

## II

(Acts adopted pursuant to Title VI of the Treaty on European Union)

## COUNCIL

**Initiative of the Federal Republic of Germany with a view to the adoption of a Council Decision  
on setting up a Eurojust team**

(2000/C 206/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(a) and Article 34(2)(c), thereof,

On the basis of the initiative by the Federal Republic of Germany<sup>(1)</sup>,

Having regard to the opinion of the European Parliament<sup>(2)</sup>,

Whereas:

in the conclusions of the European Council in Tampere it was agreed that, to reinforce the fight against serious organised and cross-border crime, a unit (Eurojust) should be set up composed of national prosecutors, magistrates, or police officers of equivalent competence, detached from each Member State according to its legal system,

HAS DECIDED AS FOLLOWS:

*Article 1*

Member States shall detach one or more magistrates, prosecutors or police officers (hereinafter referred to as 'liaison officers') to [...]. The liaison officers shall constitute the Eurojust team.

*Article 2*

1. It shall be the task of Eurojust to provide support for investigations into major criminal offences in respect of which judicial legal assistance may be required for proceeding and into criminal offences against the financial interests of the European Union.

2. It shall be the task of the liaison officers at Eurojust:

- (a) to provide investigating authorities of other Member States as well as the Commission of the European Communities and Europol with information on the relevant substantive and procedural law of the State from which they have been detached or indicate an appropriate body for such information,
- (b) subject to the law of their State of dispatch, to provide judicial authorities and other authorities responsible for criminal investigations as well as the Commission and Europol with information on the position regarding investigations and any judgments in criminal matters or arrange contacts with the investigating body in their State of dispatch,
- (c) in cases where investigations are in progress in two or more Member States into offences which are connected, to provide support for the coordination and conduct of joint investigations,
- (d) to provide legal advice in support of Europol's work of analysis if so requested,
- (e) in future treaty negotiations on extending the powers of Europol, to deliver expert opinions in judicial support of Europol if so requested,
- (f) to exchange experience of weak points in the cross-border combating of crime and the combating of criminal offences against the financial interests of the Union.

<sup>(1)</sup> OJ C 206, 19.7.2000, p. 1.

<sup>(2)</sup> OJ C ...

*Article 3*

The liaison magistrates and liaison prosecutors within the meaning of Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union<sup>(1)</sup> and the contact points within the meaning of Council Joint Action 98/428/JHA of 29 June 1998 on the creation of a European Judicial Network<sup>(2)</sup> shall be involved in the carrying out of Eurojust's tasks. Eurojust shall provide them with support in their activities.

*Article 4*

The Commission and Europol shall be invited to detach liaison officers to Eurojust.

*Article 5*

1. Eurojust shall assume responsibility for the documentation on currently applicable legal instruments issued by the European Judicial Network jointly with the General Secretariat of the Council. Eurojust shall continuously update that documentation and supplement it with indications regarding the treatment of problem cases in judicial legal assistance and particular procedural provisions of the Member States.

2. Eurojust shall, as far as possible, ensure translation into the official languages of the other Member States.

3. Information from the document collection may be obtained not only by the investigating bodies of the Member States, the Commission and Europol but also by third parties.

Done at Brussels, ...

*Article 6*

1. In order to reinforce cooperation, Member States shall network their national procedural and criminal records so that requests can be passed on via Eurojust to the bodies responsible for the national records. The legal provisions for supplying information which are currently applicable to the various records shall remain unaffected.

2. Eurojust shall provide Member States with backup in considering whether a central European procedural register should be established.

*Article 7*

1. Eurojust may, in order to carry out its tasks, exchange experience with other bodies, in particular international organisations.

2. The Council may conclude agreements with non-member countries on cooperation between Eurojust and the investigating authorities of those countries, with particular regard to the dispatch of associated liaison officers.

*Article 8*

The General Secretariat of the Council shall make available interpreters, translators and support staff as well as any practical materials necessary for carrying out tasks. The General Secretariat shall in particular be responsible for establishing a computer-based collection of the information referred to in Article 5.

*Article 9*

This Decision shall enter into force on the day of its publication in the Official Journal.

*For the Council*

*The President*

...

<sup>(1)</sup> OJ L 105, 27.4.1996, p. 1.

<sup>(2)</sup> OJ L 191, 7.7.1998, p. 4.