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NOTE

From:	Swedish and Finnish Delegations
To:	Council
No. Cion doc.:	12566/13 EUROJUST 59 EPPO 4 CATS 36 COPEN 109 CODEC 2163
Subject:	Declaration of Sweden and Finland on the Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) in the version of Council doc. no 15909/14

1. Sweden and Finland deeply appreciate the important work conducted by Eurojust in the fight against transborder crime and strongly believe that Eurojust should be given all the necessary tools in order to maintain its role as a key player in this field. At the same time, it is important not to renounce important policies on how the legal frameworks of the EU bodies should be composed.

2. Sweden and Finland firmly believe Regulation (EC) No 1049/2001 regarding public access to European Parliament, Council and Commission documents should be fully applicable to Eurojust.

3. According to Article 15(3) of the Treaty on the Functioning of the EU (TFEU), any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union institutions, bodies, offices and agencies. Regulation 1049/2001 lays down the general principles and limitations governing this right. According to Article 15(3), the only ones exempt from this rule are the Court of Justice of the European Union, the European Central Bank and the European Investment Bank, who are only subject to the provisions when exercising their administrative tasks.

Limiting the application of Regulation 1049/2001 to Eurojust's administrative tasks would send a highly worrying signal about the attitudes to openness, especially in light of Article 15(3) TFEU.

Regulation 1049/2001 contains provisions that would give Eurojust ground to refuse access to documents in specific cases. Sweden and Finland believe these provisions to be an effective and sufficient tool for the protection of operative data.

4. Sweden and Finland look forward to the future discussions on the remaining provisions of the proposal for a Regulation on Eurojust and to the upcoming discussions with the European Parliament.
