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Subject: 14th Meeting of the Consultative Forum of Prosecutors General and
Directors of Public Prosecutions - 18 October 2019
- Conclusions

Delegations will find attached the Conclusions of the 14th Meeting of the Consultative Forum of Prosecutors General and Directors of Public Prosecution, which was held at Eurojust on 18 October 2019.

**14TH MEETING OF THE CONSULTATIVE FORUM OF PROSECUTORS GENERAL AND
DIRECTORS OF PUBLIC PROSECUTIONS – 18 OCTOBER 2019**

CONCLUSIONS

SESSION I – HOW TO ENSURE CRIMINAL JUSTICE IN CYBERSPACE?

1. The Consultative Forum acknowledges the increasing and global threat represented by cybercrime and the specific challenges encountered in cybercrime investigations as well as their impact on cross-border investigations and prosecutions. These challenges are illustrated by new technology-based crime types like e.g. Business Email Compromise (BEC) fraud. In addition they are also increasingly relevant for investigating terrorist and extremists attacks which rely on cyberspace to amplify their impact.
2. The Consultative Forum underlines the role of Eurojust in this field, particularly enabling a coordinated approach to cybercrime investigations and facilitating the admissibility of evidence in court. At the same time the Consultative Forum encourages Eurojust to further facilitate also the strategic dialogue between judicial authorities of the Member States on the significance of new technological trends such as cryptocurrencies or artificial intelligence from the perspective of criminal law. For this reason the Consultative Forum also supports the exchange of best practices between practitioners within the European Judicial Cybercrime Network (EJCN) which contributes to the development of practical solutions for the multiple challenges related to the prosecution of cybercrime and to investigations in cyberspace.

3. The Consultative Forum acknowledges the crucial importance of e-evidence in criminal investigations and prosecutions and the need to enhance cross-border e-evidence-gathering. The Forum has listened carefully to the European Commission presentation of the e-evidence package, and to the private sector's perspective in this field and will therefore follow with great interest the future developments. It further considered that the prosecutors perspective should be further taken into account by the EU legislator when developing instruments aiming at facilitating judicial cooperation in this field.
4. The Consultative Forum also took note of the novelties that the U.S. CLOUD Act will bring in relation to e-evidence exchange between the European Union and the U.S. The Forum notes that the US has seconded two Liaison Prosecutors at Eurojust, one specialised in cybercrime, who can assist colleagues in the EU to understand how to effectively cooperate with US authorities in cybercrime investigations and prosecutions.

The Consultative Forum acknowledges the need for cooperation and discussion with service providers with a view to improve access to e-evidence while at the same time ensuring proper safeguards. Moreover, Forum members agreed that it would be beneficial to have more trainings for prosecutors on how to more efficiently address their requests to service providers.

The Consultative Forum finally recalls the added value Eurojust can bring to practitioners by providing assistance with and coordinating cross-border requests for e-evidence. The Forum called on the possibility to rely on the network of Eurojust Contact Points located in 51 third States, and the Liaison Prosecutors from third States seconded to Eurojust who are available to support exchange of evidence with foreign authorities in these countries.

SESSION II - HOW TO COOPERATE IN THE DIGITAL WORLD?

5. The Consultative Forum re-iterates its conclusion from the 2018 meeting regarding the importance of establishing a clear roadmap towards digitalization of the whole chain of criminal proceedings. The Consultative Forum emphasises the need to be ready to consider changes to the legal framework both on the national and international level to support these processes. The need for efficient information and evidence sharing, in an automated, structured and secure manner, between judicial authorities of EU Member States, and with Eurojust is crucial for effective investigations in cross-border criminal cases. However, currently the tools, both legal and IT, available to support effective operational exchanges between judicial authorities and Eurojust are insufficient. In order to address this problem, an appropriate level of funding is required to deliver the necessary IT tools.

6. The Consultative Forum welcomes with great interest the developments in the Cross-border Digital Criminal Justice study presented by the European Commission and highlights the importance of practitioners' involvement in this study from the start. The Consultative Forum acknowledges the progress with the *e-Evidence Digital Exchange System*, that will be delivered by the Commission by the end of this year, which will address the digitalization of the transmission of the European Investigation Order and Mutual Legal Assistance Requests between competent authorities in the EU. This indicates the appetite for the quick adoption of tools that bring speed and enhance the security of the judicial processes in general. The Consultative Forum underlines the privileged central position of Eurojust in the exchange of judicial information and emphasises the importance of strengthening this central capacity in order to further support secure and trusted exchange of information with the possibility to identify cross border phenomena.

SESSION III – WHAT HAVE WE ACHIEVED TOGETHER?

7. The Consultative Forum signals a need to increase awareness about the crucial role of judicial authorities in the EU security chain and the high quality support provided by Eurojust. Both in the Member States and at EU level, judicial authorities are normally suffering from insufficient budgetary allocations, as opposed to their law enforcement counterpart. This is partially explained by the higher visibility of law enforcement and their more structured outreach and communication strategy. Forum Members call on Prosecution Services to grow awareness of the role of prosecutors in the criminal procedure and their important role for society.

8. Today, working together across borders enables the Member States to achieve important results in the prosecution of terrorism and organised crime. Tomorrow, there is a shared ambition to do even better. Promoting the Member States' joint operational successes will be a key factor in securing adequate resources for the national prosecution services as well as Eurojust to meet current and future challenges. Eurojust has invested in increasing its outreach capacity, especially with the EU Institutions. Continue focusing on doing better every day and communicating the many successful operational cases facilitated by Eurojust will create greater awareness with policy makers in Brussels to ensure a sufficient budgetary allocation in the ongoing negotiations. In this context, the Consultative Forum underlines the importance of allocating sufficient funds to Eurojust in the EU's Multi-Annual Financial Framework 2021-2027.
