the national level.]

Article 25

Functioning of temporary work files and the index

1. A temporary work file shall be opened by the national member concerned for every case with respect to which information is transmitted to him or her in so far as this transmission is in accordance with this Regulation ~~or other applicable legal instruments~~. The national member shall be responsible for the management of the temporary work files opened by that national member.
2. The national member who has opened a temporary work file shall decide, on a case-by-case basis, whether to keep the temporary work file restricted or to give access to it or to parts of it, to other national members or to Eurojust staff **who have received the necessary authorisation from** the Administrative Director.
3. The national member who has opened a temporary work file shall decide which information related to this temporary work file shall be introduced in the index.

Article 26

Access to the Case Management System at national level

1. Persons referred to in Article 20(2), in so far as they are connected to the Case Management System, may only have access to:
 - a) the index, unless the national member who has decided to introduce the data in the index expressly denied such access;
 - b) temporary work files opened by the national member of their Member State;
 - c) temporary work files opened by national members of other Member States and to which the national member of their Member States has received access unless the national member who opened the temporary work file expressly denied such access.

2. The national member shall, within the limitations provided for in paragraph 1, decide on the extent of access to the temporary work files which is granted in his or her Member State to persons referred to in Article 20(2) in so far as they are connected to the Case Management System.
3. Each Member State shall decide, after consultation with its national member, on the extent of access to the index which is granted in that Member State to persons referred to in Article 20(2) in so far as they are connected to the Case Management System. Member States shall notify Eurojust and the Commission of their decision regarding the implementation of this paragraph. The Commission shall inform the other Member States thereof.
4. Persons which have been granted access in accordance with paragraph 2 shall at least have access to the index to the extent necessary to access the temporary work files to which they have been granted access.

CHAPTER V RELATIONS WITH PARTNERS

SECTION I COMMON PROVISIONS

Article 38 **Common provisions**

1. In so far as necessary for the performance of its tasks, Eurojust may establish and maintain cooperative relations with Union bodies and agencies in accordance with the objectives of those bodies or agencies, the ~~competent~~ authorities of third countries, international organisations and the International Criminal Police Organisation (Interpol).
2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 21(8) **and Article 62**, Eurojust may directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.

3. **For the purposes set out in paragraphs 1 and 2, Eurojust may conclude working arrangements with entites referred to in paragraph 1. Those working arrangements shall not allow the exchange of personal data and shall not bind the Union or its Member States.**
- ~~3.4~~ Eurojust may receive and process personal data received from the entities referred to in paragraph 1 in so far as necessary for the performance of its tasks and subject to the provisions of Section IV.
- ~~4.5~~ Personal data shall only be transferred by Eurojust to **Union bodies**, third countries, international organisations and Interpol if this is necessary **for the performance of its tasks and in accordance with Articles 44 and 45**. If the data to be transferred have been provided by a Member State, Eurojust shall seek **the consent of the relevant competent authority in that Member State**, unless:
- a) ~~the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers; or~~
 - b) the Member State has granted its prior authorisation to such onward transfer, either in general terms or subject to specific conditions. Such consent may be withdrawn any moment.
- ~~5.6~~ Onward transfers to third parties of personal data received from Eurojust by Member States, Union bodies or agencies, third countries and international organisations or Interpol shall be prohibited unless Eurojust has given its explicit consent after considering the circumstances of the case at hand, for a specific purpose that is not incompatible with the purpose for which the data was transmitted.

SECTION II RELATIONS WITH PARTNERS

Article 40 **Relations with Europol**

1. Eurojust shall take all appropriate measures to enable Europol, within its mandate, to have ~~indirect~~ access on the basis of a hit/no hit system to information provided to Eurojust, without prejudice to any restrictions indicated by the providing Member States, Union bodies, third countries, international organisations or Interpol. In case of a hit, Eurojust shall initiate the procedure by which the information that generated the hit may be shared, in accordance with the decision of ~~the Member State, Union body, third country, international organisation or Interpol that provided the information to Eurojust.~~ **of the provider of the information to Eurojust.**
2. Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at ~~Eurojust~~ **Europol** matches with information processed at ~~Europol.~~ **Eurojust.**
3. Eurojust shall allow searches in accordance with paragraph 1 only after obtaining from Europol information about which staff members have been designated as authorised to perform such searches.
4. If during Eurojust's information processing activities in respect of an individual investigation, Eurojust or a Member State identifies the necessity for coordination, cooperation or support in accordance with the mandate of Europol, Eurojust shall notify them thereof and shall initiate the procedure for sharing the information, in accordance with the decision of the Member State providing the information. In such a case Eurojust shall consult with Europol
5. Europol shall respect any restriction to access or use, in general or specific terms, indicated by Member States, Union bodies or agencies, third countries, international organisations or Interpol.

Article 42
Relations with other Union bodies and agencies

1. Eurojust shall establish and maintain cooperative relations with the European Judicial Training Network.
2. OLAF ~~may~~**shall** contribute to Eurojust's coordination work regarding the protection of the financial interests of the Union, in accordance with its mandate under Regulation (EU, Euratom) of the European Parliament and of the Council No .../2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.
3. For purposes of the receipt and transmission of information between Eurojust and OLAF, and without prejudice to Article 8, Member States shall ensure that the national members of Eurojust shall be regarded as competent authorities of the Member States solely for the purposes of **Regulation (EU, Euratom) of the European Parliament and of the Council No .../2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing** Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999³. The exchange of information between OLAF and national members shall be without prejudice to the information which must be given to other competent authorities under those Regulations.

SECTION III
INTERNATIONAL COOPERATION

Article 43
Relations with the authorities of third countries and international organisations

1. ~~Eurojust may establish~~ The working arrangements referred to in Article 38(3) ~~with the entities referred to in Article 38(1)~~ may include the secondment of liaison magistrates to Eurojust.
2. Eurojust may designate, in agreement with the competent authorities, contact points in third countries in order to facilitate cooperation **in line with Eurojust's operational needs.**

³ OJ L 136, 31.5.1999, p. 8.

SECTION IV
TRANSFERS OF PERSONAL DATA

Article 44

Transfer of personal data to Union bodies or agencies

Subject to any possible restrictions pursuant to Article 21(8) **and Article 62**, Eurojust may directly transfer personal data to Union bodies or agencies in so far as it is necessary for the performance of its tasks or those of the recipient Union body or agency.

Article 45

Transfer of personal data to third countries and international organisations

1. **Subject to any restrictions stipulated in Article 62**, Eurojust may transfer personal data to an authority of a third country or to an international organisation or Interpol, in so far as this is necessary for it to perform its tasks, only on the basis of:
 - a) a decision of the Commission adopted in accordance with Articles 25 and 31 of Directive 95/46/EC of the European Parliament and of the Council⁴ **or Article 34 of Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data**⁵ that that country or international organisation, or a processing sector within that third country or international organisation ensures an adequate level of protection (adequacy decision); or
 - b) an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 of the Treaty adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals; or

⁴ OJ L 281, 23.11.1995, p. 31.

⁵ This Draft Directive is part of the data protection package doc 5833/12 and 11624/1/13 Rev 1 which is likely to be adopted before the Eurojust Regulation.

- c) a cooperation agreement concluded between Eurojust and that third country or international organisation in accordance with Article 27 of Decision 2002/187/JHA.

Without prejudice to Article 38(5), such transfers do not require further authorisation.

~~Eurojust may conclude~~ **The working arrangements referred to in Article 38(3) may be used** to implement such agreements or adequacy decisions.

2. By way of derogation from paragraph 1, Eurojust may authorise the transfer of personal data to third countries or international organisations or Interpol on a case-by-case basis if:
 - a) the transfer of data is absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Eurojust's ~~objectives~~ **tasks**;
 - b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences;
 - c) the transfer is otherwise necessary or legally required on important public interest grounds of the Union or its Member States, as recognised by Union law or by national law, or for the establishment, exercise or defence of legal claims; or
 - d) the transfer is necessary to protect the vital interests of the data subject or another person.
3. Moreover the College may, in agreement with the European Data Protection Supervisor, authorise a set of transfers in conformity with points a) to d) above, taking into account the existence of safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals, for a period not exceeding one year, renewable.
4. The European Data Protection Supervisor shall be informed of cases where paragraph 3 was applied.
5. ~~Eurojust may transfer administrative personal data in accordance with Article 9 of Regulation (EC) No 45/2001.~~

Article 46

Liaison magistrates posted to third countries

1. For the purpose of facilitating judicial cooperation with third countries in cases in which Eurojust is providing assistance in accordance with this Regulation, the College may post liaison magistrates to a third country subject to a working arrangement as referred to in Article ~~43~~ **38(3)** with that third country.
2. The liaison magistrate referred to in paragraph 1 is required to have experience of working with Eurojust and adequate knowledge of judicial cooperation and how Eurojust operates. The posting of a liaison magistrate on behalf of Eurojust shall be subject to the prior consent of the magistrate and of his or her Member State.
3. Where the liaison magistrate posted by Eurojust is selected among national members, deputies or assistants:
 - a) he or she shall be replaced in his or her function as a national member, deputy or Assistant, by the Member State;
 - b) he or she ceases to be entitled to exercise the powers granted to him or her in accordance with Article 8.
4. Without prejudice to Article 110 of the Staff Regulations, the College shall draw up rules on the posting of liaison magistrates and adopt the necessary implementing arrangements in this respect in consultation with the Commission.
5. The activities of liaison magistrates posted by Eurojust shall be ~~the~~ subject ~~of~~ **to the** supervision ~~by~~ **of** the European Data Protection Supervisor. The liaison magistrates shall report to the College, which shall inform the European Parliament and the Council in the annual report and in an appropriate manner of their activities. The liaison magistrates shall inform national members and national competent authorities of all cases concerning their Member State.

6. Competent authorities of the Member States and liaison magistrates referred to in paragraph 1 may contact each other directly. In such cases, the liaison magistrate shall inform the national member concerned of such contacts.
7. The liaison magistrates referred to in paragraph 1 shall be connected to the Case Management System.

Article 47

Requests for judicial cooperation to and from third Countries

1. Eurojust ~~shall~~ **may, with the agreement of the Member States concerned**, coordinate the execution of requests for judicial cooperation issued by a third country where these requests ~~are part of the same investigation and~~ require execution in at least two Member States **as part of the same investigation**. Such requests may also be transmitted to Eurojust by a competent national authority.
2. In case of urgency and in accordance with Article 19, the On-Call Coordination (OCC) may receive and process requests referred to in paragraph 1 of this Article and issued by a third country which has concluded a **cooperation agreement or** working arrangement with Euroj
3. Without prejudice to Article 3(43), where requests for judicial cooperation, which relate to the same investigation and require execution in a third country, are made, Eurojust shall facilitate judicial cooperation with that third country.

**CHAPTER VI
FINANCIAL PROVISIONS**

Article 48

Budget

1. Estimates of all the revenue and expenditure of Eurojust shall be prepared for each financial year, corresponding to the calendar year, and shall be shown in Eurojust's budget.
2. Eurojust's budget shall be balanced in terms of revenue and of expenditure.

3. Without prejudice to other resources, Eurojust's revenue shall comprise:
 - a) a contribution from the Union entered in the general budget of the European Union;
 - b) any voluntary financial contribution from the Member States;
 - c) charges for publications and any service provided by Eurojust;
 - d) ad-hoc grants.
4. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs **including funding for Joint Investigation Teams.**

Article 49

Establishment of the budget

1. Each year the Administrative Director shall draw up a draft statement of estimates of Eurojust's revenue and expenditure together, for the following financial year, including the establishment plan, and send it to the College. **The European Public Prosecutor's Office, the European Judicial Network and other networks referred to in Article 39 shall be informed on the parts related to their activities in due time before forwarding the estimate to the Commission.**
2. The **Executive Board** ~~College~~ shall, on the basis of that draft, ~~produce~~ **prepare** a provisional draft estimate of Eurojust's revenue and expenditure for the following financial year **which shall be forwarded to the College for adoption.**
3. The provisional draft estimate of Eurojust's revenue and expenditure shall be sent to the European Commission by no later than 31 January each year. Eurojust shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.
4. The Commission shall send the statement of estimates to the European Parliament and the Council (the budgetary authority) together with the draft general budget of the European Union.

5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the European Union the estimates it considers necessary for the establishment plan and the amount of the contribution to be charged to the general budget, which it shall place before the budgetary authority in accordance with Articles 313 and 314 of the Treaty.
6. The budgetary authority shall authorise the appropriations for **the contribution from the European Union to Eurojust's contribution**.
7. The budgetary authority shall adopt Eurojust's establishment plan.
8. Eurojust's budget shall be adopted by the College. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted **by Eurojust** accordingly.
9. For any building project likely to have significant implications for the **Eurojust's budget Article 88 of Regulation (EU) No 1271/2013 shall apply**.
- ~~10. Except in cases of force majeure referred to in Article 203 of Regulation (EU, EURATOM) No 966/2012 the European Parliament and the Council shall deliberate upon the building project within four weeks of its receipt by both institutions.~~

~~The building project shall be deemed approved at the expiry of this four-week period, unless the European Parliament or the Council take a decision contrary to the proposal within that period of time.~~

~~If the European Parliament or the Council raise duly justified concerns within that four-week period, that period shall be extended once by two weeks.~~

~~If the European Parliament or the Council take a decision contrary to the building project, Eurojust shall withdraw its proposal and may submit a new one.~~
- ~~11. Eurojust may finance a budget acquisition project through a loan subject to prior approval of the budgetary authority in accordance with Article 203 of Regulation (EU, EURATOM) No 966/2012.~~

Article 50

Implementation of the budget

The Administrative Director shall act as the authorising officer of Eurojust and shall implement Eurojust's budget under his or her own responsibility and within the limits authorised in the budget.

Article 51

Presentation of accounts and discharge

1. By 1 March following each financial year, Eurojust's Accounting Officer shall send the provisional accounts to the Commission's Accounting Officer and the Court of Auditors.
2. Eurojust shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors, by 31 March of the following financial year.
3. By 31 March following each financial year, the Commission's Accounting Officer shall send Eurojust's provisional accounts consolidated with the Commission's accounts to the Court of Auditors.
4. In accordance with Article 148(1) of Regulation (EU, EURATOM) No 966/2012, the Court of Auditors shall, by 1 June of the following year at the latest, make its observations on the provisional accounts of Eurojust.
5. On receipt of the Court of Auditors' observations on Eurojust's provisional accounts pursuant to Article 148 of Regulation (EU, EURATOM) No 966/2012, the Administrative Director shall draw up Eurojust's final accounts under his or her own responsibility and submit them to the College/Executive Board for an opinion.
6. The College/Executive Board shall deliver an opinion on Eurojust's final accounts.
7. The **Accounting Officer of Eurojust** ~~Administrative Director~~ shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the Executive Board's opinion.

8. The final accounts of Eurojust shall be published in the Official Journal of the European Union by 15 November of the **year** following **the respective financial** year.
9. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The Administrative Director shall also send this reply to the Executive Board and to the Commission.
10. The Administrative Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Administrative Director to report on the performance of his/her duties.
11. The Administrative Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question in accordance with Article 165(3) of Regulation (EU, EURATOM) N° 966/2012.
12. On a recommendation from the Council acting by a qualified majority, the European Parliament, shall, before 15 May of year N + 2, give a discharge to the Administrative Director in respect of the implementation of the budget for year N.

Article 52
Financial Rules

1. The financial rules applicable to Eurojust shall be adopted by the Executive Board in accordance with [~~Regulation 2343/2002~~ **No. 1271/2013** of ~~23 December 2002~~ **30 September 2013** on the framework financial regulation for the bodies referred to in Article ~~185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities~~ **208 of Regulation 966/2012** and [after consultation with the Commission]. They shall not depart from [~~Regulation No. 1271/2013~~ unless such departure is specifically required for Eurojust's operation and the Commission has given its prior consent.
2. **Eurojust may award grants related to the fulfillment of its tasks referred to under Article 4(1). Grants provided for tasks under 4(1)(e) may be awarded without a call for proposals to the Member States.**

CHAPTER VII STAFF PROVISIONS

Article 53

General provisions

1. The Staff Regulations of the European Union and the Conditions of Employment of Other Servants of the European Union and the rules adopted by agreement between the institutions of the European Union for giving effect to those Staff Regulations and those Conditions of Employment of Other Servants shall apply to the staff of Eurojust.
2. **Eurojust staff shall consist of staff recruited according to the rules and regulations applicable to officials and other servants of the European communities, taking into account all the criteria referred to in Article 27 of the Staff Regulations of Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68, including their geographical distribution. They shall have the status of permanent staff, temporary staff or local staff.**

Article 54

Seconded national experts and other staff

1. Eurojust may make use, **in addition to its own staff**, of seconded national experts or other staff not employed by Eurojust.
2. The College shall adopt a decision laying down rules on the secondment of national experts **to Eurojust.**

CHAPTER VIII EVALUATION AND REPORTING

Article 55

Involvement of the European Parliament and national Parliaments

1. Eurojust shall transmit its Annual Report to the European Parliament **and national Parliaments**, which may present observations and conclusions.
2. The President of the College shall appear before the European Parliament, at their request, to discuss matters relating to Eurojust, and in particular to present its Annual Reports, taking into account the obligations of discretion and confidentiality. Discussions shall not refer directly or indirectly to concrete actions in relation with specific operational cases.
3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament **and to national Parliaments** for information:
 - a) the results of studies and strategic projects elaborated or commissioned by Eurojust;
 - b) working arrangements concluded with third parties;
 - c) the annual report of the European Data Protection Supervisor.
4. ~~Eurojust shall transmit its Annual Report to the national Parliaments. Eurojust shall also transmit to the national Parliaments the documents referred to in paragraph 3.~~

Article 56
Evaluation and review

1. By [5 years after the entry into force of this Regulation] at the latest, and every 5 years thereafter, the Commission shall commission an evaluation of the implementation and impact of this Regulation, as well as the effectiveness and efficiency of Eurojust and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of Eurojust, and the financial implications of any such modification. **The evaluation report shall be forwarded to the College for its observations.**
2. The Commission shall forward the evaluation report together with its conclusions to the European Parliament and national Parliaments, the Council and the College. The findings of the evaluation shall be made public.
- ~~3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by Eurojust having regard to its objectives, mandate and tasks.~~

CHAPTER IX
GENERAL AND FINAL PROVISIONS

Article 57
Privileges and Immunities

The Protocol on the Privileges and Immunities of the European Union shall apply to Eurojust and its staff.

Article 58
Language arrangements

1. Regulation No 1⁶ shall apply to Eurojust.
2. **The College shall decide on the internal language arrangements of Eurojust.**
3. ~~2-~~The translation services required for the functioning of Eurojust shall be provided by the Translation Centre of the bodies of the European Union.

⁶ OJ L 17, 6.10.1958, p.385.

Article 59
Confidentiality

1. The national members, their deputies and their Assistants referred to in Article 7, ~~Eurojust staff~~, national correspondents and **seconded national experts** and the ~~Data Protection Officer~~ shall **in accordance with the legislation in their respective Member States** be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.
2. **Eurojust staff, including the Data Protection Officer, and members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.**
- ~~3.~~ The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust.
- ~~3.4.~~ The obligation of confidentiality shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1, 2 **and 3.**
5. The obligation of confidentiality shall apply to all information received by Eurojust, unless that information has already been made public or is accessible to the public.
- ~~5.~~ ~~Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.~~

Article 60
Transparency

1. Regulation (EC) No 1049/2001 shall apply to documents which relate to Eurojust's administrative tasks.
2. The **Executive Board** shall, within six months of the date of its first meeting, ~~adopt~~ **prepare** the detailed rules for applying Regulation (EC) No 1049/2001 **for adoption by the College.**

3. Decisions taken by Eurojust under Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the Ombudsman or of an action before the Court of Justice of the European Union, under the conditions laid down in Articles 228 and 263 of the Treaty respectively.

Article 61

OLAF and the European Court of Auditors

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No ~~1073/1999~~ **883/2013**, within six months from the entry into force of this Regulation, **Eurojust** ~~it~~ shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt the appropriate provisions applicable to all the ~~employees~~ **staff** of Eurojust using the template set out in the Annex to that Agreement.
2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from Eurojust.
3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) No 1073/1999 **883/2013** and Council Regulation (Euratom, EC) No 2185/96⁷ with a view to establishing whether there have been any irregularities affecting the financial interests of the Union in connection with expenditure funded by Eurojust.
4. Without prejudice to paragraphs 1, 2 and 3, working arrangements with third countries, international organisations and Interpol, contracts, grant agreements and grant decisions of Eurojust shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

⁷ OJ L 292, 15.11.1996, p. 2.

Article 62

Security Rules on the protection of sensitive non-classified and of classified information

- 1. Eurojust shall establish rules on the protection of sensitive non-classified information, including the creation and processing of such information at or by Eurojust.**
2. Eurojust shall establish rules on the protection of the European Union classified information which shall be consistent with Council Decision 2013/488/EU in order to ensure an equivalent level of protection for such information. ~~apply the security principles contained in the Council's security rules for protecting European Union Classified Information (EUCI) as set out in the annex to Commission Decision 2001/844/EC, ECSC, Euratom⁸.~~

Article 63

Administrative inquiries

The administrative activities of Eurojust shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.

Article 64

Liability other than liability for unauthorised or incorrect processing of data

1. Eurojust's contractual liability shall be governed by the law applicable to the contract in question.
2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by Eurojust.
3. In the case of non-contractual liability, Eurojust shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under Article 37, make good any damage caused by the College or the staff of Eurojust in the performance of their duties.

⁸ OJ L 317, 3.12.2001, p. 1.

4. Paragraph 3 shall also apply to damage caused through the fault of a national member, a deputy or an Assistant in the performance of their duties. However, when he or she is acting on the basis of the powers granted to him or her pursuant to Article 8, his or her Member State of origin shall reimburse Eurojust the sums which Eurojust has paid to make good such damage.
5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.
6. The national courts of the Member States competent to deal with disputes involving Eurojust's liability as referred to in this Article shall be determined by reference to Council Regulation (EC) No 44/2001⁹.
7. The personal liability of its staff towards Eurojust shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.

Article 65

Headquarters Agreement and operating conditions

1. The seat of Eurojust shall be The Hague, The Netherlands.
2. The necessary arrangements concerning the accommodation to be provided for Eurojust in the Netherlands and the facilities to be made available by the Netherlands together with the specific rules applicable in the Netherlands to the Administrative Director, members of the College, Eurojust staff and members of their families shall be laid down in a Headquarters Agreement between Eurojust and the Netherlands concluded once the College's approval is obtained.
3. The Netherlands shall provide the best possible conditions to ensure the functioning of Eurojust, including multilingual, European-oriented schooling and appropriate transport connections.

⁹ OJ L 12, 16.1.2001, p. 1. Regulation (EC) No 44/2001 is replaced by Regulation (EU) No 1215/2012 from 10 January 2015

Article 66
Transitional arrangements

1. Eurojust shall be the general legal successor in respect of all contracts concluded by, liabilities incumbent on, and properties acquired by Eurojust as established by Council Decision 2002/187/JHA.
2. The national members of Eurojust who were seconded by each Member State under Decision 2002/187/JHA shall take the role of national members of Eurojust under Section II of this Regulation. The term of their office may be extended once under Article 10(2) of this Regulation after the entry into force of this Regulation, irrespective of a previous extension.
3. The President and Vice-Presidents of Eurojust at the time of the entry into force of this Regulation shall take the role of the President and Vice-Presidents of Eurojust under Article 11, until their term in accordance with Decision 2002/187/JHA expires. They may be re-elected once after the entry into force of this Regulation under Article 11(3) of this Regulation, irrespective of a previous re-election.
4. The Administrative Director who was lastly appointed under Article 29 of Decision 2002/187/JHA shall take the role of the Administrative Director under Article 17 until his or her term as decided under Decision 2002/187/JHA expires.. The term of the Administrative Director may be extended once after the entry into force of this Regulation.
5. This Regulation shall not affect the legal force of agreements concluded by Eurojust as established by Decision 2002/187/JHA. In particular, all international agreements concluded by Eurojust which have entered into force before the entry into force of this Regulation shall remain legally valid.
6. **The discharge procedure in respect of the budgets approved on the basis of Article 42 of Decision 2009/371/JHA shall be carried out in accordance with the rules established by Article 43 of Decision 2009/371/JHA.**

Article 67

Repeal

1. This Regulation replaces and repeals Decisions 2002/187/JHA, 2003/659/JHA and 2009/426/JHA.
2. References to the repealed Council Decisions referred to in paragraph 1 shall be construed as references to this Regulation.

Article 68

Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
3. **It shall apply from XXX.**

Done at Brussels,

For the European Parliament

The President

For the Council

The President