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NOTE

From : Presidency
To : Contact Points of the European Judicial Network
Subject : Guidelines for the selection of contact points of the European Judicial Network
(EJN)

I. Introduction

At the 25th plenary meeting of the EJN, held from 29 November to 1 December 2006 in Rovaniemi, the “EJN Vision Paper” was adopted (European Union Council, 11.12.2006; 16444/06; EJN 28. A European Commission communication on this topic and on the future of the European Judicial Network and Eurojust as a whole has been announced for September 2007. During the 26th plenary meeting of the EJN on 26 February 2007 in Brussels, the “Vision Paper” was again discussed. In a preliminary assessment, the European Commission already declared fundamental agreement with large parts of the “Vision Paper”. Among other things, the Commission had remarked that the guidelines considered in the “Vision Paper” for the selection of contact points within the European Judicial Network would be considered positive.

Accordingly it was decided in the plenary meeting of 26 February 2007 that these guidelines should be drafted straight away.

II. Requirements

1. General points

The internal organisation of the national part of the European Judicial Network remains within the national competence. These guidelines can only serve as a general guidance for the national authorities when nominating new Contact Points.

The guidelines for the selection of contact points of the European Judicial Network must be based on the range of tasks carried out by the network, as defined by the legal basis for its establishment, namely the Joint Action of 29 June 1998 – adopted by the Council on the basis of Article K. 3 of the Treaty on European Union – on the creation of a European Judicial Network.

Accordingly, taking into account the constitutional provisions, the legal traditions and the internal structure of each Member State, the network is comprised of the central authorities responsible for cooperation in international judicial matters, the judicial authorities or other competent authorities that, within the framework of international cooperation, have individual responsibilities either for serious crimes in general or for certain forms of serious crimes such as organised crime, corruption, drugs trafficking or terrorism. The contact points are active agents that are meant to facilitate judicial cooperation between the Member States, particularly in the field of the prosecution of serious crimes.

These guidelines include both individual and institutional requirements of the contact points. The former takes into account the personal abilities, experiences and dispositions of the person to hold the position of a contact point. The latter takes into account the position that the contact point should have within the national structure of the law enforcement system.

The individual requirements should not only apply for the contact points themselves but also for those other persons who work as deputies or assistants to the former in relation with EJM-related matters.

2. Individual items

The above gives rise to the fundamental requirements as to the selection of contact points of the European Judicial Network.

These requirements are intended to simplify the selection process for the Member States. They should generally be met, but are not binding.

- a) The contact points should possess broad, practical experience as public prosecutors, judges, officers of other investigating authorities or ministry officials within their respective countries. They should preferably have worked in criminal proceedings to fight serious crimes, especially in the field of organised crime, corruption, drug trafficking or terrorism. They should be especially well-versed in the investigative measures permitted in criminal proceedings in their respective countries, in particular in the range of measures that can be used in undercover investigations and to seize and confiscate proceeds of crime. Furthermore they should be familiar with the Information Tools of the EJM.
- b) The contact points should possess practical experience in international cooperation in criminal matters, particularly within the European Union, but also with Non-member States. They should be familiar with the legal basis for international cooperation in the areas of extradition and mutual legal assistance in criminal matters, and therefore particularly with the relevant United Nations Conventions, the major Council of Europe Conventions, the European Union Joint Actions and Framework Decisions and national legislation and practice in their respective countries.

- c) Furthermore, it is desirable that they constantly follow the major new developments within the third pillar of the European Union.
- d) As is already stated in the Joint Action, Article 2 paragraph 3, it is vital that, in addition to the language of their respective countries, the contact points possess adequate knowledge of at least one other European Union language. Furthermore, it would be desirable for them to have knowledge of additional European Union languages.
- e) The EJM will only be able to carry out its tasks optimally if the contact points are able to act flexibly, reliably, quickly and in a sustainable manner. Accordingly, high qualitative requirements should be set as to the particular motivation and ability of the EJM contact points.
- f) The contact points should be in a position to make contact with all authorities responsible for international cooperation in the area of criminal prosecution in their respective countries, to do so quickly and without a large outlay, irrespective of whether these authorities be public prosecutor's offices, courts or ministries, and to obtain relevant information from these bodies. In so far as national law permits, it would also be desirable for the contact points to be located at authorities that are themselves authorised to exert a supporting and formative influence on investigative procedures within their country.
- g) Moreover, the contact points should be willing to cooperate with the other bodies at a European level, especially with Eurojust, with the liaison magistrates and with OLAF, and to demonstrate trustworthiness and initiative in this cooperation.

- h) The contact points are contact persons for the competent authorities, both in their own country and in the other Member States of the European Union. The contact points should therefore be willing to and undertake to answer all questions as soon as possible, fully and appropriately and to play an active part in ensuring that requests for legal assistance are met rapidly and in full.

 - i) The contact points should be open to new developments with regard to cross-border cooperation. They should be prepared to accompany these developments in a constructive and practice oriented manner.
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