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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	6120/18
Subject:	Proposal of the European Parliament and of the Council for a Regulation on the European Union Agency for Criminal Justice Cooperation (Eurojust)

During the last technical meeting, held on 11 April 2018, the European Parliament and the Commission clearly indicated the political issues that would need to be solved in the final stage of the negotiations:

- the Eurojust competence to assist MS for other crimes than those provided in Annex 1 (lines 118 and 125 in the table in the Annex);
- the number of Commission representatives in the College of Eurojust (line 224);
- the compensation mechanism for Member States whose National Member is elected President of Eurojust (lines 236-241 and 194);
- voting right of assistants in the College (line 248);
- the Commission involvement in the appointment of the Administrative Director and the assessment of his/her activities (lines 310-312 and 315);

- the obligation of the MS to inform their National Members of any case affecting 2 or 3 MS (line 368);
- the translation services (line 937)
- the application of Regulation 1049/2001 on transparency to the documents held by Eurojust (lines 947-948).

However, the European Parliament is now in a position to accept a few other provisions proposed by the Council, as follows:

- the possibility for Member States to assess the need for Eurojust to be involved in investigations and prosecutions which have repercussions at Union level (line 134);
- the election of the President and the Vice-Presidents of Eurojust (line 230);
- the meetings of the College (line 244, slightly redrafted);
- the on-call coordination representative (line 341);
- replacement and repeal (lines 984 and 985).

A few other provisions, such as Article 4(6) (line 159), Article 8 (3)-(5) (lines 209-212), Article 15(1) (line 268), Article 16(7) (line 300) and Article 61(4a) (line 957) have also been slightly redrafted.

Delegations are kindly asked to assess these slightly redrafted provisions in a spirit of compromise, bearing in mind that a compromise proposal needs to be found in the negotiations with the European Parliament.

At the last technical meeting the European Parliament also proposed a newly redrafted text for Article 55(2) (line 917). Delegations are therefore invited to examine this new proposal too.

Delegations will find in the Annex an updated table reflecting the text of the draft Eurojust Regulation as it now stands after the latest two working party meetings held by the Presidency and the technical meetings with the European Parliament.

Nr.	Ref.	COM proposal	Council GA	LIBE Orientation vote	Possible compromise proposals
93.		HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:
94.		CHAPTER I OBJECTIVE AND TASKS <i>Article 1</i> The European Union Agency for Criminal Justice Cooperation	CHAPTER I OBJECTIVE AND TASKS <i>Article 1</i> The European Union Agency for Criminal Justice Cooperation		CHAPTER I OBJECTIVE AND TASKS <i>Article 1</i> The European Union Agency for Criminal Justice Cooperation
95.		1. The European Union Agency for Criminal Justice Cooperation (Eurojust) is hereby established.	1. The European Union Agency for Criminal Justice Cooperation (Eurojust) is hereby established.		1. The European Union Agency for Criminal Justice Cooperation (Eurojust) is hereby established.

96.	Article 1 – paragraph 2	2. Eurojust, as established by this Regulation, shall <i>be the legal successor of</i> Eurojust as established by Council Decision 2002/187/JHA.	2. Eurojust, as established by this Regulation, shall <i>replace and succeed</i> Eurojust as established by Council Decision 2002/187/JHA.	2. Eurojust, as established by this Regulation, shall <i>replace and succeed</i> Eurojust as established by Council Decision 2002/187/JHA.	Agreed in principle 2. Eurojust, as established by this Regulation, shall <i>replace and succeed</i> Eurojust as established by Council Decision 2002/187/JHA.
97.	Article 1 – paragraph 3	3. In each of the Member States, Eurojust shall <i>enjoy</i> the <i>most extensive legal capacity</i> accorded to legal persons under <i>their laws. It may, in particular, acquire and dispose of movable and immovable property and be party to legal proceedings.</i>	3. In each of the Member States, Eurojust shall <i>have</i> legal <i>personality</i> accorded to legal persons under <i>their laws.</i>	3. In each of the Member States, Eurojust shall <i>have</i> the legal <i>personality</i> accorded to legal persons under <i>national law.</i>	Agreed in principle 3. In each of the Member States, Eurojust shall <i>have</i> the legal <i>personality</i> accorded to legal persons under <i>their national law.</i>
98.	Article 1a (new)		Article 1a Definitions		Depends of the Outcome on 45/2001 negotiations

99.	Article 1a - introductory part		For the purpose of this Regulation:		
100.	Article 1a - point a (new)		<i>a) 'international organisations' means an organisations and its subordinate bodies governed by public international law or any other body which is set up by, or on the basis of, an agreement between two or more countries;</i>		

101.	Article 1a - point b (new)		<p><i>b) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;</i></p>		
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102.	Article 1a - point c (new)		<i>c) 'operational personal data' means all personal data processed by Eurojust for the purposes laid down in Article 2;</i>		
103.	Article 1a - point d (new)		<i>d) 'administrative personal data' means all personal data processed by Eurojust apart from operational personal data;</i>		

104.	Article 1a - point e (new)		<p><i>e) ‘processing’ means any operation or set of operations which is performed on personal data or sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;</i></p>		
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105.	Article 1a - point g (new)		<i>g) ‘supervisory authority’ means an independent public authority which is established by a Member State pursuant to Article 51 of Regulation (EU) 2016/679¹ of the European Parliament and of the Council or pursuant to Article 41 of Directive (EU) 2016/680;</i>		
106.	Article 1a - point j (new)		<i>(j) ‘restriction of processing’ means the marking of stored personal data with the aim of limiting their processing in the future;</i>		

¹ Regulation (EU) 2016/679 of the European Parliament and the of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, OJ L 119, 4.5.2016, p. 1).

107.	Article 1a - point k (new)		<p><i>(k) 'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;</i></p>		
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108.	Article 1a - point 1 (new)	<p><i>(l) ‘pseudonymisation’ means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;</i></p>		
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109.	Article 1a - point m (new)		<i>(m) ‘filing system’ means any structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis;</i>		
110.	Article 1a - point n (new)		<i>(n) ‘controller’ means Eurojust or another competent authority which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of such processing are determined by Union law or law of a Member State, the controller or the specific criteria for its nomination may be provided for by Union law or law of a Member State;</i>		

111.	Article 1a - point o (new)		<i>(o) 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller;</i>		
112.	Article 1a - point p (new)		<i>(p) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed, whether a third party or not.</i>		
113.	Article 1a - point q (new)		<i>(q) 'personal data breach' means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed;</i>		

114.	Article 1a - point r (new)		<p><i>r) 'genetic data' means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question;</i></p>		
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115.	Article 1a - point s (new)		s) <i>'biometric data' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data;</i>		
116.	Article 1a - point t (new)		t) <i>'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status;</i>		

117.		<i>Article 2</i> Tasks	<i>Article 2</i> Tasks		
118.	Article 2 – paragraph 1	1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities <i>and</i> by Europol.	1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities <i>and</i> by Europol.	1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime <i>which Eurojust is competent to deal with in accordance with Article 3 (1) and set out in Annex I</i> affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities, by Europol, <i>EPPO and OLAF</i> .	(COM to come back): 1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime <i>which Eurojust is competent to deal with in accordance with Article 3 (1) and (1a) and set out in Annex I</i> affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted

					and information supplied by the Member States' authorities, by Europol, <i>the EPPO and OLAF</i> .
119.		2. In the implementation of its tasks Eurojust shall:	2. In the implementation of its tasks Eurojust shall:		
120.	Article 2 – paragraph 2 – point a	a) take into account any request emanating from a competent authority of a Member State or any information provided by <i>any body</i> competent by virtue of provisions adopted within the framework of the Treaties or collected by Eurojust itself;	a) take into account any request emanating from a competent authority of a Member State or any information provided by <i>these authorities, by institutions and by any other body</i> competent by virtue of provisions adopted within the framework of the Treaties or collected by Eurojust itself;	a) take into account any request emanating from a competent authority of a Member State or any information provided by <i>bodies and institutions</i> competent by virtue of provisions adopted within the framework of the Treaties or collected by Eurojust itself;	Agreed in principle: a) take into account any request emanating from a competent authority of a Member State or any information provided by <i>these authorities, institutions, bodies, offices and agencies</i> competent by virtue of provisions adopted within the framework of the Treaties or collected by Eurojust itself;

121.		b) facilitate the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition.	b) facilitate the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition.		b) facilitate the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition.
122.	Article 2 – paragraph 3	3. Eurojust shall exercise its tasks at the request of the competent authorities of the Member States or on its own initiative.	3. Eurojust shall exercise its tasks at the request of the competent authorities of the Member States or on its own initiative.	3. Eurojust shall exercise its tasks at the request of the competent authorities of the Member States or on its own initiative <i>or at the request of EPPO.</i>	Agreed in principle: 3. Eurojust shall exercise its tasks at the request of the competent authorities of the Member States or on its own initiative <i>or at the request of the EPPO within the limits of its competence.</i>

123.		<i>Article 3</i> Competence of Eurojust	<i>Article 3</i> Competence of Eurojust		<i>Article 3</i> Competence of Eurojust
124.	Article 3 – paragraph 1	1. Eurojust’s competence shall cover the forms of crime listed in Annex 1. However, <i>its competence shall not include the crimes for which the European Public Prosecutor's Office is competent.</i>	1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, <i>Eurojust shall not exercise its competence with regard to crimes for which the European Public Prosecutor's Office exercises its competence, except in cases also involving Member States which do not participate in enhanced cooperation on the establishment of that Office and at the request of those Member States or at the request of the European Public Prosecutor's Office. To this end, Eurojust, the European</i>	1. <i>Until the date when the European Public Prosecutor’s Office (‘EPPO’) has assumed its investigative and prosecutorial tasks conferred on it in accordance with Article 75 of Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office,</i> Eurojust’s competence shall cover the forms of crime listed in Annex 1. However, <i>from the date the EPPO assumes its tasks, with regard to crime for which the European Public Prosecutor’s Office is competent, Eurojust shall not exercise its competences,</i>	Agreed in principle: 1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, <i>from the date when the European Public Prosecutor’s Office has assumed its investigative and prosecutorial tasks in accordance with Article 120 of the Regulation 2017/1939,</i> Eurojust shall not exercise its competence with regard to crimes for which the European Public Prosecutor's Office exercises its competence, except in cases also involving Member States which do not participate in

			<p><i>Public Prosecutor's Office and the Member States concerned shall consult and cooperate with each other. The practical details on the exercise of competence in accordance with this paragraph shall be regulated by a working arrangement referred to in Article 38(2a).</i></p>	<p><i>except in cases involving Member States participating in enhanced cooperation but in respect of which EPPO does not exercise its competence, or involving Member States which do not participate in enhanced cooperation on the establishment of the European Public Prosecutor's Office, or where the EPPO itself seeks support from Eurojust. The practical details on the exercise of competence in accordance with this paragraph shall be regulated by a working arrangement referred to in Article 38(2a).</i></p>	<p>enhanced cooperation on the establishment of that Office and at the request of those Member States or at the request of the European Public Prosecutor's Office.</p> <p>2. Eurojust shall exercise its competence for crimes affecting the financial interests of the Union <i>in cases involving Member States participating in enhanced cooperation but in respect of which the European Public Prosecutor's Office does not have competence or decides not to exercise its competence.</i> To this end, Eurojust, the European Public Prosecutor's Office and the Member States</p>
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					concerned shall consult and cooperate with each other. The practical details on the exercise of competence in accordance with this paragraph shall be regulated by a working arrangement referred to in Article 38(2a).
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125.	Article 3 – paragraph 1 a new		<i>Ia. For forms of crime other than those listed in Annex 1, Eurojust may also, in accordance with its tasks, assist in the investigations and prosecutions at the request of a competent authority of a Member State.</i>	<i>Ia. Eurojust shall remain competent:</i>	<u>Tentatively agreed</u> <u>(COM coming back on this):</u> <i>Ia. For forms of crime other than those listed in Annex 1, Eurojust may also, in accordance with its tasks, assist in the investigations and prosecutions at the request of a competent authority of a Member State.</i>
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126.				<i>(a) for offences laid down in Directive EU/2017/1371 of the European Parliament and of the Council of 5 July 2017 on the Fight against Fraud to the Union's Financial Interests by means of Criminal Law ('the PIF Directive'), insofar as the EPPO is not competent or does not exercise its competence;</i>	Agreed in principle: Deleted
127.				<i>(b) in cases regarding offences laid down in the PIF Directive, for requests from Member States which are not participating in the EPPO;</i>	Agreed in principle: Deleted
128.				<i>(c) (c) in cases involving both participating Member States and Member States which are not participating in the EPPO, for requests from those Member States which are not participating in the EPPO and for requests from the EPPO itself.</i>	Agreed in principle: Deleted

129.	Article 3 – paragraph 2 – introductory part	2. Eurojust's competence shall cover related criminal offences. The following offences shall be regarded as related criminal offences:	2. Eurojust's competence shall cover related criminal offences. The following offences shall be regarded as related criminal offences:	2. Eurojust's competence shall cover related criminal offences <i>to the criminal offences laid down in Annex 1</i> . The following offences shall be regarded as related criminal offences:	Agreed in principle: 2. Eurojust's competence shall cover criminal offences <i>related to the criminal offences laid down in Annex 1</i> . The following offences shall be regarded as related criminal offences:
130.		a) criminal offences committed in order to procure the means of perpetrating acts listed in Annex 1;	a) criminal offences committed in order to procure the means of perpetrating acts listed in Annex 1;		a) criminal offences committed in order to procure the means of perpetrating acts listed in Annex 1;
131.		b) criminal offences committed in order to facilitate or carry out acts listed in Annex 1;	b) criminal offences committed in order to facilitate or carry out acts listed in Annex 1;		b) criminal offences committed in order to facilitate or carry out acts listed in Annex 1;

132.		c) criminal offences committed to ensure the impunity of acts listed in Annex 1.	c) criminal offences committed to ensure the impunity of acts listed in Annex 1.		c) criminal offences committed to ensure the impunity of acts listed in Annex 1.
133.		3. At the request of a Member State's competent authority, Eurojust may also assist investigations and prosecutions affecting only that Member State and a third country where a cooperation agreement or arrangement establishing cooperation pursuant to Article 43 has been concluded with that third country or where in a specific case there is an essential interest in providing such assistance.	3. At the request of a Member State's competent authority, Eurojust may also assist investigations and prosecutions affecting only that Member State and a third country where a cooperation agreement or arrangement establishing cooperation pursuant to Article 43 has been concluded with that third country or where in a specific case there is an essential interest in providing such assistance.		3. At the request of a Member State's competent authority, Eurojust may also assist investigations and prosecutions affecting only that Member State and a third country where a cooperation agreement or arrangement establishing cooperation pursuant to Article 43 has been concluded with that third country or where in a specific case there is an essential interest in providing such assistance.

134.	Article 3 – paragraph 4	4. At the request either of a Member State's competent authority or of the Commission, Eurojust may assist investigations and prosecutions affecting only that Member State <i>and the Union</i> .	4. At the request either of a Member State's competent authority or of the Commission, Eurojust may assist investigations and prosecutions affecting only that Member State <i>but which have repercussions at Union level. When acting at the request of the Commission the assistance by Eurojust shall be subject to the prior consent of the competent authority of the Member State concerned.</i>	4. At the request either of a Member State's competent authority or of the Commission, Eurojust may assist investigations and prosecutions affecting only that Member State.	Agreed in principle: 4. At the request either of a Member State's competent authority or of the Commission, Eurojust may assist investigations and prosecutions affecting only that Member State but which have repercussions at Union level. When Before acting at the request of the Commission the competent authority of the Member State concerned should be informed-consulted accordingly by
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					<p>Eurojust.</p> <p>This competent authority may oppose such request within the deadline set by Eurojust <u>justifying its refusal in every case. in exceptional circumstances where the compliance would harm essential security interests or would jeopardise the success of an ongoing investigation or the safety of an individual.</u></p>
135.		<p><i>Article 4</i></p> <p>Operational functions of Eurojust</p>	<p><i>Article 4</i></p> <p>Operational functions of Eurojust</p>		<p><i>Article 4</i></p> <p>Operational functions of Eurojust</p>
136.		1. Eurojust shall:	1. Eurojust shall:		1. Eurojust shall:
137.		a) inform the competent	a) inform the competent		a) inform the

		<p>authorities of the Member States of investigations and prosecutions of which it has been informed and which have repercussions at Union level or which might affect Member States other than those directly concerned;</p>	<p>authorities of the Member States of investigations and prosecutions of which it has been informed and which have repercussions at Union level or which might affect Member States other than those directly concerned;</p>		<p>competent authorities of the Member States of investigations and prosecutions of which it has been informed and which have repercussions at Union level or which might affect Member States other than those directly concerned;</p>
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138.	Article 4 – paragraph 1 – point b	b) <i>assist the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions;</i>	b) <i>assist the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions;</i>	b) <i>ensure coordination of investigations and prosecutions conducted by the competent authorities of the Member States;</i>	Agreed in principle: b) <i>assist the competent authorities of the Member States in ensuring the best possible coordination of investigations and prosecutions;</i>
139.	Article 4 – paragraph 1 – point c	c) <i>give assistance in order to</i> improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;	c) <i>give assistance in order to</i> improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;	c) <i>assist and</i> improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;	Agreed in principle: c) <i>give assistance in order to</i> improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;

140.		d) cooperate and consult with the European Judicial Network in criminal matters, including making use of and contributing to the improvement of the documentary database of that European Judicial Network;	d) cooperate and consult with the European Judicial Network in criminal matters, including making use of and contributing to the improvement of the documentary database of that European Judicial Network;		d) cooperate and consult with the European Judicial Network in criminal matters, including making use of and contributing to the improvement of the documentary database of that European Judicial Network;
141.	Article 4 – paragraph 1 – point d a (new)			<i>da) cooperate closely with the European Public Prosecutor's Office on matters relating to its competence</i>	Agreed in principle: <i>da) cooperate closely with the European Public Prosecutor's Office on matters relating to its competence;</i>

142.		e) provide operational, technical and financial support to Member States' cross-border operations and investigations, including joint investigation teams.	e) provide operational, technical and financial support to Member States' cross-border operations and investigations, including joint investigation teams.		e) provide operational, technical and financial support to Member States' cross-border operations and investigations, including joint investigation teams.
143.	Article 4 – paragraph 1 – point e a (new)			<i>ea) support, and where appropriate participate in, the Union centres of specialised expertise developed by Europol and other Union bodies and agencies;</i>	Agreed in principle: <i>ea) support, and where appropriate participate in, the Union centres of specialised expertise developed by Europol and other Union bodies and agencies;</i>

144.	Article 4 – paragraph 1 – point e b (new)			<i>eb) cooperate with Union agencies, bodies and networks established in the area of Freedom, Security and Justice regulated under Title V of the TFEU;</i>	Agreed in principle: <i>eb) cooperate with Union agencies, bodies and networks established in the area of Freedom, Security and Justice regulated under Title V of the TFEU;</i>
145.	Article 4 – paragraph 1 – point e c (new)			<i>ec) support Member States' action in combating forms of serious crime listed in Annex I.</i>	Agreed in principle: <i>ec) support Member States' action in combating forms of serious crime listed in Annex I.</i>
146.		2. In the exercise of its tasks, Eurojust may ask the competent authorities of the Member States concerned, giving its reasons, to:	2. In the exercise of its tasks, Eurojust may ask the competent authorities of the Member States concerned, giving its reasons, to:		2. In the exercise of its tasks, Eurojust may ask the competent authorities of the Member States concerned, giving its reasons, to:

147.		a) undertake an investigation or prosecution of specific acts;	a) undertake an investigation or prosecution of specific acts;		a) undertake an investigation or prosecution of specific acts;
148.		b) accept that one of them may be in a better position to undertake an investigation or to prosecute specific acts;	b) accept that one of them may be in a better position to undertake an investigation or to prosecute specific acts;		b) accept that one of them may be in a better position to undertake an investigation or to prosecute specific acts;
149.		c) coordinate between the competent authorities of the Member States concerned;	c) coordinate between the competent authorities of the Member States concerned;		c) coordinate between the competent authorities of the Member States concerned;
150.		d) set up a joint investigation team in accordance with the relevant cooperation instruments;	d) set up a joint investigation team in accordance with the relevant cooperation instruments;		d) set up a joint investigation team in accordance with the relevant cooperation instruments;

151.		e) provide it with any information that is necessary to carry out its tasks;	e) provide it with any information that is necessary to carry out its tasks;		e) provide it with any information that is necessary to carry out its tasks;
152.		f) take special investigative measures;	f) take special investigative measures;		f) take special investigative measures;
153.		g) take any other measure justified for the investigation or prosecution.	g) take any other measure justified for the investigation or prosecution.		g) take any other measure justified for the investigation or prosecution.
154.		3. Eurojust may also:	3. Eurojust may also:		3. Eurojust may also:
155.		a) provide Europol with opinions based on analyses carried out by Europol;	a) provide Europol with opinions based on analyses carried out by Europol;		a) provide Europol with opinions based on analyses carried out by Europol;

156.		b) supply logistical support, including assistance for translation, interpretation and the organisation of coordination meetings.	b) supply logistical support, including assistance for translation, interpretation and the organisation of coordination meetings.		b) supply logistical support, including assistance for translation, interpretation and the organisation of coordination meetings.
157.	Article 4 – paragraph 4	4. Where two or more Member States cannot agree on which of them should undertake an investigation or prosecution following a request made under point (b) of paragraph 2, Eurojust shall issue a written opinion on the case. The opinion shall be <i>promptly</i> forwarded to the Member States concerned.	4. Where two or more Member States cannot agree on which of them should undertake an investigation or prosecution following a request made under <i>point (a) and</i> (b) of paragraph 2, Eurojust shall issue a written opinion on the case. The <i>non-binding</i> opinion shall be <i>promptly</i> forwarded to the Member States concerned.	4. Where two or more Member States cannot agree on which of them should undertake an investigation or prosecution following a request made under points <i>(a) and</i> (b) of paragraph 2, Eurojust shall issue a written opinion on the case. The opinion shall be <i>immediately</i> forwarded to the Member States concerned.	Agreed in principle: 4. Where two or more Member States cannot agree on which of them should undertake an investigation or prosecution following a request made under points <i>(a) and</i> (b) of paragraph 2, Eurojust shall issue a written opinion on the case. The opinion shall be <i>immediately</i> forwarded to the Member States concerned.

158.	Article 4 – paragraph 5	5. On request of a competent authority Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The opinion shall be promptly forwarded to the Member States concerned.	5. On request of a competent authority Eurojust shall issue a written opinion on repeated refusals or difficulties concerning the execution of requests for, and decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The non-binding opinion shall be promptly forwarded to the Member States concerned.	5. On request of a competent authority, or on its own initiative , Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The opinion shall be immediately forwarded to the Member States concerned.	Agreed in principle: 5. On request of a competent authority, or on its own initiative , Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through
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					<p>the involvement of the national members concerned. The opinion shall be <i>immediately</i> forwarded to the Member States concerned.</p> <p>An accompanying recital explaining the nature of non-binding opinion will be added at a later stage.</p>
159.	Article 4 – paragraph 6 (new)		<p><i>6. The competent national authorities shall respond without undue delay to Eurojust's requests and opinions. Where the competent authorities of the Member States concerned decide not to comply with a request referred</i></p>		<p>Compromise proposal:</p> <p>6. The competent national authorities of the Member States concerned shall respond without undue delay, taking especially into account the urgency</p>

			<p><i>to in Article 4(2) or decide not to follow a written opinion referred to in Article 4(4) or (5), they shall inform Eurojust without undue delay of their decision and of the reasons for it. Where it is not possible to give the reasons for refusing to comply with a request because to do so would harm essential national security interests or would jeopardise the safety of individuals, the competent authorities of the Member States may cite operational reasons.</i></p>		<p>of the issue, to Eurojust's requests referred to in Article 4(2) and to the written opinions referred to in Article 4(4) or (5); made under this Article. <i>In urgent cases Eurojust may set up a deadline to respond.</i> The competent authorities of Member States concerned shall comply with the request made by Eurojust referred to in Article 4(2) or follow a written opinion referred to in Article 4(4) or (5); except if they can justify to Eurojust, in a</p>
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					<p>reasoned opinion, that the immediate compliance The competent authorities of the Member States may refuse to comply with requests or to follow the written opinion if the compliance would harm essential national security interests or would jeopardise the success of an ongoing investigation or the safety of an individual. Eurojust shall be informed about any delay in complying with its requests and opinions.</p>
160.		Article 5	Article 5		Article 5

		Exercise of operational functions	Exercise of operational and other functions		Exercise of operational and other functions
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161.	Article 5 - paragraph 1	1. Eurojust shall act through one or more of the national members concerned when taking any of the actions referred to in Article 4(1) or (2).	1. Eurojust shall act through one or more of the national members concerned when taking any of the actions referred to in Article 4(1) or (2). <i>Without prejudice to paragraph 2, the College shall focus on operational issues and any other issues that are directly linked to operational matters. It shall only be involved in administrative matters to the extent necessary to ensure that its operational tasks are fulfilled.</i>		Agreed in principle: 1. Eurojust shall act through one or more of the national members concerned when taking any of the actions referred to in Article 4(1) or (2). <i>Without prejudice to paragraph 2, the College shall focus on operational issues and any other issues that are directly linked to operational matters. It shall only be involved in administrative matters to the extent necessary to ensure that its operational tasks are</i>
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					<i>fulfilled.</i>
162.		2. Eurojust shall act as a College:	2. Eurojust shall act as a College:		2. Eurojust shall act as a College:
163.		<p>a) when taking any of the actions referred to in Article 4(1) or (2):</p> <p>(i) when so requested by one or more of the national members concerned by a case dealt with by Eurojust;</p> <p>(ii) when the case involves investigations or prosecutions which have repercussions at Union level or which might affect Member States other than those directly concerned;</p>	<p>a) when taking any of the actions referred to in Article 4(1) or (2):</p> <p>(i) when so requested by one or more of the national members concerned by a case dealt with by Eurojust;</p> <p>(ii) when the case involves investigations or prosecutions which have repercussions at Union level or which might affect Member States other than those directly concerned;</p>		<p>a) when taking any of the actions referred to in Article 4(1) or (2):</p> <p>(i) when so requested by one or more of the national members concerned by a case dealt with by Eurojust;</p> <p>(ii) when the case involves investigations or prosecutions which have repercussions at Union level or which might affect Member States other than those directly concerned;</p>

164.		b) when taking any of the actions referred to in Article 4 (3), (4) or (5);	b) when taking any of the actions referred to in Article 4 (3), (4) or (5);		b) when taking any of the actions referred to in Article 4 (3), (4) or (5);
165.		c) when a general question relating to the achievement of its operational objectives is involved;	c) when a general question relating to the achievement of its operational objectives is involved;		c) when a general question relating to the achievement of its operational objectives is involved;
166.	Article 5 - paragraf 2 point d	d) when otherwise provided for in this Regulation.	<i>Deleted</i>		Agreed in principle: Deleted
167.	Article 5 - paragraf 2 point e (new)		<i>e) when adopting the annual budget of Eurojust;</i>		Agreed in principle: e) when adopting the annual budget of Eurojust by a majority of two thirds of its members;

168.	Article 5 - paragrapf 2 point f (new)		<i>f) when adopting the annual and multiannual programme and the annual report on Eurojust's activities;</i>		Agreed in principle : <i>f) when adopting the annual and multiannual programme and the annual report on Eurojust's activities by a majority of two thirds of its members;</i>
169.	Article 5 - paragrapf 2 point g (new)		<i>g) when electing or dismissing the President and Vice- Presidents in accordance with Article 11;</i>		Agreed in principle: <i>g) when electing or dismissing the President and Vice- Presidents in accordance with Article 11;</i>

170.	Article 5 - paragrapf 2 point h (new)		<i>h) when appointing the Administrative Director and where relevant extending his or her term of office or removing him or her from office in accordance with Article 17;</i>		Agreed in principle: <i>h) when appointing the Administrative Director and where relevant extending his or her term of office or removing him or her from office in accordance with Article 17;</i>
171.	Article 5 - paragrapf 2 point i (new)		<i>i) when adopting working arrangements concluded in accordance with Articles 38(2a) and 43;</i>		Agreed in principle: <i>i) when adopting working arrangements concluded in accordance with Articles 38(2a) and 43;</i>

172.	Article 5 - paragrapf 2 point j (new)		<i>j) when adopting rules for the prevention and management of conflicts of interest in respect of the national members;</i>		Agreed in principle: <i>j) when adopting rules for the prevention and management of conflicts of interest in respect of the national members;</i>
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173.	Article 5 - paragrapf 2 point k (new)		<i>k) when preparing strategic reports, policy papers, guidelines for the benefit of national authorities and opinions pertaining to the operational work of Eurojust.</i>		Agreed in principle: <i>k) when adopting reports, policy papers, guidelines for the benefit of national authorities and opinions pertaining to the operational work of Eurojust, whenever these documents are of a strategic nature.</i>
174.	Article 5 - paragrapf 2 point l (new)		<i>l) when appointing liaison magistrates in accordance with Article 46;</i>		<i>l) when appointing liaison magistrates in accordance with Article 46;</i>

175.	Article 5 - paragrapf 2 point m (new)		<i>m) when taking any other decision which is not expressly attributed to the Executive Board in this Regulation or which is not under the responsibility of the Administrative Director in accordance with Article 18;</i>		<i>m) when taking any other decision which is not expressly attributed to the Executive Board in this Regulation or which is not under the responsibility of the Administrative Director in accordance with Article 18;</i>
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176.	Article 5 - paragrapf 2 point n (new)		<i>n) when otherwise provided for in this Regulation.</i>		<i>n) when otherwise provided for in this Regulation.</i>
177.		3. When it fulfils its tasks, Eurojust shall indicate whether it is acting through one or more of the national members or as a College.	3. When it fulfils its tasks, Eurojust shall indicate whether it is acting through one or more of the national members or as a College.		3. When it fulfils its tasks, Eurojust shall indicate whether it is acting through one or more of the national members or as a College.

178.	Article 5 - paragraph 4 (new)		<p><i>4. The College may assign additional administrative tasks to the Administrative Director and the Executive Board beyond those provided for in Articles 16 and 18 in line with its operational requirements.</i></p>		<p><u>Agreed in principle:</u> <i>4. The College may assign additional administrative tasks to the Administrative Director and the Executive Board beyond those provided for in Articles 16 and 18 in line with its operational requirements.</i> <u>Text moved from Article 14(3):</u> <i>3. Where exceptional circumstances so require, the College may temporarily decide to suspend the delegation of the</i></p>
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					<i>appointing authority powers to the Administrative Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Administrative Director.</i>
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179.	Article 5 - paragraph 5 (new)		<p><i>5. The College shall adopt the Rules of Procedure of Eurojust on the basis of a two-thirds majority of its members. In the event that agreement cannot be reached by two-thirds majority, the decision shall be taken by simple majority. The Rules of Procedure shall be approved by the Council by means of implementing acts.</i></p>		<p>Agreed in principle:</p> <p>5. The College shall adopt the Rules of Procedure of Eurojust on the basis of a two-thirds majority of its members. In the event that agreement cannot be reached by two-thirds majority, the decision shall be taken by simple majority. The Rules of Procedure shall be approved by the Council by means of implementing acts.</p>
180.		<p>CHAPTER II STRUCTURE AND ORGANISATION OF EUROJUST</p>	<p>CHAPTER II STRUCTURE AND ORGANISATION OF EUROJUST</p>		<p>CHAPTER II STRUCTURE AND ORGANISATION OF EUROJUST</p>

		<i>Section I</i> <i>Structure</i>	<i>Section I</i> <i>Structure</i>		Section I Structure
181.		<i>Article 6</i> Structure of Eurojust	<i>Article 6</i> Structure of Eurojust		Article 6 Structure of Eurojust
182.		The structure of Eurojust shall comprise: a) the national members; b) the College; c) the Executive Board; d) the Administrative Director.	The structure of Eurojust shall comprise: a) the national members; b) the College; c) the Executive Board; d) the Administrative Director		The structure of Eurojust shall comprise: a) the national members; b) the College; c) the Executive Board; d) the Administrative Director
183.		<i>Section II</i> <i>National Members</i>	<i>Section II</i> <i>National Members</i>		Section II National Members
184.		<i>Article 7</i> Status of national members	<i>Article 7</i> Status of national members		Article 7 Status of national members
185.		1. Eurojust shall have one national member seconded by	1. Eurojust shall have one national member seconded by		1. Eurojust shall have one national

		each Member State in accordance with its legal system, who shall have his or her regular place of work at the seat of Eurojust.	each Member State in accordance with its legal system, who shall have his or her regular place of work at the seat of Eurojust.		member seconded by each Member State in accordance with its legal system, who shall have his or her regular place of work at the seat of Eurojust.
186.	Article 7 – paragraph 2	2. Each national member shall be assisted by one deputy and by an Assistant. The deputy and the Assistant shall have their regular place of work at Eurojust.	2. Each national member shall be assisted by one deputy and by an Assistant. The deputy and the Assistant shall <i>in principle</i> have their regular place of work at <i>the seat of</i> Eurojust. <i>The Member State may decide that the deputy and/or Assistant work in the Member State of origin and notify the College. If the operational needs of Eurojust so require, the College may request the Member State to</i>		Agreed in principle: 2. Each national member shall be assisted by one deputy and by an Assistant. The deputy and the Assistant shall <i>in principle</i> have their regular place of work at <i>the seat of</i> Eurojust. <i>The Member State may decide that the deputy and/or Assistant work in the Member State of</i>

			<i>justify its decision to base the deputy and Assistant in the Member State of origin. The Member State shall respond to the request of the College without undue delay.</i>		<i>origin and notify the College. If the operational needs of Eurojust so require, the College may request, for the relevant period of time, the Member State to base the deputy or Assistant in the seat of Eurojust. The Member State shall comply to the request of the College without undue delay.</i>
187.	Article 7 - paragraf 2a (new)	More deputies or Assistants may assist the national member and may, if necessary and with the agreement of the College, have their regular place of work at Eurojust.	2a. More deputies or Assistants may assist the national member and may, if necessary and with the agreement of the College, have their regular place of work at		Agreed in principle: 2a. More deputies or Assistants may assist the national member and may, if necessary and with the agreement

			Eurojust. <i>The Member State shall notify Eurojust and the Commission of the designation of national members, deputies and Assistants.</i>		of the College, have their regular place of work at Eurojust. <i>The Member State shall notify Eurojust and the Commission of the designation of national members, deputies and Assistants.</i>
188.	Article 7 – paragraph 3	3. The national members and deputies shall have a status as a prosecutor, judge or <i>police officers of equivalent competence. The competent national authorities shall grant them</i> the powers referred to in this Regulation in order to be able to fulfil their tasks.	3. The national members and deputies shall have a status as a prosecutor, judge or <i>police officers of equivalent competence. The national members shall at least have</i> the powers referred to in this Regulation in order to be able to fulfil their tasks.	3. The national members and deputies shall have a status as a prosecutor, judge or <i>representative of judicial authority with equivalent competences in accordance with the national law. The competent national authorities shall grant them</i> the powers referred to in this Regulation in order to be able to fulfil their tasks.	<u>Agreed in principle:</u> 3. The national members and deputies shall have a status as a prosecutor, judge or <i>representative of judicial authority with equivalent competences in accordance with the national law. The Member States shall grant them at least</i> the

					powers referred to in this Regulation in order to be able to fulfil their tasks.
189.	Article 7 – paragraph 3 a (new)		<i>3a. The term of office of the national members and their deputies shall be four years, renewable.</i>	<i>3a. The term of office of the national members and their deputies shall be four years, renewable once. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their term is renewed or until they are replaced.</i>	Agreed in principle: <i>3a. The term of office of the national members and their deputies shall be five years, renewable once. In cases where deputy cannot act on behalf of or to substitute the national member, the latter, upon expiry of his or her term office, shall remain in the office upon consent of the respective Member State until the renewal of the term or until the</i>

					replacement.
190.	Article 7 – paragraph 3 b (new)			<i>3b. Member States must designate national members and deputies on the grounds of proven high level of and longstanding practical experience in the field of criminal justice.</i>	Agreed in principle: <i>3b. Member States shall designate national members and deputies on the grounds of proven high level of and relevant practical experience in the field of criminal justice.</i>

191.		4. The deputy shall be able to act on behalf of or to substitute the national member. An Assistant may also act on behalf of or substitute the national member if he or she has a status as referred to in paragraph 3.	4. The deputy shall be able to act on behalf of or to substitute the national member. An Assistant may also act on behalf of or substitute the national member if he or she has a status as referred to in paragraph 3.		4. The deputy shall be able to act on behalf of or to substitute the national member. An Assistant may also act on behalf of or substitute the national member if he or she has a status as referred to in paragraph 3.
192.		5. Operational information exchanged between Eurojust and Member States shall be directed through the national members.	5. Operational information exchanged between Eurojust and Member States shall be directed through the national members.		5. Operational information exchanged between Eurojust and Member States shall be directed through the national members.
193.	Article 7 - paragraph 6	6. National members shall contact the competent authorities of their Member State directly.	<i>Deleted</i>		Agreed in principle: <i>Deleted</i>

194.	Article 7 - paragraph 7	7. The salaries and emoluments of the national members, deputies and Assistants shall be borne by their Member State of origin.	7. The salaries and emoluments of the national members, deputies and Assistants shall be borne by their Member State of origin <i>without prejudice to Article 11a.</i>		Pending: linked to line 237
195.		8. Where national members, deputies and Assistants act within the framework of Eurojust's tasks, the relevant expenditure related to these activities shall be regarded as operational expenditure.	8. Where national members, deputies and Assistants act within the framework of Eurojust's tasks, the relevant expenditure related to these activities shall be regarded as operational expenditure.		8. Where national members, deputies and Assistants act within the framework of Eurojust's tasks, the relevant expenditure related to these activities shall be regarded as operational expenditure.
196.		Article 8 Powers of national members	<i>Article 8</i> Powers of national members		<i>Article 8</i> Powers of national members

197.		1. The national members shall have the power to:	1. The national members shall have the power to:		
198.	Article 8 – paragraph 1 – point a	a) facilitate or otherwise support the issuing and execution of any mutual legal assistance or mutual recognition request <i>or issue and execute them themselves</i> ;	a) facilitate or otherwise support the issuing and execution of any mutual legal assistance or mutual recognition request;	a) facilitate or otherwise support the issuing and execution of any mutual legal assistance or mutual recognition request;	a) facilitate or otherwise support the issuing and execution of any mutual legal assistance or mutual recognition request;
199.	Article 8 – paragraph 1 – point b	b) contact directly and exchange information with any national competent authority of the Member State;	b) contact directly and exchange information with any national competent authority of the Member State;	b) contact directly and exchange information with any national competent authority of the Member State <i>or Union agency and any other competent body, including EPPO</i> ;	Agreed in principle: b) contact directly and exchange information with any national competent authority of the Member State <i>or any other competent Union body, office or agency, including EPPO</i> ;

200.	Article 8 – paragraph 1 – point b a (new)			<i>ba) issue and execute any mutual assistance or mutual recognition requests;</i>	Deleted
201.		c) contact directly and exchange information with any competent international authority, in accordance with the international commitments of their Member State;	c) contact directly and exchange information with any competent international authority, in accordance with the international commitments of their Member State;		c) contact directly and exchange information with any competent international authority, in accordance with the international commitments of their Member State;
202.		d) participate in joint investigation teams including in their setting up.	Deleted		Agreed in principle: d) participate in joint investigation teams including in their setting up.

203.	Article 8 – paragraph 1 – point d a (new)			<i>d a) Member States may grant additional powers to the national members in accordance with national legislation. The Member States shall formally notify the Commission and College of these powers.</i>	Text is the same as the text in paragraph 1a (see below).
204.	Article 8 - paragraph 1a (new)		<i>Ia. Without prejudice to Paragraph 1, Member States may grant additional powers to the national members in accordance with national legislation. The Member State shall formally notify the Commission and the College of these powers.</i>		Agreed in principle: <i>Ia. Without prejudice to Paragraph 1, Member States may grant additional powers to the national members in accordance with national legislation. The Member State shall formally notify the Commission and the College of these</i>

					powers.
205.	Article 8 – paragraph 2 – introduct ory part	2. In agreement with the competent national authority the national members shall:	2. In agreement with their competent national authority the national members may in accordance with national law;	2. In agreement with the competent national authority the national members may, in accordance with national law:	2. In agreement with the competent national authority the national members may, in accordance with national law:
206.	Article 8 – paragraph 2 – point a	a) order investigative measures;	a) issue and execute any mutual assistance or mutual recognition request;	a) order and request investigative measures, as provided for in Directive 2014/41/EU of the European Parliament and of the Council regarding the European Investigative Order in Criminal Matters;	a) issue and execute any mutual assistance or mutual recognition request;
207.	Article 8 – paragraph 2 – point b	b) authorise and coordinate controlled deliveries in the Member State in accordance with national legislation.	b) order or request and execute investigative measures, as provided for in Directive 2014/41/EU of the European Parliament and of the Council of 3rd April 2014 regarding the		b) order or request and execute investigative measures, as provided for in Directive 2014/41/EU of the European

			<i>European Investigation Order in criminal matters;</i>		Parliament and of the Council of 3rd April 2014 regarding the European Investigation Order in criminal matters;
208.	Article 8 – paragraph 2 – point d (new)		<i>d) participate as necessary in joint investigation teams including in their setting up. However, if the joint investigation team is funded by the Union budget the national members concerned will always be invited to participate.</i>		Agreed in principle: Text to be deleted since the same text is agreed on article 8(1)d). (See line 202)
209.	Article 8 – paragraph 3	3. In urgent cases <i>when timely agreement cannot be reached</i> , the national members shall be competent to take the measures referred to in paragraph 2, informing <i>as soon as possible</i> the	3. In urgent cases <i>and in so far as it is not possible to identify or to contact the competent national authority in a timely manner</i> , the national members shall be competent to	3. In urgent cases <i>and in so far as it is not possible to identify or to contact the competent national authority in a timely manner</i> , the national members shall be competent to take the measures	Pending: 3. In urgent cases <i>and in so far as it is not possible to identify or to contact the competent national authority in a</i>

		national competent authority.	take the measures referred to in paragraph 2 <i>in accordance with national law</i> informing <i>as soon as possible</i> the national competent authority.	referred to in paragraph 2 <i>in accordance with national law</i> informing <i>immediately</i> the national competent authority.	<i>timely manner</i> , the national members a) shall be competent, <i>in accordance with national law</i> , to take the measures referred to in paragraph 2, in accordance with national law informing <i>as soon as possible</i> the national competent authority <i>or</i> b) shall submit a proposal to the competent national authority responsible to carry out the measures referred to in paragraph 2 in cases of constraints, set to the
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				<p><i><u>national members in execution of the operational powers. Requests referred to in point b) of this article shall be handled without undue delay by the competent national authority.</u></i></p> <p><i><u>A new recital (11b) will accompany these provisions:</u></i></p> <p><i><u>"(11b) Where Member States constitutional rules or fundamental aspects of the national criminal justice system regarding the division of powers between the police, prosecutors and</u></i></p>
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					<p><i>judges, or regarding the functional division of tasks between prosecution authorities, or related to the federal structure of the Member State concerned, set constraints to the national members in execution of the operational powers in case of urgency, the national member concerned shall/should submit a proposal to the competent national authority which shall handle the request without undue delay.</i></p>
210.	Article 8				3b. In cases referred to

	- paragraph 3b (new)				<i>in paragraph 3a, requests issued by the national member shall be handled by the competent national authority without undue delay.</i>
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211.	Article 8 - paragraph 4 (new)		<p>4. Where granting the powers referred to in paragraphs 2 and 3 to the national member is contrary to a Member State's</p> <p>(a) constitutional rules,</p> <p>or</p> <p>(b) fundamental aspects of the national criminal justice system:</p> <p>(i) regarding the division of powers between the police, prosecutors and judges,</p> <p>(ii) regarding the functional division of tasks between prosecution authorities,</p> <p>or</p> <p>(iii) related to the federal structure of the Member State concerned,</p>		<p><u>Pending</u></p> <p><u>Compromise proposal:</u></p> <p><u>Deleted</u></p>
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			<i>the national member shall be competent to submit a proposal to the competent national authority responsible to carry out the measures referred to in paragraphs 2 and 3.</i>		
212.	Article 8 - paragraph 5 (new)		<i>5. Member States shall ensure that, in cases referred to in paragraph 4, the request issued by the national member be handled without undue delay by the competent national authority.</i>		Pending Compromise proposal: Deleted
213.		Article 9 Access to national registers	Article 9 Access to national registers		Article 9 Access to national registers

214.		The national members shall have access to, or at least be able to obtain the information contained in, the following types of registers of their Member State, in accordance with national law:	The national members shall have access to, or at least be able to obtain the information contained in, the following types of registers of their Member State, in accordance with national law:		The national members shall have access to, or at least be able to obtain the information contained in, the following types of registers of their Member State, in accordance with national law:
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215.	Article 9 – paragraph 1 – point a	a) criminal records;	a) criminal records;	a) criminal records, <i>including the European Criminal Records Information System (ECRIS)</i>	Agreed in principle: a) criminal records;
216.		b) registers of arrested persons;	b) registers of arrested persons;		b) registers of arrested persons;
217.		c) investigation registers;	c) investigation registers;		c) investigation registers;
218.		d) DNA registers;	d) DNA registers;		d) DNA registers;
219.		e) other registers of public authorities of their Member States where such information is necessary to fulfil their tasks.	e) other registers of public authorities of their Member States where such information is necessary to fulfil their tasks.		e) other registers of public authorities of their Member States where such information is necessary to fulfil their tasks.
220.		<i>Section III The College</i>	<i>Section III The College</i>		<i>Section III The College</i>
221.		<i>Article 10</i>	<i>Article 10</i>		<i>Article 10</i>

		Composition of the College	Composition of the College		Composition of the College
222.	Article 10 - paragraph 1	1. The College shall be composed of:	1. The College shall be composed of <i>all the national members</i> .		1. The College shall be composed of:
223.	Article 10 – paragraph 1 – point a	a) all the national members <i>when the College exercises its operational functions under Article 4;</i>	<i>Deleted</i>	a) all national members;	a) all national members;
224.	Article 10 – paragraph 1 – point b	b) <i>all the national members</i> and two representatives of the Commission when the College exercises its management functions <i>under Article 14</i> .	<i>Deleted</i>	b) and <i>two</i> representatives of the Commission when College exercises its management functions, <i>one of them should be also the representative in the Executive Board in line with Art. 16 para 4</i> .	Compromise proposal (pending): b) and one representative of the Commission when College exercises its management functions, that should be also the representative in the Executive Board in line with Art. 16 para 4.

225.	Article 10 - paragraph 2	2. The term of office of the members and their deputies shall be at least four years, renewable once. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their term is renewed or until they are replaced.		<u>Deleted</u>	Agreed in principle: Deleted (the text is kept in Article 7(3a). (See line 189).
226.	Article 10 – paragraph 3	3. The Administrative Director shall attend the <i>management</i> meetings of the College, without the right to vote.	2. The Administrative Director shall attend the meetings of the College <i>when administrative issues are discussed</i> , without the right to vote.	3. The Administrative Director shall attend the meetings of the College without the right to vote.	Agreed in principle: 3. The Administrative Director shall attend the <i>management</i> meetings of the College without the right to vote.
227.		4. The College may invite any person whose opinion may be of interest to attend its meetings as an observer.	3. The College may invite any person whose opinion may be of interest to attend its meetings as an observer.		3. The College may invite any person whose opinion may be of interest to attend its

					meetings as an observer.
228.		5. The members of the College may, subject to the provisions of its Rules of Procedure, be assisted by advisers or experts.	4. The members of the College may, subject to the provisions of its Rules of Procedure, be assisted by advisers or experts.		4. The members of the College may, subject to the provisions of its Rules of Procedure, be assisted by advisers or experts.
229.		<i>Article 11</i> The President and Vice-President of Eurojust	<i>Article 11</i> The President and Vice-President of Eurojust		<i>Article 11</i> The President and Vice-President of Eurojust
230.	Article 11 - paragraph 1	1. The College shall elect a President and two Vice-Presidents from among the national members by a two thirds majority of its members.	1. The College shall elect a President and two Vice-Presidents from among the national members by a two thirds majority of its members. <i>In the event that a two thirds majority cannot be reached the</i>		Agreed in principle: 1. The College shall elect a President and two Vice-Presidents from among the national members by a two thirds majority of

			<i>election will take place in accordance with the Rules of Procedure of Eurojust.</i>		its members. In the event that a two thirds majority cannot be reached after the second round of election, the election of the Vice-Presidents should/shall take place by simple majority of the members of the College, while the two thirds majority shall continue to be necessary for the election of the President.
231.	Article 11 - paragraph 1a (new)		<i>1a. The President shall exercise his/her functions on behalf of the College under its authority. The President shall: (i) represent Eurojust</i>		Agreed in principle: <i>1a. The President shall exercise his/her functions on behalf of the College. The</i>

			<p><i>(ii) call and preside over the meetings of the College and the Executive Board and keep the College informed of any matters that are of interest to it.</i></p> <p><i>(iii) direct the work of the College and monitor the daily management ensured by the Administrative Director</i></p> <p><i>(iv) undertake any other functions set out in the Rules of Procedure of Eurojust.</i></p>		<p>President shall:</p> <p><i>(i) represent Eurojust</i></p> <p><i>(ii) call and preside over the meetings of the College and the Executive Board and keep the College informed of any matters that are of interest to it.</i></p> <p><i>(iii) direct the work of the College and monitor the daily management ensured by the Administrative Director</i></p> <p><i>(iv) undertake any other functions set out in the Rules of Procedure of Eurojust.</i></p>
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232.	Article 11 - paragraph 2	2. The Vice-Presidents shall replace the President if he or she is prevented from attending to his or her duties.	2. <i>The Vice-Presidents shall perform functions listed under paragraph 1a which the President entrusts to them. They shall replace the President if he or she is prevented from attending to his or her duties. The President and Vice-Presidents shall be assisted in the performance of their specific duties by the administrative staff.</i>		2. <i>The Vice-Presidents shall perform functions listed under paragraph 1a which the President entrusts to them. They shall replace the President if he or she is prevented from attending to his or her duties. The President and Vice-Presidents shall be assisted in the performance of their specific duties by the administrative staff.</i>
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233.	Article 11 - paragraph 3	3. The term of office of the President and the Vice-Presidents shall be four years. They may be re-elected once. <i>When a national member is elected President or Vice-President of Eurojust, his or her term of office as national member shall be extended to ensure he or she can fulfil his or her function as President or Vice-President.</i>	3. The term of office of the President and the Vice-Presidents shall be four years. They may be re-elected once.		3. The term of office of the President and the Vice-Presidents shall be four years. They may be re-elected once.
234.	Article 11 - paragraph 3a (new)		<i>3a. When a national member is elected President or Vice-President of Eurojust, his or her term of office shall be extended to ensure that he or she can fulfil his or her function as President or Vice-President.</i>		<i>3a. When a national member is elected President or Vice-President of Eurojust, his or her term of office shall be extended to ensure that he or she can fulfil his or her function as President or Vice-President.</i>

235.	Article 11 - paragraph 4 (new)		<p><i>4. If the President or Vice-President no longer fulfil the conditions required for the performance of their duties, he or she may be dismissed by the College acting on a proposal from one third of its members. The decision shall be adopted on the basis of a two-thirds majority of its members, not including the President or Vice-President concerned.</i></p>		<p>4. If the President or Vice-President no longer fulfil the conditions required for the performance of their duties, he or she may be dismissed by the College acting on a proposal from one third of its members. The decision shall be adopted on the basis of a two-thirds majority of its members, not including the President or Vice-President concerned.</p>
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236.	Article 11 - paragraph 5		<p><i>5. When a national member is elected President or Vice-President of Eurojust. The Member State concerned may second another suitably qualified person to reinforce the national desk for the duration of the former's appointment as President or Vice-President. A Member State who decides to second such a person shall be entitled to apply for compensation in accordance with Article 11a.</i></p>		<p>5. When a national member is elected President or Vice-President of Eurojust. The Member State concerned may second another suitably qualified person to reinforce the national desk for the duration of the former's appointment as President or Vice-President.</p> <p>Pending (depending on Article 11a):</p> <p>A Member State who decides to second such a person shall be entitled to apply for compensation in</p>
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					<i>accordance with Article 11a.</i>
237.	Article 11a (new)		<i>Article 11a Compensation mechanism for election to the positions of President and Vice-President</i>		<u>Pending - the whole article</u> <u>Compromise proposal:</u> <i>Article 11a Compensation mechanism for election to the positions of President and Vice-President</i>
238.	Article 11a - paragraph 1 (new)		<i>1. Within one year after entry into force of this Regulation, the Council acting on a proposal by the Commission, shall by means of implementing acts determine a compensation model for the purpose of Article 11(5), to be made available to Member States whose national member</i>		<u>Compromise proposal:</u> <i>1. Within one year after entry into force of this Regulation, the Council acting on a proposal by the Commission, shall by means of implementing acts determine a compensation model</i>

			<i>is elected President or Vice-President.</i>		<i>for the purpose of Article 11(5), to be made available to Member States whose national member is elected President or Vice-President.</i>
239.	Article 11a - paragraph 2 (new)		<p><i>2. The compensation shall be available to any Member State if;</i></p> <p style="padding-left: 40px;"><i>(i) their national member has been elected as President or Vice-President and,</i></p> <p style="padding-left: 40px;"><i>(ii) they request compensation from the College and provide justification for the need to reinforce the national desk on the grounds of increased work load.</i></p>		<p>Compromise proposal:</p> <p><i>2. The compensation shall be available to any Member State if;</i></p> <p style="padding-left: 40px;"><i>(i) their national member has been elected as President or Vice-President and,</i></p> <p style="padding-left: 40px;"><i>(ii) they request compensation from the College and provide justification for the need to reinforce the national desk on the grounds of increased work load.</i></p>

240.	Article 11a - paragraph 3 (new)		<i>3. The compensation provided shall equate to 70% of the national salary of the seconded person. Living costs and other associated expenses shall be provided on a comparative basis to those provided to EU officials or other public servants seconded abroad.</i>		3. The compensation provided shall equate to 70% of the national salary of the seconded person. Living costs and other associated expenses shall be provided on a comparative basis to those provided to EU officials or other public servants seconded abroad.
241.	Article 11a - paragraph 4 (new)		<i>4. The compensation mechanism shall be at the charge of the Eurojust budget.</i>		4. The compensation mechanism shall be at the charge of the Eurojust budget.
242.		Article 12 Meetings of the College	Article 12 Meetings of the College		Article 12 Meetings of the

					College
243.		1. The President shall convene the meetings of the College.	1. The President shall convene the meetings of the College.		1. The President shall convene the meetings of the College.
244.	Article 12 – paragraph 2	2. The College shall hold at least one <i>operational</i> meeting per month. <i>To exercise its management functions, the College shall hold at least two ordinary meetings a year.</i> In addition, it shall meet on the initiative of the President, <i>at the request of the Commission</i> , or at the request of at least one third of its members.	2. The College shall hold at least one meeting per month. In addition, it shall meet on the initiative of the President or at the request of at least one third of its members.	2. The College shall hold at least one meeting per month. In addition, it shall meet on the initiative of the President, <i>at the request of the Commission to discuss management tasks of the College</i> , or at the request of at least one third of its members.	Compromise proposal: 2. The College shall hold at least one meeting per month. In addition, it shall may meet on the initiative of the President, <i>at the request of the Commission to discuss administrative tasks of the College</i> , or at the request of at least one third of its members.
245.	Article 12 – paragraph 3	3. <i>The European Public Prosecutor shall receive the agendas of all College meetings and shall be entitled to participate in such meetings,</i>	3. <i>Eurojust shall send the European Public Prosecutor's Office the agendas of College meetings whenever issues are discussed which are of</i>		3. <i>Eurojust shall send the European Public Prosecutor's Office the agendas of College meetings</i>

		<i>without the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.</i>	<i>relevance for the exercise of the tasks of the European Public Prosecutor's Office. Eurojust shall invite the Office to participate in such meetings, without the right to vote. In those cases the relevant documents supporting the agenda shall also be provided to it.</i>		<i>whenever issues are discussed which are of relevance for the exercise of the tasks of the European Public Prosecutor's Office. Eurojust shall invite the Office to participate in such meetings, without the right to vote. In those cases the relevant documents supporting the agenda shall also be provided to it.</i>
246.		<i>Article 13</i> Voting rules of the College	<i>Article 13</i> Voting rules of the College		<i>Article 13</i> Voting rules of the College
247.	Article 13	1. Unless stated otherwise, the	1. Unless stated otherwise,	1. Unless stated otherwise,	Agreed in principle:

	– paragraph 1	College shall take its decisions by a majority of its members.	the College shall take its decisions by a majority of its members.	<i>and where a consensus cannot be reached</i> , the College shall take its decisions by a majority of its members.	1. Unless stated otherwise, <i>and where a consensus cannot be reached</i> , the College shall take its decisions by a majority of its members.
248.	Article 13 – paragraph 2	2. Each member shall have one vote. In the absence of a voting member, the deputy shall be entitled to exercise the right to vote.	2. Each member shall have one vote. In the absence of a voting member, the deputy <i>and Assistants</i> shall be entitled to exercise the right to vote <i>in accordance with Article 7(4)</i> .		<u>Compromise proposal (pending):</u> 2. Each member shall have one vote. In the absence of a voting member, the deputy shall be entitled to exercise the right to vote <i>in accordance with Article 7(4)</i> . <u>In the absence of the deputy, the assistant shall also be entitled to exercise the right to vote in</u>

					accordance with Article 7(4).
249.	Article 13 – paragraph 3	3. The President and Vice-Presidents shall have voting rights.	<i>Deleted</i>		Deleted
250.		<i>Article 14</i> Management functions of the College	<i>Deleted</i>		Deleted
251.	Article 14 - paragraph 1	1. The College exercising its management functions shall:	<i>Deleted</i>	<i>In order to clearly distinguish between the operational and the management functions of the College provisions shall be laid down, reducing the administrative burden on national members to the minimum so that the focus is put on Eurojust's operational work. The management tasks of the College shall include in particular the adoption of Eurojust's work programmes, budget, annual activity report, and</i>	In Article 5

				<i>working arrangements with partners. It should exercise the power of appointing authority towards the Administrative Director. The College should also adopt the Rules of Procedure of Eurojust.</i>	
252.	Article 14 - paragraph 1 point a	<i>a) adopt each year Eurojust's programming document by a majority of two thirds of its members and in accordance with Article 15;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
253.	Article 14 - paragraph 1 point b	<i>b) adopt, by a majority of two thirds of its members, the annual budget of Eurojust and exercise other functions in respect of Eurojust's budget pursuant to Chapter VI;</i>	<i>Deleted</i>	<i>deleted</i>	deleted

254.	Article 14 - paragraph 1 point c	<i>c) adopt a consolidated annual activity report on Eurojust's activities and send it, by [date foreseen in FFR] of the following year, to the European Parliament, national parliaments, the Council, the Commission and the Court of Auditors, and make the consolidated annual activity report public;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
255.	Article 14 - paragraph 1 point d	<i>d) adopt staff resource programming as part of the programming document;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
256.	Article 14 - paragraph 1 point e	<i>e) adopt the financial rules applicable to Eurojust in accordance with Article 52;</i>	<i>Deleted</i>	<i>deleted</i>	deleted

257.	Article 14 - paragraph 1 point f	<i>f) adopt rules for the prevention and management of conflicts of interest in respect of its members;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
258.	Article 14 - paragraph 1 point g	<i>g) in accordance with paragraph 2, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations¹ on the Appointing Authority and by the Conditions of Employment of Other Servants² on the Authority Empowered to conclude Contracts of Employment ("the appointing authority powers");</i>	<i>Deleted</i>	<i>deleted</i>	deleted
259.	Article 14 - paragraph 1 point h	<i>h) appoint the Administrative Director and where relevant extend his or her term of office or remove him or her from office in accordance with Article 17;</i>	<i>Deleted</i>	<i>deleted</i>	deleted

260.	Article 14 - paragraph 1 point i	<i>i) appoint an Accounting Officer and a Data Protection Officer who shall be functionally independent in the performance of their duties;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
261.	Article 14 - paragraph 1 point j	<i>j) adopt working arrangements concluded in accordance with Article 43;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
262.	Article 14 - paragraph 1 point k	<i>k) elect the President and Vice-Presidents in accordance with Article 11;</i>	<i>Deleted</i>	<i>deleted</i>	deleted
263.	Article 14 - paragraph 1 point l	<i>l) adopt its rules of procedure.</i>	<i>Deleted</i>	<i>deleted</i>	deleted
264.	Article 14 - paragraph 2	<i>2. The College shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff</i>	<i>Deleted</i>	<i>deleted</i>	deleted

		<i>Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Administrative Director and defining the conditions under which this delegation of powers can be suspended. The Administrative Director shall be authorised to sub-delegate these powers.</i>			
265.	Article 14 - paragraph 3	<i>3. Where exceptional circumstances so require, the College may temporarily decide to suspend the delegation of the appointing authority powers to the Administrative Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member</i>	<i>Deleted</i>	<i>deleted</i>	Moved to Article 5:

		<i>other than the Administrative Director.</i>			
266.	Article 14 - paragraph 4	4. The College shall reach decisions on appointment, extension of the term of office and removal from office of the Administrative Director on the basis of a two-thirds majority of its members.	<i>Deleted</i>	<i>deleted</i>	<i>deleted</i>
267.		Article 15 Annual and multi-annual programming	<i>Deleted</i>		Agreed in principle:
268.	Article 15 – paragraph 1	1. By [30 November each year] the College shall adopt a programming document containing multi-annual and annual programming, based on a draft put forward by the Administrative Director, taking into account the opinion of the Commission. It shall forward it to	<i>Deleted</i>	1. By [30 November each year] the College shall adopt a programming document containing annual programming, based on a draft put forward by the Administrative Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the	1. By [30 November each year] the College shall adopt a programming document containing annual and multiannual programming, based on a draft put forward by the Administrative

		<p>the European Parliament, the Council <i>and</i> the Commission.</p> <p>The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p>		<p>Council, the Commission, <i>and the European Public Prosecutor's Office</i>. The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p>	<p>Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission, <i>and the European Public Prosecutor's Office</i>.</p> <p>The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</p>
269.	Article 15 – paragraph 2	<p>2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a</p>	<i>Deleted</i>		<p>2. The annual work programme shall comprise detailed objectives and expected results including</p>

		<p>description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4. It shall clearly indicate which tasks have been added, changed or deleted in comparison with the previous financial year.</p>			<p>performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4. It shall clearly indicate which tasks have been added, changed or deleted in comparison with the</p>
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					previous financial year.
270.	Article 15 – paragraph 3	3. The College shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The College may delegate to the Administrative Director the power to make non-substantial amendments to the annual work programme.	<i>Deleted</i>		3. The College shall amend the adopted annual work programme when a new task is given to the Agency. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The College may delegate to the Administrative Director the power to make non-substantial amendments to the annual work programme.

271.	Article 15 – paragraph 4	4. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.	<i>Deleted</i>	4. The multi-annual work programme shall set out overall strategic programming including objectives, <i>the strategy for cooperation with the third countries and international organisations referred to in Article 43</i> , expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.	4. The multi-annual work programme shall set out overall strategic programming including objectives, <i>the strategy for cooperation with the third countries and international organisations referred to in Article 43</i> , expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be
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					updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.
272.		<i>Section IV</i> <i>The Executive Board</i>	<i>Section IV</i> <i>The Executive Board</i>		<i>Section IV</i> <i>The Executive Board</i>
273.		<i>Article 16</i> Functioning of the Executive Board	<i>Article 16</i> Functioning of the Executive Board		<i>Article 16</i> Functioning of the Executive Board
274.	Article 16 – paragraph 1	1. The College shall be assisted by an Executive Board. The Executive Board shall not be involved in the operational functions of Eurojust referred to in Articles 4 and 5.	1. The College shall be assisted by an Executive Board. The Executive Board shall <i>be responsible for taking key administrative decisions to ensure the functioning of Eurojust. It will also undertake the necessary preparatory work on other administrative matters for the College's approval in</i>	1. The College shall be assisted by an Executive Board. The Executive Board shall <i>be responsible for taking administrative decisions to ensure the proper functioning of Eurojust. It shall also undertake the necessary preparatory work on other administrative matters for the College's approval in</i>	Agreed in principle: 1. The College shall be assisted by an Executive Board. The Executive Board shall <i>be responsible for taking administrative decisions to ensure the proper functioning of Eurojust. It shall also</i>

			<p><i>accordance with Article 5(2). It shall not be involved in the operational functions of Eurojust referred to in Articles 4 and 5.</i></p>	<p><i>accordance with Article 5(2). It shall not be involved in the operational functions of Eurojust referred to in Articles 4 and 5.</i></p>	<p>review/oversee the necessary preparatory work of the Administrative Director on other administrative matters for the College's adoption approval in accordance with Article 5(2). It shall not be involved in the operational functions of Eurojust referred to in Articles 4 and 5.</p>
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275.	Article 16 – paragraph 1 a (new)		<i>1a. The Executive Board may consult the College when preparing the annual budget for Eurojust, the annual report and the annual and multi-annual work programmes and may obtain other non-operational information from the College, if necessary for it to be able to perform its tasks.</i>	<i>1a. The Executive Board may consult the College when preparing the annual budget for Eurojust, the annual report and the annual and multi-annual work programmes and may obtain other non-operational information from the College, where necessary for the performance of its tasks.</i>	Agreed in principle: <i>1a. The Executive Board may consult the College when exercising its tasks.</i>
276.	Article 16 – paragraph 2 – introductory part	2. The Executive Board shall <i>also</i> :	2. The Executive Board shall <i>also</i> :	2. The Executive Board shall:	Agreed in principle: <i>2. The Executive Board shall also:</i>

277.	Article 16 – paragraph 2 – point a	a) prepare the decisions to be adopted by the College in accordance with Article 14;	<i>a) approve Eurojust's annual and multi-annual work programme based on the draft prepared by the Administrative Director and forward to the College for adoption;</i>		<i>a) approve review Eurojust's annual and multi-annual work programme based on the draft prepared by the Administrative Director and forward to the College for adoption;</i>
278.	Article 16 – paragraph 2 – point a a (new)			<i>a) prepare Eurojust's annual and multi-annual work programme based on the draft prepared by the Administrative Director and forward it to the College for adoption;</i>	<i>deleted</i>

279.	Article 16 – paragraph 2 – point b	b) adopt an anti-fraud strategy, <i>which is proportionate to the fraud risks having regard to cost-benefit of the measures to be implemented;</i>	b) adopt an anti-fraud strategy <i>for Eurojust based on a draft prepared by the Administrative Director;</i>	b) adopt an anti-fraud strategy <i>for Eurojust based on a draft prepared by the Administrative Director;</i>	<p>Agreed in principle:</p> <p>b) adopt an anti-fraud strategy for Eurojust, which is proportionate to the fraud risks having regard to cost-benefit of the measures to be implemented and based on a draft prepared by the Administrative Director:</p> <p>Comment to the proposal:</p> <p>In line with Europol Regulation Art 11 (1) e) and EPPO Regulation Art. 114 (b)</p>
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280.		c) adopt appropriate implementing rules to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	c) adopt appropriate implementing rules to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;		c) adopt appropriate implementing rules to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;
281.	Article 16 – paragraph 2 – point d	d) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor (EDPS) and the European Anti-fraud Office (OLAF);	d) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports, evaluations and investigations <i>to the extent they are not linked with the operational work of the College</i> including those of the European Data Protection Supervisor (EDPS) and the European Anti-fraud Office (OLAF);		<u>Compromise proposal:</u> d) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports, evaluations and investigations, including those of the European Data Protection

					<p>Supervisor (EDPS) and the European Anti-fraud Office (OLAF);</p> <p>Comment to the proposal:</p> <p>Limitation for actions in the area and intervention into the operational functions is already stated clearly in para (1) of this Article last sentence.</p>
282.		e) take all decisions on the establishment and, where necessary, the modification of Eurojust's internal administrative structures;	e) take all decisions on the establishment and, where necessary, the modification of Eurojust's internal administrative structures;		e) take all decisions on the establishment and, where necessary, the modification of Eurojust's internal administrative structures;

283.	Article 16 – paragraph 2 – point f	f) without prejudice to the responsibilities of the Administrative Director, as set out in Article 18, assist and advise him or her in the implementation of the decisions of the College, with a view to reinforcing supervision of administrative and budgetary management;	<i>Deleted</i>		Agreed in principle: f) without prejudice to the responsibilities of the Administrative Director, as set out in Article 18, assist and advise him or her in the implementation of the decisions of the College, with a view to reinforcing supervision of administrative and budgetary management;
284.	Article 16 – paragraph 2 – point g	g) <i>take any other decision not expressly attributed to the College in Articles 5 or 14 or under the responsibility of the Administrative Director in accordance with Article 18;</i>	<i>Deleted</i>	<i>deleted</i>	Agreed in principle: <i>Deleted</i>

285.	Article 16 – paragraph 2 – point h	<i>h) adopt its rules of procedure.</i>	<i>Deleted</i>	<i>deleted</i>	Agreed in principle: Deleted
286.	Article 16 – paragraph 2 – point h a (new)			<i>h a) undertake any additional administrative tasks assigned to it by the College under Article 5(4);</i>	Agreed in principle: h a) undertake any additional administrative tasks assigned to it by the College under Article XX 5(4);
287.	Article 16 – paragraph 2 – point h b (new)			<i>h b) adopt the financial rules applicable to Eurojust in accordance with Article 52;</i>	Agreed in principle: h b) adopt the financial rules applicable to Eurojust in accordance with Article 52;
288.	Article 16 – paragraph 2 – point h c (new)			<i>h c) adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the</i>	Agreed in principle: h c) adopt, in accordance with Article 110 of the Staff Regulations, a decision

				<p><i>Conditions of Employment of Other Servants delegating the relevant appoint authority powers to the Administrative Director and defining the conditions under which this delegation of powers can be suspended; the Administrative Director shall be authorised to sub-delegate these powers;</i></p>	<p>based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appoint authority powers to the Administrative Director and defining the conditions under which this delegation of powers can be suspended; the Administrative Director shall be authorised to sub-delegate these powers;</p>
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289.	Article 16 – paragraph 2 – point aa (new)		<i>aa) undertake any additional administrative tasks assigned to it by the College under Article 5(4);</i>		Agreed in principle: Deleted
290.	Article 16 – paragraph 2 – point bb (new)		<i>bb) prepare the annual budget of Eurojust for adoption by the College;</i>		Agreed in principle: bb) prepare review the <u>draft</u> annual budget of Eurojust for adoption by the College;

291.	Article 16 – paragraph 2 – point cc (new)		<i>cc) approve the annual report on Eurojust's activities and forward to the College for adoption</i>		Agreed in principle: <i>cc) review the draft annual report on Eurojust's activities and forward to the College for adoption</i>
292.	Article 16 – paragraph 2 – point dd (new)		<i>dd) adopt the financial rules applicable to Eurojust in accordance with Article 52;</i>		Agreed in principle: Deleted
293.	Article 16 – paragraph 2 – point ee (new)		<i>ee) appoint an Accounting Officer and a Data Protection Officer who shall be functionally independent in the performance of their duties;</i>		Agreed in principle: <i>ee) appoint an Accounting Officer and a Data Protection Officer who shall be functionally independent in the performance of their duties;</i>

294.	Article 16 – paragraph 2 – point ff (new)		<i>ff) adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Administrative Director and defining the conditions under which this delegation of powers can be suspended. The Administrative Director shall be authorised to sub-delegate these powers.</i>		Agreed in principle: Deleted
295.	Article 16 – paragraph 3	<i>3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the College on administrative and budgetary matters, which shall be subject to confirmation by the College.</i>	<i>deleted</i>	<i>deleted</i>	Agreed in principle: Deleted

296.	Article 16 – paragraph 4	4. The Executive Board shall be composed of the President and Vice-Presidents of the College, one representative of the Commission and <i>one</i> other member of the College. <i>The President of the College shall be the Chairperson of the Executive Board. The Executive Board shall take its decisions by a majority of its members, each member having one vote.</i> The Administrative Director shall take part in the meetings of the Executive Board, <i>but shall not have</i> the right to vote.	4. The Executive Board shall be composed of the President and Vice-Presidents of the College, one representative of the Commission and <i>two</i> other members of the College <i>designated on a two year rotation system in accordance with the Rules of Procedure of the College.</i> The Administrative Director shall attend the meetings of the Executive Board <i>without</i> the right to vote.		Agreed in principle: 4. The Executive Board shall be composed of the President and Vice-Presidents of the College, one representative of the Commission and <i>two</i> other members of the College <i>designated on a two year rotation system in accordance with the Rules of Procedure of the College.</i> The Administrative Director shall attend the meetings of the Executive Board <i>without</i> the right to vote.
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297.	Article 16 – paragraph 4a (new)		<p><i>4a. The President of the College shall be the Chairperson of the Executive Board. The Executive Board shall take its decisions by a majority of its members. Each member shall have one vote. In the event of a tie vote, the President shall have the casting vote.</i></p>		<p>Agreed in principle: <i>4a. The President of the College shall be the Chairperson of the Executive Board. The Executive Board shall take its decisions by a majority of its members. Each member shall have one vote. In the event of a tie vote, the President shall have the casting vote.</i></p>
298.	Article 16 – paragraph 5	<p><i>5. The term of office of members of the Executive Board shall be four years, with the exception of the member of the College who shall be appointed following a two-year rotation</i></p>	<p>5. The term of office of members of the Executive Board shall end when their term as national members, President or Vice-President ends.</p>		<p><i>5. The term of office of members of the Executive Board shall end when their term as national members, President or Vice-</i></p>

		<i>system.</i> The term of office of members of the Executive Board shall end when their term as national members ends.			President ends.
299.	Article 16 – paragraph 6	6. The Executive Board shall hold at least <i>one ordinary meeting</i> every three months. In addition , it shall meet on the initiative of its Chairperson or at the request of the Commission or of at least two of its other members.	6. The Executive Board shall meet at least <i>once a month</i> . In addition , it shall meet on the initiative of its Chairperson or at the request of the Commission or of at least two of its other members.	6. The Executive Board shall meet at least <i>every three months</i> . If necessary , it shall meet on the initiative of its Chairperson or at the request of the Commission or of at least two of its other members.	Agreed in principle: 6. The Executive Board shall meet at least <i>once a month</i> . In addition , it shall meet on the initiative of its Chairperson or at the request of the Commission or of at least two of its other members.
300.	Article 16 – paragraph 7	7. <i>The European Public Prosecutor shall receive the agendas of all Executive Board meetings and shall be free to participate in such meetings,</i>	7. <i>Eurojust shall send the European Public Prosecutor's Office the agendas of the Executive Board meetings whenever issues are discussed</i>		Compromise proposal: 7. <i>Eurojust shall send to the European Public Prosecutor's Office the agendas of</i>

		<p><i>without the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.</i></p>	<p><i>which are of relevance for the exercise of the tasks of the European Public Prosecutor's Office.</i></p> <p><i>Eurojust shall invite the Office to participate in such meetings, without the right to vote. In those cases the relevant documents supporting the agenda shall also be provided to it.</i></p>		<p><i>the Executive Board meetings and consult with EPPO the need of its participation in those meetings. EUROJUST The EPPO shall be free invite EPPO to participate in such meetings, without the right to vote, whenever issues are discussed which he or she considers are to be of relevance for the functioning of the EPPO. In those cases the relevant documents supporting the agenda shall also be provided</i></p>
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301.	Article 16 – paragraph 8	8. The European Public Prosecutor may address written opinions to the Executive Board, to which the Executive Board shall respond in writing without undue delay.	<i>Deleted</i>		Compromise proposal: Deleted
302.	Article 16a (new)		<i>Article 16a</i> <i>Annual and multi-annual programming</i>		Covered in Article 15
303.	Article 16a - paragraph 1 (new)		<i>1. By 30 November each year the College shall adopt a programming document containing a multi-annual and annual work programme, based on a draft put forward by the Administrative Director and approved by the Executive Board. It shall forward it to the European Parliament, the</i>		Deleted

			<p><i>Council and the Commission.</i></p> <p><i>The work programme shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.</i></p>		
304.	Article 16a - paragraph 2 (new)		<p><i>2. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent</i></p>		Deleted

			<i>with the multi-annual work programme referred to in paragraph 4. It shall clearly indicate which tasks have been added, changed or deleted in comparison with the previous financial year.</i>		
305.	Article 16a - paragraph 3 (new)		<i>3. The Executive Board shall amend the adopted annual work programme when a new task is given to Eurojust. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Executive Board may delegate to the Administrative Director the power to make non-substantial amendments to the</i>		Deleted

			<i>annual work programme, while keeping the Executive Board informed of any such amendment.</i>	
306.	Article 16a - paragraph 4 (new)		<i>4. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.</i>	Deleted

307.		<i>Section V</i> <i>The Administrative Director</i>	<i>Section V</i> <i>The Administrative Director</i>		Section V The Administrative Director
308.		<i>Article 17</i> Status of the Administrative Director	<i>Article 17</i> Status of the Administrative Director		Article 17 Status of the Administrative Director
309.		1. The Administrative Director shall be engaged as a temporary agent of Eurojust under Article 2(a) of the Conditions of Employment of Other Servants of the European Union.	1. The Administrative Director shall be engaged as a temporary agent of Eurojust under Article 2(a) of the Conditions of Employment of Other Servants of the European Union.		1. The Administrative Director shall be engaged as a temporary agent of Eurojust under Article 2(a) of the Conditions of Employment of Other Servants of the European Union.

310.	Article 17 – paragraph 2	2. The Administrative Director shall be appointed by the College from a list of candidates proposed by <i>the Commission</i> , following an open and transparent selection procedure. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.	2. The Administrative Director shall be appointed by the College from a list of candidates proposed by <i>the Executive Board</i> , following an open and transparent selection procedure <i>in accordance with the Rules of Procedure of Eurojust</i> . For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.	2. The Administrative Director shall be appointed by the College <i>on the grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience</i> , from a list of candidates proposed by <i>the Executive Board</i> , following an open and transparent selection procedure, <i>in accordance with the Rules of Procedure of Eurojust</i> . For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.	Pending (COM to come back): 2. The Administrative Director shall be appointed by the College from a list of candidates proposed by <i>the Executive Board</i> , following an open and transparent selection procedure <i>in accordance with the Rules of Procedure of Eurojust</i> . For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the
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					<p>College.</p> <p>The text is accompanied by the following recital:</p> <p>16) In order to ensure an efficient day-to-day administration of Eurojust, the Administrative Director should be its legal representative and manager, accountable to the College. The Administrative Director should prepare and implement the decisions of the College and the Executive Board. The Administrative Director should be appointed <i>on the grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience.</i></p>
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311.	Article 17 – paragraph 3	3. The term of office of the Administrative Director shall be <i>five</i> years. By the end of this period, the <i>Commission</i> shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.	3. The term of office of the Administrative Director shall be <i>four</i> years. By the end of this period, the <i>Executive Board</i> shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.	3. The term of office of the Administrative Director shall be <i>four</i> years. By the end of this period, the <i>Executive Board</i> shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.	<u>Pending:</u> 3. The term of office of the Administrative Director shall be <i>four</i> years. By the end of this period, the <i>Executive Board</i> shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.
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312.	Article 17 – paragraph 4	4. The College, acting on a proposal from the <i>Commission</i> which takes into account the assessment referred to in paragraph 3, may extend once the term of office of the Administrative Director for no more than <i>five</i> years.	4. The College, acting on a proposal from the Executive Board which takes into account the assessment referred to in paragraph 3, may extend once the term of office of the Administrative Director for no more than <i>four</i> years.	4. The College, acting on a proposal from the <i>Executive Board</i> which takes into account the assessment referred to in paragraph 3, may extend once the term of office of the Administrative Director for no more than <i>four</i> years.	Pending: 4. The College, acting on a proposal from the <i>Executive Board</i> which takes into account the assessment referred to in paragraph 3, may extend once the term of office of the Administrative Director for no more than <i>four</i> years.
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313.		5. An Administrative Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.	5. An Administrative Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.		5. An Administrative Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.
314.	Article 17 – paragraph 6	6. The Administrative Director shall be accountable to the College <i>and the Executive Board</i> .	6. The Administrative Director shall be accountable to the College.	6. The Administrative Director shall be accountable to the College.	Agreed in principle: 6. The Administrative Director shall be accountable to the College.

315.	Article 17 – paragraph 7	7. The Administrative Director may be removed from the office only upon a decision of the College acting on a proposal from the <i>Commission</i> .	7. The Administrative Director may be removed from the office only upon a decision of the College <i>on the basis of a two-thirds majority of its members</i> .	7. The Administrative Director may be removed from the office only upon a decision of the College acting on a proposal from the <i>Executive Board</i> .	(COM to come back): 7. The Administrative Director may be removed from the office only upon a decision of the College acting on a proposal from the <i>Executive Board</i> .
316.		<i>Article 18</i> Responsibilities of the Administrative Director	<i>Article 18</i> Responsibilities of the Administrative Director		<i>Article 18</i> Responsibilities of the Administrative Director
317.		1. For administrative purposes, Eurojust shall be managed by its Administrative Director.	1. For administrative purposes, Eurojust shall be managed by its Administrative Director.		1. For administrative purposes, Eurojust shall be managed by its Administrative Director.

318.	Article 18 – paragraph 2	2. Without prejudice to the powers of the <i>Commission, the</i> College or the Executive Board, the Administrative Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or from any other body.	2. Without prejudice to the powers of the College or the Executive Board, the Administrative Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or from any other body.	2. Without prejudice to the powers of the College or the Executive Board, the Administrative Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or from any other body.	Agreed in principle: 2. Without prejudice to the powers of the College or the Executive Board, the Administrative Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or from any other body.
319.		3. The Administrative Director shall be the legal representative of Eurojust.	3. The Administrative Director shall be the legal representative of Eurojust.		3. The Administrative Director shall be the legal representative of Eurojust.

320.		4. The Administrative Director shall be responsible for the implementation of the administrative tasks assigned to Eurojust. In particular, the Administrative Director shall be responsible for:	4. The Administrative Director shall be responsible for the implementation of the administrative tasks assigned to Eurojust. In particular, the Administrative Director shall be responsible for:		4. The Administrative Director shall be responsible for the implementation of the administrative tasks assigned to Eurojust. In particular, the Administrative Director shall be responsible for:
321.	Article 18 – paragraph 4 – point a	a) the day-to-day administration of Eurojust;	a) the day-to-day administration of Eurojust <i>and staff management</i> ;	a) the day-to-day administration of Eurojust <i>and staff management</i> ;	a) the day-to-day administration of Eurojust <i>and staff management</i> ;
322.		b) implementing the decisions adopted by the College and the Executive Board;	b) implementing the decisions adopted by the College and the Executive Board;		b) implementing the decisions adopted by the College and the Executive Board;

323.	Article 18 – paragraph 4 – point c	c) preparing the <i>programming document</i> and submitting it to the Executive Board <i>and College after consultation of the Commission;</i>	c) preparing the <i>annual and multi-annual work programme</i> and submitting it to the Executive Board <i>for approval;</i>	c) preparing the <i>annual and multi-annual work programming</i> and submitting it to the Executive Board <i>for approval;</i>	Agreed in principle: c) preparing the <i>annual and multi-annual work programming</i> and submitting it to the Executive Board <i>for approval review;</i>
324.	Article 18 – paragraph 4 – point d	d) implementing the <i>programming document</i> and reporting to the Executive Board and College on its implementation;	d) implementing the <i>annual and multi-annual work programme</i> and reporting to the Executive Board on its implementation;	d) implementing the <i>annual and multi-annual work programming</i> and reporting to the Executive Board and College on its implementation;	Agreed in principle: d) implementing the <i>annual and multi-annual work programming</i> and reporting to the Executive Board and College on its implementation;

325.		e) preparing the annual report on Eurojust's activities and presenting it to the Executive Board for completion and to the College for approval;	e) preparing the annual report on Eurojust's activities and presenting it to the Executive Board for approval;		e) preparing the annual report on Eurojust's activities and presenting it to the Executive Board for review and to the College for adoption approval;
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326.	Article 18 – paragraph 4 – point f	f) preparing an action plan following-up on the conclusions of the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor and OLAF and reporting on progress twice a year to the Executive Board, the Commission and the European Data Protection Supervisor;	f) preparing an action plan following-up on the conclusions of the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor and OLAF and reporting on progress twice a year to the Executive Board, the College, the Commission and the European Data Protection Supervisor;	f) preparing an action plan following-up on the conclusions of the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor and OLAF and reporting on progress twice a year to the <i>College, the</i> Executive Board, the Commission and the European Data Protection Supervisor;	Agreed in principle: f) preparing an action plan following-up on the conclusions of the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor and OLAF and reporting on progress twice a year to the <i>College, the</i> Executive Board, the Commission and the European Data Protection Supervisor;
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327.	Article 18 – paragraph 4 – point g	<i>g) protecting the financial interests of the Union by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative and financial penalties;</i>	<i>g) preparing an anti-fraud strategy for Eurojust and presenting it to the Executive Board for approval;</i>	<i>deleted</i>	Agreed in principle: <i>g) preparing an anti-fraud strategy for Eurojust and presenting it to the Executive Board for approval adoption;</i>
328.	Article 18 – paragraph 4 – point h	<i>h) preparing an anti-fraud strategy for Eurojust and presenting it to the Executive Board for approval;</i>	<i>h) preparing the draft financial rules applicable to Eurojust;</i>		Agreed in principle: <i>h) preparing the draft financial rules applicable to Eurojust;</i>

329.	Article 18 – paragraph 4 – point i	<i>i) preparing the draft financial rules applicable to Eurojust;</i>	<i>i) preparing Eurojust's draft statement of estimates of revenue and expenditure and implementing its budget;</i>		Agreed in principle: <i>i) preparing Eurojust's draft statement of estimates of revenue and expenditure and implementing its budget;</i>
330.	Article 18 – paragraph 4 – point j	<i>j) preparing Eurojust's draft statement of estimates of revenue and expenditure and implementing its budget.</i>	<i>j) exercising, with respect to the staff of the Agency, the powers conferred by the Staff Regulations² on the Appointing Authority and by the Conditions of Employment of Other Servants³ on the</i>		Agreed in principle: <i>j) exercising, with respect to the staff of the Agency, the powers conferred by the Staff Regulations⁴ on the Appointing Authority</i>

² Council Regulation No 31 (EEC), 11 (EAEC) of 18 December 1961 laying down the Staff Regulations for Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, OJ P 045, 14.6.1962, p. 1385, as amended, in particular, by Council Regulation 259/68, of 29 February 1968 (OJ L 56, 4.3.1968, p. 1), as itself subsequently amended.

³ Council Regulation No 31 (EEC), 11 (EAEC) of 18 December 1961 laying down the Staff Regulations for Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, OJ P 045, 14.6.1962, p. 1385, as amended, in particular, by Council Regulation 259/68, of 29 February 1968 (OJ L 56, 4.3.1968, p. 1), as itself subsequently amended.

			<i>Authority Empowered to conclude Contracts of Employment ("the appointing authority powers");</i>		<i>and by the Conditions of Employment of Other Servants⁵ on the Authority Empowered to conclude Contracts of Employment ("the appointing authority powers");</i>
331.	Article 18 – paragraph 4 – point k (new)		<i>k) providing necessary administrative support to facilitate the operational work of Eurojust;</i>		<i>Agreed in principle: k) providing ensuring that the necessary administrative support is provided to facilitate the operational work of Eurojust;</i>

⁴ Council Regulation No 31 (EEC), 11 (EAEC) of 18 December 1961 laying down the Staff Regulations for Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, OJ P 045, 14.6.1962, p. 1385, as amended, in particular, by Council Regulation 259/68, of 29 February 1968 (OJ L 56, 4.3.1968, p. 1), as itself subsequently amended.

⁵ Council Regulation No 31 (EEC), 11 (EAEC) of 18 December 1961 laying down the Staff Regulations for Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, OJ P 045, 14.6.1962, p. 1385, as amended, in particular, by Council Regulation 259/68, of 29 February 1968 (OJ L 56, 4.3.1968, p. 1), as itself subsequently amended.

332.	Article 18 – paragraph 4 – point 1 (new)		<i>l) providing support to the President and Vice-Presidents in the carrying out of their duties.</i>		<i>l) providing ensuring that support to the President and Vice-Presidents in the carrying out of their duties is provided.</i>
333.	Article 18 – paragraph 4 – point j a (new)			<i>j a) exercising, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to conclude Contracts of Employment ("the appointing authority powers");</i>	<i>Agreed in principle:</i> <i>Deleted</i>

334.	Article 18 – paragraph 4 – point j b (new)			<i>j b) providing necessary administrative support to facilitate the operational work of Eurojust;</i>	Agreed in principle: Deleted
335.	Article 18 – paragraph 4 – point j c (new)			<i>j c) providing support to the President and Vice-Presidents in the carrying out of their duties.</i>	Agreed in principle: Deleted
336.	Article 18 – paragraph 4 – point j d (new)			<i>j d) prepare a draft proposal for the annual budget of Eurojust, which should be presented and consulted by the Executive Board before the adoption by the College;</i>	Agreed in principle: j d) prepare a draft proposal for the annual budget of Eurojust, which should be presented and consulted reviewed by the Executive Board before the adoption by the College; Comment to the proposal: Consistent with line

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337.	Article 18 – paragraph 5 (new)		<i>5. The Council may invite the Administrative Director to report on the performance of his/her duties.</i>		Compromise proposal (Council to come back): Deleted
338.		CHAPTER III OPERATIONAL MATTERS	CHAPTER III OPERATIONAL MATTERS		CHAPTER III OPERATIONAL MATTERS
339.		<i>Article 19</i> On-call coordination (OCC)	<i>Article 19</i> On-call coordination (OCC)		Article 19 On-call coordination (OCC)
340.		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.	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, on a 24 hour/7 day basis.		Agreed in principle: 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, on a 24 hour/7 day basis.
341.	Article 19 - paragraph 2	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, <i>or an</i> Assistant entitled to replace the national member. The On-Call Coordination representative shall be able to act 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, Assistant entitled to replace the national member <i>or other authority designated for this purpose under national law.</i> The On-Call Coordination representative shall be able to act on a 24 hour/7 day basis.		Agreed in principle –: 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, Assistant entitled to replace the national member <i>or seconded national experts.</i> The On-Call Coordination representative shall be able to act on a 24 hour/7 day basis.

342.	Article 19 – paragraph 3	3. The On-Call Coordination representatives shall act without delay, in relation to the execution of the request in their Member State.	3. The On-Call Coordination representatives shall act without delay, in relation to the execution of the request in their Member State. <i>National members who are representatives shall act through the exercise of the powers available to them in accordance with Article 8.</i>	3. The On-Call Coordination representatives shall act <i>efficiently</i> , without delay, in relation to the execution of the request in their Member State.	Agreed in principle: 3. The On-Call Coordination representatives shall act <i>efficiently</i> , without delay, in relation to the execution of the request in their Member State.
343.		<i>Article 20</i> Eurojust National Coordination System	<i>Article 20</i> Eurojust National Coordination System		<i>Article 20</i> Eurojust National Coordination System
344.		1. Each Member State shall designate one or more national correspondents for Eurojust.	1. Each Member State shall designate one or more national correspondents for Eurojust.		1. Each Member State shall designate one or more national correspondents for Eurojust.

345.	Article 20 – paragraph 1 a (new)			<i>(1a) All the national correspondents appointed by the Member States under paragraph 1 must have the skills and experience needed to carry out their duties.</i>	Agreed: <i>(1a) All the national correspondents appointed by the Member States under paragraph 1 shall have the skills and experience needed to carry out their duties.</i>
346.		2. Each Member State shall set up a Eurojust national coordination system to ensure coordination of the work carried out by:	2. Each Member State shall set up a Eurojust national coordination system to ensure coordination of the work carried out by:		2. Each Member State shall set up a Eurojust national coordination system to ensure coordination of the work carried out by:
347.		a) the national correspondents for Eurojust;	a) the national correspondents for Eurojust;		a) the national correspondents for Eurojust;

348.	Article 20 – paragraph 2 – point a a (new)			<i>(aa) national correspondents for issues relating to the competence of the EPPO for non-participating Member States;</i>	<p>Compromise proposal:</p> <p><i>(aa) national correspondents for issues relating to the competence of the EPPO;</i></p> <p><i>The accompanying recital should be modified as follows:</i></p> <p>18) Eurojust national coordination systems should be set up in the Member States to coordinate the work carried out by the national correspondents for Eurojust, the national correspondent for Eurojust for terrorism matters, the national correspondent</p>
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					<p>for Eurojust for issues relating to the competence of the European Public Prosecutor's Office designated by the Member States that do not participate in the European Public Prosecutor's Office, the national correspondent for the European Judicial Network and up to three other contact points, as well as representatives in the Network for Joint Investigation Teams and of the networks set up by Council Decision 2002/494/JHA of 13</p>
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					<p>June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes¹⁰, Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime¹¹ and by Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network</p>
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					against corruption ¹² . <i>Member States may decide that one or more of these tasks is performed by the same national correspondent.</i>
349.		b) the national correspondent for Eurojust for terrorism matters;	b) the national correspondent for Eurojust for terrorism matters;		b) the national correspondent for Eurojust for terrorism matters;
350.		c) the national correspondent for the European Judicial Network in criminal matters and up to three other contact points of that European Judicial Network;	c) the national correspondent for the European Judicial Network in criminal matters and up to three other contact points of that European Judicial Network;		c) the national correspondent for the European Judicial Network in criminal matters and up to three other contact points of that European Judicial Network;

351.		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.	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;		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;
352.	Article 20 – paragraph 2 – point e (new)		<i>e) where applicable, any other relevant judicial authority.</i>		Agreed in principle: <i>e) where applicable, any other relevant judicial authority.</i>
353.	Article 20 – paragraph 3	3. The persons referred to in paragraphs 1 and 2 shall maintain their position and status under national law.	3. The persons referred to in paragraphs 1 and 2 shall maintain their position and status under national law.	3. The persons referred to in paragraphs 1 and 2 shall maintain their position and status under national law, <i>provided that maintaining their position and</i>	Agreed in principle The persons referred to in paragraphs 1 and 2 shall maintain their position and status

				<i>status does not impede them from performing their duties under this Regulation.</i>	under national law, which should not have a significant impact on performing their duties under this Regulation.
354.		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.	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.		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.

355.	Article 20 - paragraph 4a (new)		<i>4(a). The Eurojust national member shall be informed of all meetings of the ENCS where casework related matters are discussed and may attend as necessary.</i>		<i>4(a). The Eurojust national member shall be informed of all meetings of the ENCS where casework related matters are discussed and may attend as necessary.</i>
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356.		5. The Eurojust national coordination system shall facilitate, within the Member State, the carrying out of the tasks of Eurojust, in particular by:	5. The Eurojust national coordination system shall facilitate, within the Member State, the carrying out of the tasks of Eurojust, in particular by:		5. The Eurojust national coordination system shall facilitate, within the Member State, the carrying out of the tasks of Eurojust, in particular by:
357.		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;	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;		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;
358.		b) assisting in determining whether a case should be dealt with the assistance of Eurojust or of the European Judicial	b) assisting in determining whether a request should be handled with the assistance of Eurojust or of the European		b) assisting in determining whether a request should be handled with the

		Network;	Judicial Network;		assistance of Eurojust or of the European Judicial Network;
359.		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;	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;		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;
360.	Article 20 – paragraph 5 – point d	d) maintaining close relations with the Europol National Unit.	d) maintaining close relations with the Europol National Unit, <i>other European Judicial Network contact points and other relevant competent national authorities.</i>	d) maintaining close relations with the Europol National Unit, <i>other European Judicial Network contact points and other relevant competent national authorities.</i>	Agreed in principle: d) maintaining close relations with the Europol National Unit, <i>other European judicial network contact points and</i>

					<i>other relevant competent national authorities.</i>
361.		6. In order to meet the objectives referred to in paragraph 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.	6. In order to meet the objectives referred to in paragraph 5, persons referred to in paragraph 1 and in points (a), (b) and (c) of paragraph 2 shall, and persons or authorities referred to in points (d) and (e) 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.		6. In order to meet the objectives referred to in paragraph 5, persons referred to in paragraph 1 and in points (a), (b) and (c) of paragraph 2 shall, and persons or authorities referred to in points (d) and (e) 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.
362.		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.	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.		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.
363.		<i>Article 21</i> Exchanges of information with the Member States and between national members	<i>Article 21</i> Exchanges of information with the Member States and between national members		<i>Article 21</i> Exchanges of information with the Member States and between national members

364.	Article 21 – paragraph 1	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 5, 6 and 7 .	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 .	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 <u>EU legislation</u> on data protection set out in this Regulation. This shall at least include the information referred to in paragraphs 4, 5 and 6 .	Pending Text open until the finalization of the data protection issue in Regulation 45/2001.
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365.	Article 21 – paragraph 2	2. The transmission of information to Eurojust shall be interpreted as a request for the assistance of Eurojust in the case concerned only if so specified by a competent authority.	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.	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.	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.
366.		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.	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		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.

			which concerns them.		In particular, the competent national authorities shall promptly inform their national members of a case which concerns them.
367.		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.	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.		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.

368.	Article 21 – paragraph 5	5. The national competent authorities shall inform their national members without undue delay of any case <i>concerning crimes under the competence of Eurojust</i> affecting at least <i>three</i> 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.	5. The national competent authorities shall inform their national members without undue delay of any case affecting at least <i>three</i> Member States <i>directly</i> 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 <i>and</i> ,	5. The national competent authorities shall inform their national members without undue delay of any case affecting at least <i>two</i> Member States <i>directly</i> 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 <i>and</i> ,	<u>Pending:</u> 5. The national competent authorities shall inform their national members without undue delay of any case affecting at least three, or, in case of serious offences or complex proceedings, at least two Member States <i>directly</i> 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, and
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369.	Article 21 – paragraph 5 point a (new)		<i>(a) the offence involved is punishable in the requesting or issuing Member State by a custodial sentence or a detention order for a maximum period of at least five or six years to be decided by the Member State concerned, and is included in the following list:</i>	<i>(a) the offence involved is punishable in the requesting or issuing Member State by a custodial sentence or a detention order for a maximum period of at least five or six years to be decided by the Member State concerned, and is included in the following list:</i>	<i>(a) the offence involved is punishable in the requesting or issuing Member State by a custodial sentence or a detention order for a maximum period of at least five or six years to be decided by the Member State concerned, and is included in the following list:</i>
370.			<i>(i) trafficking in human beings;</i>	<i>(i) trafficking in human beings;</i>	<i>(i) trafficking in human beings;</i>
371.			<i>(ii) sexual abuse and sexual exploitation including child pornography and solicitation of children for sexual purposes;</i>	<i>(ii) sexual abuse and sexual exploitation including child pornography and solicitation of children for sexual purposes;</i>	<i>(ii) sexual abuse and sexual exploitation including child pornography and solicitation of children for sexual purposes;</i>

372.			<i>(iii) drug trafficking;</i>	<i>(iii) drug trafficking;</i>	<i>(iii) drug trafficking;</i>
373.			<i>(iv) illicit trafficking in arms, ammunition and explosives;</i>	<i>(iv) illicit trafficking in firearms, their parts and components and ammunition and explosives;</i>	<i>(iv) illicit trafficking in firearms, their parts and components and ammunition and explosives;</i>
374.			<i>(v) corruption;</i>	<i>(v) corruption;</i>	<i>(v) corruption;</i>
375.			<i>(vi) crime against the financial interests of the Union;</i>	<i>(vi) crime against the financial interests of the Union;</i>	<i>(vi) crime against the financial interests of the Union;</i>
376.			<i>(vii) forgery of money and means of payment</i>	<i>(vii) forgery of money and means of payment</i>	<i>(vii) forgery of money and means of payment</i>
377.			<i>(viii) money laundering activities;</i>	<i>(viii) money laundering activities;</i>	<i>(viii) money laundering activities;</i>
378.			<i>(ix) computer crime or</i>	<i>(ix) computer crime; or</i>	<i>(ix) computer crime; or</i>

379.	Article 21 – paragraph 5 point b (new)		<i>(b) there are factual indications that a criminal organisation is involved.</i>	<i>(b) there are factual indications that a criminal organisation is involved; or</i>	<i>(b) there are factual indications that a criminal organisation is involved; or</i>
380.	Article 21 – paragraph 5 point c (new)		<i>or</i> <i>(c) there are indications that the case may have a serious cross-border dimension or repercussions at European Union level or that it might affect Member States other than those directly involved.</i>	<i>(c) there are indications that the case may have a serious cross-border dimension or repercussions at Union level or that it might affect Member States other than those directly involved.</i>	<i>(c) there are indications that the case may have a serious cross-border dimension or repercussions at Union level or that it might affect Member States other than those directly involved.</i>
381.		6. The national competent authorities shall inform their national members of:	6. The national competent authorities shall inform their national members of:		6. The national competent authorities shall inform their national members of:

382.		a) cases where conflicts of jurisdiction have arisen or are likely to arise;	a) cases where conflicts of jurisdiction have arisen or are likely to arise;		a) cases where conflicts of jurisdiction have arisen or are likely to arise;
383.		b) controlled deliveries affecting at least three countries, at least two of which are Member States;	b) controlled deliveries affecting at least three countries, at least two of which are Member States;		b) controlled deliveries affecting at least three countries, at least two of which are Member States;
384.		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.	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.		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.

385.		7. National authorities shall not be obliged in a particular case to supply information if this would mean:	7. National authorities shall not be obliged in a particular case to supply information if this would mean:		7. National authorities shall not be obliged in a particular case to supply information if this would mean:
386.		a) harming essential national security interests; or	a) harming essential national security interests; or		a) harming essential national security interests; or
387.		b) jeopardising the safety of individuals.	b) jeopardising the safety of individuals.		b) jeopardising the safety of individuals.

388.		<p>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.</p>	<p>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.</p>		<p>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.</p>
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389.	Article 21 - paragraph 8a (new)		<p><i>8a. This Article shall be without prejudice to other obligations regarding the transmission of information to Eurojust, including Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences.⁶</i></p>		<p>Agreed in principle: <i>8a. This Article shall be without prejudice to other obligations regarding the transmission of information to Eurojust, including Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences.⁷</i></p>
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⁶ OJ L 167, 26.6.2002 p.1.

⁷ OJ L 167, 26.6.2002 p.1.

390.	Article 21 – paragraph 9	9. Information referred to in this Article shall be provided in a structured way as established by Eurojust.	9. Information referred to in this Article shall be provided in a structured way as established by Eurojust. <i>The national authority shall not be obliged to provide this information when it has already been transmitted to Eurojust in accordance with other provisions of this Regulation.</i>	9. Information referred to in this Article shall be provided in a structured way as established by Eurojust. <i>The national authority shall not be obliged to provide this information when it has already been transmitted to Eurojust in accordance with other provisions of this Regulation.</i>	9. Information referred to in this Article shall be provided in a structured way as established by Eurojust. <i>The national authority shall not be obliged to provide this information when it has already been transmitted to Eurojust in accordance with other provisions of this Regulation.</i>
391.		<i>Article 22</i> Information provided by Eurojust to competent national authorities	<i>Article 22</i> Information provided by Eurojust to competent national authorities		<i>Article 22</i> Information provided by Eurojust to competent national authorities

392.	Article 22 – paragraph 1	1. Eurojust shall provide competent national authorities with information 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.	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.	1. Eurojust shall provide <i>without undue delay</i> competent national authorities with information 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.	Agreed in principle: 1. Eurojust shall provide <i>without undue delay</i> competent national authorities with information 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.
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393.		2. Where a competent national authority requests Eurojust to provide it with information, Eurojust shall transmit it in the timeframe requested by that authority.	2. Where a competent national authority requests Eurojust to provide it with information, Eurojust shall transmit it in the timeframe requested by that authority.		2. Where a competent national authority requests Eurojust to provide it with information, Eurojust shall transmit it in the timeframe requested by that authority.
394.		<i>Article 23</i> Follow-up to requests and opinions of Eurojust	<i>Deleted</i>		
395.	Article 23 – paragraph 1	The competent national authorities shall respond without undue delay to Eurojust's requests and opinions made under Article 4. Where the competent authorities of the Member States concerned decide not to comply with a request referred to in	<i>Deleted</i>	The competent national authorities shall respond without undue delay, in urgent cases Eurojust may set up a deadline to respond, to Eurojust's requests and opinions made under Article 4. The competent authorities of Member States concerned shall comply with	Text kept in Article 4 (6).

		<i>Article 4(2) or decide not to follow a written opinion referred to in Article 4(4) or (5), they shall inform Eurojust without undue delay of their decision and of the reasons for it. Where it is not possible to give the reasons for refusing to comply with a request because to do so would harm essential national security interests or would jeopardise the safety of individuals, the competent authorities of the Member States may cite operational reasons.</i>		<i>the request made by Eurojust referred to in Article 4(2) or follow a written opinion referred to in Article 4(4) or (5), except if they can justify to Eurojust, in a reasoned opinion, that the immediate compliance would jeopardise the success of an ongoing investigation or the safety of an individual. Any delay to comply with the requests and opinions made by Eurojust under Article 4 must be duly justified.</i>	
396.		Article 24 Case Management System, index and temporary work files	Article 24 Case Management System, index and temporary work files		Article 24 Case Management System, index and temporary work files

397.	Article 24 – paragraph 1	1. Eurojust shall establish a Case Management System <i>composed of</i> temporary work files and of an index which contain personal data as referred to in Annex 2 and non-personal data.	1. Eurojust shall establish a Case Management System <i>composed of</i> temporary work files and of an index which contain personal data as referred to in Annex 2 and non-personal data.	1. Eurojust shall establish a Case Management System <i>including</i> temporary work files and of an index which contain personal data as referred to in Annex 2 and non-personal data.	Agreed in principle: 1. Eurojust shall establish a Case Management System <i>composed of</i> temporary work files and of an index which contain personal data as referred to in Annex 2 and non-personal data.
398.		2. The purpose of the Case Management System shall be to:	2. The purpose of the Case Management System shall be to:		2. The purpose of the Case Management System shall be to:
399.		a) support the management and coordination of investigations and prosecutions for which Eurojust is providing assistance, in particular by the cross-referencing of information;	a) support the management and coordination of investigations and prosecutions for which Eurojust is providing assistance, in particular by the cross-referencing of information;		a) support the management and coordination of investigations and prosecutions for which Eurojust is providing assistance, in particular by the cross-referencing of information;

400.		b) facilitate access to information on on-going investigations and prosecutions;	b) facilitate access to information on on-going investigations and prosecutions;		b) facilitate access to information on on-going investigations and prosecutions;
401.	Article 24 – paragraph 2 – point c	c) facilitate the monitoring of lawfulness and compliance with <i>the provisions of this Regulation</i> concerning the processing of personal data.	c) facilitate the monitoring of lawfulness and compliance with <i>the provisions of this Regulation</i> concerning the processing of personal data.	c) facilitate the monitoring of lawfulness and compliance with <i>EU legislation</i> concerning the processing of personal data.	Text open until the finalization of the data protection issue in Regulation 45/2001.
402.		3. The Case Management System may be linked to the secure telecommunications connection referred to in Article 9 of Decision 2008/976/JHA.	3. The Case Management System may be linked to the secure telecommunications connection referred to in Article 9 of Decision 2008/976/JHA.		3. The Case Management System may be linked to the secure telecommunications connection referred to in Article 9 of Decision 2008/976/JHA.

403.	Article 24 – paragraph 4	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 <i>points (1)(a) to (i), (k) and (m) and (2)</i> of Annex 2.	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 <i>points (1)(a) to (i), (k) and (m) and (2)</i> of Annex 2.	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 <i>point (2)</i> of Annex 2.	Agreed in principle: 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 <i>points (1)(a) to (i), (k) and (m) and (2)</i> of Annex 2.
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404.		<p>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. <i>They shall allow the Data Protection Officer to have access to the temporary work file.</i> 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.</p>	<p>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. 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. <i>In the performance of their duties the national member shall allow the Data Protection Officer to have access to the temporary work file.</i></p>		<p>Agreed in principle:</p> <p>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. <i>They shall allow the Data Protection Officer to have access to the temporary work file.</i> 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.</p>
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405.	Article 24 – paragraph 6	6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System <i>or a temporary work file.</i>	6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System. <i>The national member may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the Case Management System. This data may be held for up to 3 months.</i>	6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System.	Agreed in principle: 6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System. <i>The national member may, however, temporarily store and analyse personal data for the purpose of determining whether such data are relevant to Eurojust's tasks and can be included in the Case Management System. This data may be held for up to 3 months.</i>
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406.	Article 24 – paragraph 7	7. The Case Management System and its temporary work files shall be made available for use by the European Public Prosecutor's Office.		7. The Case Management System and its temporary work files shall be made available for use by the European Public Prosecutor's Office <i>in the area of its competence.</i>	Agreed in principle: Deleted.
407.	Article 24 – paragraph 8	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.		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 <i>in the area of its competence.</i> 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.	Agreed in principle: Deleted.

408.		<p><i>Article 25</i></p> <p>Functioning of temporary work files and the index</p>	<p><i>Article 25</i></p> <p>Functioning of temporary work files and the index</p>		<p><i>Article 25</i></p> <p>Functioning of temporary work files and the index</p>
409.	<p>Article 25</p> <p>–</p> <p>paragraph</p> <p>1</p>	<p>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 <i>or other applicable legal instruments</i>. The national member shall be responsible for the management of the temporary work files opened by that national member.</p>	<p>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. The national member shall be responsible for the management of the temporary work files opened by that national member.</p>		<p>Agreed in principle:</p> <p>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 <i>or other applicable legal instruments</i>. The national member shall be responsible for the management of the temporary work files opened by that national member.</p>

410.	Article 25 – paragraph 2	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, <i>where necessary to enable Eurojust to carry out its tasks</i> , to other national members or to Eurojust staff <i>authorised by the Administrative Director</i> .	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 <i>or any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director</i> .		Agreed in principle: 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 <i>or any other person working on behalf of Eurojust who has received the necessary authorisation from the Administrative Director</i> .
411.	Article 25	3. The national member who	3. The national member who	3. The national member who	Agreed in principle:

	– paragraph 3	has opened a temporary work file shall decide which information related to this temporary work file shall be introduced in the index.	has opened a temporary work file shall decide which information related to this temporary work file shall be introduced in the index.	has opened a temporary work file shall decide which information related to this temporary work file, <i>and in accordance with Article 24(4)</i> , shall be introduced in the index.	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 <i>in accordance with Article 24(4)</i> .
412.		<i>Article 26</i> Access to the Case Management System at national level	<i>Article 26</i> Access to the Case Management System at national level		<i>Article 26</i> Access to the Case Management System at national level

413.		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:	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:		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:
414.		a) the index, unless the national member who has decided to introduce the data in the index expressly denied such access;	a) the index, unless the national member who has decided to introduce the data in the index expressly denied such access;		a) the index, unless the national member who has decided to introduce the data in the index expressly denied such access;
415.		b) temporary work files opened by the national member of their Member State;	b) temporary work files opened by the national member of their Member State;		b) temporary work files opened by the national member of their Member State;

416.		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.	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.		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.
417.		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	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		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

		Case Management System.	are connected to the Case Management System.		Member State to persons referred to in Article 20(2) in so far as they are connected to the Case Management System.
418.		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.	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		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

			States thereof.		the implementation of this paragraph. The Commission shall inform the other Member States thereof.
419.		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.	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.		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.
732.		SECTION I COMMON PROVISIONS	SECTION I COMMON PROVISIONS		SECTION I COMMON PROVISIONS
733.		<i>Article 38</i>	<i>Article 38</i>		<i>Article 38</i>

		Common provisions	Common provisions		Common provisions
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734.	Article 38 – paragraph 1	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 <i>and</i> the International Criminal Police Organisation (Interpol).	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 and international organisations.	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 <i>including</i> the International Criminal Police Organisation (Interpol) <i>in line with the strategy referred to in Article 43.</i>	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 and international organisations <i>including</i> the International Criminal Police Organisation (Interpol) <i>in line with the strategy referred to in Article 43.</i>
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735.	Article 38 – paragraph 2	2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 21(8), Eurojust may directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.	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.	2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 21(8) <i>and Article 62</i> , Eurojust may directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.	2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 21(8) <i>and Article 62</i> , Eurojust may directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.
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736.	Article 38 – paragraph 2 a (new)		<i>2a. For the purposes set out in paragraphs 1 and 2, Eurojust may conclude working arrangements with entities referred to in paragraph 1. Those working arrangements shall not form the basis for allowing the exchange of personal data and shall not bind the Union or its Member States.</i>	<i>2a. For the purposes set out in paragraphs 1 and 2, Eurojust shall conclude working arrangements with entities referred to in paragraph 1. Those working arrangements shall not form the basis for allowing the exchange of personal data and shall not bind the Union or its Member States.</i>	Agreed in principle: <i>2a. For the purposes set out in paragraphs 1 and 2, Eurojust may conclude working arrangements with entities referred to in paragraph 1. Those working arrangements shall not form the basis for allowing the exchange of personal data and shall not bind the Union or its Member States.</i>
737.	Article 38 – paragraph 3	3. Eurojust may, in accordance with Article 4 of Regulation (EC) No 45/2001, receive and process personal data received from the entities referred to in paragraph 1 in so far as necessary for the	<i>3. 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</i>	3. Eurojust may, in accordance with Regulation (EC) No 45/2001, receive and process personal data received from the entities referred to in paragraph 1 in so far as necessary for the performance of its	Pending until the final decision on the data protection rules.

		performance of its tasks <i>and subject to the provisions of Section IV.</i>	<i>provisions of Section IV.</i>	tasks.	
738.	Article 38 – paragraph 4 – introductory part	4. <i>Personal data shall only be transferred by Eurojust to third countries, international organisations, and Interpol if this is necessary for preventing and combating crime that falls under Eurojust's competence and in accordance with this Regulation. If the data to be transferred have been provided by a Member State, Eurojust shall seek that Member State's consent, unless:</i>	4. <i>Personal data shall only be transferred by Eurojust to institutions, bodies, offices or agencies of the Union, third countries and international organisations 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 obtain the consent of the relevant competent authority in that Member State, unless 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.</i>	<i>deleted</i>	Pending until the final decision on the data protection rules.

739.	Article 38 – paragraph 4 – point a	<i>a) the authorisation can be assumed as the Member State has not expressly limited the possibility of onward transfers; or</i>		<i>deleted</i>	Pending until the final decision on the data protection rules.
740.	Article 38 – paragraph 4 – point b	<i>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.</i>		<i>deleted</i>	Pending until the final decision on the data protection rules.
741.	Article 38 – paragraph 5	<i>5. 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</i>	<i>5. Onward transfers to third parties of personal data received from Eurojust by Member States, Union bodies or agencies, third countries or international organisations shall be prohibited unless Eurojust has obtained prior consent from the Member State who provided the data and</i>	<i>deleted</i>	Pending until the final decision on the data protection rules.

		<i>hand, for a specific purpose that is not incompatible with the purpose for which the data was transmitted.</i>	<i>given its explicit consent after considering the circumstances of the case at hand and only for a specific purpose that is not incompatible with the purpose for which the data was transmitted.</i>		
742.	Chapter 5 – section 2 – title	RELATIONS WITH PARTNERS	SECTION II RELATIONS WITH PARTNERS	RELATIONS WITH PARTNERS <i>WITHIN THE UNION</i>	RELATIONS WITH PARTNERS <i>WITHIN</i> <i>THE UNION</i>
743.		<i>Article 39</i> Cooperation with the European Judicial Network and other networks of the European Union involved in cooperation in criminal matters	<i>Article 39</i> Cooperation with the European Judicial Network and other networks of the European Union involved in cooperation in criminal matters		<i>Article 39</i> Cooperation with the European Judicial Network and other networks of the European Union involved in cooperation in criminal matters

744.		<p>1. Eurojust and the European Judicial Network in criminal matters shall maintain privileged relations with each other, based on consultation and complementarity, especially between the national member, the European Judicial Network contact points of the same Member State and the national correspondents for Eurojust and the European Judicial Network. In order to ensure efficient cooperation, the following measures shall be taken:</p>	<p>1. Eurojust and the European Judicial Network in criminal matters shall maintain privileged relations with each other, based on consultation and complementarity, especially between the national member, the European Judicial Network contact points of the same Member State and the national correspondents for Eurojust and the European Judicial Network. In order to ensure efficient cooperation, the following measures shall be taken:</p>		<p>1. Eurojust and the European Judicial Network in criminal matters shall maintain privileged relations with each other, based on consultation and complementarity, especially between the national member, the European Judicial Network contact points of the same Member State and the national correspondents for Eurojust and the European Judicial Network. In order to ensure efficient cooperation, the following measures</p>
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745.		a) national members shall, on a case-by-case basis, inform the European Judicial Network contact points of all cases which they consider the Network to be in a better position to deal with;	a) national members shall, on a case-by-case basis, inform the European Judicial Network contact points of all cases which they consider the Network to be in a better position to deal with;		a) national members shall, on a case-by-case basis, inform the European Judicial Network contact points of all cases which they consider the Network to be in a better position to deal with;
746.		b) the Secretariat of the European Judicial Network shall form part of the staff of Eurojust. It shall function as a separate unit. It may draw on the administrative resources of Eurojust which are necessary for the performance of the European Judicial Network's tasks, including for covering the costs of the plenary meetings of the Network;	b) the Secretariat of the European Judicial Network shall form part of the staff of Eurojust. It shall function as a separate unit. It may draw on the administrative resources of Eurojust which are necessary for the performance of the European Judicial Network's tasks, including for covering the costs of the plenary meetings of		b) the Secretariat of the European Judicial Network shall form part of the staff of Eurojust. It shall function as a separate unit. It may draw on the administrative resources of Eurojust which are necessary for the performance of the

			the Network;		European Judicial Network's tasks, including for covering the costs of the plenary meetings of the Network;
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747.		c) European Judicial Network contact points may be invited on a case-by-case basis to attend Eurojust meetings.	c) European Judicial Network contact points may be invited on a case-by-case basis to attend Eurojust meetings;		c) European Judicial Network contact points may be invited on a case-by-case basis to attend Eurojust meetings;
748.	Article 39 - paragraph 1 point d (new)		<i>d) Eurojust and the European Judicial Network may make use of the ENCS when determining whether a request should be handled with the assistance of Eurojust or the European Judicial Network in accordance with Article 20(5)(b).</i>		<i>d) Eurojust and the European Judicial Network may make use of the ENCS when determining whether a request should be handled with the assistance of Eurojust or the European Judicial Network in accordance with Article 20(5)(b).</i>

749.	Article 39 – paragraph 2	<p>2. The Secretariat of the Network for Joint Investigation Teams and of the network set up by Decision 2002/494/JHA shall form part of the staff of Eurojust. These secretariats shall function as separate units. They may draw on the administrative resources of Eurojust which are necessary for the performance of their tasks. Coordination between the secretariats shall be ensured by Eurojust. This paragraph shall apply to the secretariat of any <i>new network set up by a decision of the Council where that decision provides that the secretariat shall be provided by Eurojust.</i></p>	<p>2. The Secretariat of the Network for Joint Investigation Teams and of the network set up by Decision 2002/494/JHA shall form part of the staff of Eurojust. These secretariats shall function as separate units. They may draw on the administrative resources of Eurojust which are necessary for the performance of their tasks. Coordination between the secretariats shall be ensured by Eurojust. This paragraph shall apply to the secretariat of any new network <i>set up by a decision of the Council where that decision provides that the secretariat shall be provided by Eurojust.</i></p>	<p>2. The Secretariat of the Network for Joint Investigation Teams and of the network set up by Decision 2002/494/JHA shall form part of the staff of Eurojust. These secretariats shall function as separate units. They may draw on the administrative resources of Eurojust which are necessary for the performance of their tasks. Coordination between the secretariats shall be ensured by Eurojust. This paragraph shall apply to the secretariat of any <i>relevant network involved in judicial cooperation in criminal matters for which support in the form of a secretariat is to be provided by Eurojust. Eurojust may support, including where appropriate by means of a</i></p>	<p>Agreed in principle:</p> <p>2. The Secretariat of the Network for Joint Investigation Teams and of the network set up by Decision 2002/494/JHA shall form part of the staff of Eurojust. These secretariats shall function as separate units. They may draw on the administrative resources of Eurojust which are necessary for the performance of their tasks. Coordination between the secretariats shall be ensured by Eurojust. This</p>
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				<p><i>secretariat hosted at Eurojust, relevant European networks and bodies involved in judicial cooperation in criminal matters.</i></p>	<p>paragraph shall apply to the secretariat of any relevant network involved in judicial cooperation in criminal matters for which support in the form of a secretariat is to be provided by Eurojust. Eurojust may support, including where appropriate by means of a secretariat hosted at Eurojust, relevant European networks and bodies involved in judicial cooperation in criminal matters.</p>
750.		3. The network set up by Decision 2008/852/JHA may request that Eurojust provide a	3. The network set up by Decision 2008/852/JHA may request that Eurojust provide a		3. The network set up by Decision 2008/852/JHA may

		secretariat to the network. If such request is made, paragraph 2 shall apply.	secretariat to the network. If such request is made, paragraph 2 shall apply.		request that Eurojust provide a secretariat to the network. If such request is made, paragraph 2 shall apply.
751.		<i>Article 40</i> Relations with Europol	Article 40 Relations with Europol		Article 40 Relations with Europol

752.	Article 40 – paragraph 1	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 <i>or Interpol</i> . 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 <i>of the Member State, Union body, third country, international organisation or Interpol that provided the information to Eurojust</i> .	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 and international organisations. 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 <i>of the provider of the information to Eurojust</i> .	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, <i>including Interpol</i> . 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 <i>of the Member State, Union body, third country, international organisation, including Interpol that provided the information to Eurojust</i> .	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, including Interpol . In case of a hit, Eurojust shall initiate the procedure by which the information that generated the hit may
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					be shared, in accordance with the decision of the Member State, Union body, third country, international organisation, including Interpol that provided the information to Eurojust.
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753.	Article 40 – paragraph 2	2. Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at Eurojust matches with information processed at Europol.	2. Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at Europol matches with information processed at Eurojust.	2. Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at Eurojust matches with information processed at Europol. <i>In case of a hit, Europol shall specify which data it needs and Eurojust may share the data with Europol only to the extent that the data that generated the hit are necessary for the legitimate performance of its tasks.</i>	<u>Compromise proposal for the first part. EP addition pending until a final decision to the data provisions will be taken.</u> Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at Europol matches with information processed at Eurojust.
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754.		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.	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.		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.
755.	Article 40 – paragraph 4	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	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	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	Agreed in principle: 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

		information, in accordance with the decision of the Member State providing the information. In such a case <i>Eurojust</i> shall consult with <i>Europol</i> .	sharing the information, in accordance with the decision of the Member State providing the information. In such a case <i>Eurojust</i> shall consult with <i>Europol</i> .	information, in accordance with the decision of the Member State providing the information. In such a case <i>Europol</i> shall consult with <i>Eurojust</i> .	mandate of <i>Europol</i> . <i>Eurojust</i> 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 <i>Eurojust</i> shall consult with <i>Europol</i> .
756.	Article 40 – paragraph 4 a (new)			<i>4 a. Eurojust shall establish and maintain close cooperation with Europol, in so far as is relevant for the performance of the tasks of the two agencies and for achieving their objectives, taking account of the need to avoid duplication of effort. To that end, the Director of</i>	Agreed in principle: <i>4 a. Eurojust shall establish and maintain close cooperation with Europol, in so far as is relevant for the performance of the tasks of the two agencies and for</i>

				<p><i>Europol and the President of Eurojust shall meet on a regular basis to discuss issues of common concern.</i></p>	<p><i>achieving their objectives, taking account of the need to avoid duplication of effort.</i></p> <p><i>To that end, the Executive Director of Europol and the President of Eurojust shall meet on a regular basis to discuss issues of common concern.</i></p>
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757.	Article 40 - paragraph 5	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 <i>or Interpol</i> .	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 or international organisations.		Agreed in principle: 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 or international organisations.
758.		<i>Article 41</i> Relations with the European Public Prosecutor's Office	<i>Article 41</i> Relations with the European Public Prosecutor's Office		<i>Article 41</i> Relations with the European Public Prosecutor's Office
759.	Article 41 – paragraph 1	1. Eurojust shall establish and maintain a <i>special</i> relationship with the European Public Prosecutor's Office based on <i>close</i> cooperation <i>and</i> the development of operational, <i>administrative</i>	1. Eurojust shall establish and maintain a <i>close</i> relationship with the European Public Prosecutor's Office based on <i>mutual</i> cooperation <i>within their respective</i>	1. Eurojust shall establish and maintain a <i>close</i> relationship with the European Public Prosecutor's Office based on <i>mutual</i> cooperation <i>within their respective mandates and competences and on</i>	Compromise proposal: 1. Eurojust shall establish and maintain a <i>close</i> relationship with the European Public Prosecutor's Office based on <i>mutual</i> cooperation <i>within their respective</i>

		<p><i>and management</i> links between them as defined <i>below</i>. To this end, the <i>European Public Prosecutor</i> and the <i>President of Eurojust</i> shall meet on a regular basis to discuss issues of common <i>concern</i>.</p>	<p><i>mandates and on</i> the development of operational, <i>administrative and management</i> links between them as defined <i>in this Article</i>. To this end, the <i>President of Eurojust</i> and the <i>European Chief Prosecutor</i> shall meet on a regular basis to discuss issues of common <i>interest</i>.</p>	<p>the development of operational <i>and administrative</i> links between them as defined <i>in this Article</i>. To this end, the <i>President of Eurojust</i> and the <i>European Chief Prosecutor</i> shall meet on a regular basis to discuss issues of common <i>interest</i>. <i>They shall meet upon request of the President of Eurojust or the European Chief Prosecutor</i>.</p>	<p><i>mandates and competences and on</i> the development of operational, <i>and administrative and management/management</i> links between them as defined <i>in this Article</i>. To this end, the <i>President of Eurojust</i> and the <i>European Chief Prosecutor</i> shall meet on a regular basis to discuss issues of common <i>interest</i>. <i>They shall meet upon request of the President of Eurojust or the European Chief Prosecutor</i>.</p>
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760.	Article 41 – paragraph 2	2. Eurojust shall treat <i>any request</i> for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests, where appropriate, as if they had been received from a national authority competent for judicial cooperation.	2. Eurojust shall treat <i>requests</i> for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests, <i>where appropriate</i> , as if they had been received from a national authority competent for judicial cooperation.	2. Eurojust shall treat <i>requests</i> for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests as if they had been received from a national authority competent for judicial cooperation.	<u>Compromise proposal:</u> 2. Eurojust shall treat <i>requests</i> for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests, <i>where appropriate</i> , as if they had been received from a national authority competent for judicial cooperation.
761.		3. Whenever necessary, Eurojust shall make use of the Eurojust National Coordination Systems established in accordance with Article 20, as well as the relations it has established with third countries,	3. Whenever necessary, Eurojust shall make use of the Eurojust National Coordination Systems established in accordance with Article 20, as well as the relations it has established with third countries,		3. Whenever necessary, Eurojust shall make use of the Eurojust National Coordination Systems established in accordance with Article

		including its liaison magistrates, in order to support the cooperation established in accordance with paragraph 1.	including its liaison magistrates, in order to support the cooperation established in accordance with paragraph 1.		20, as well as the relations it has established with third countries, including its liaison magistrates, in order to support the cooperation established in accordance with paragraph 1.
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762.	Article 41 – paragraph 4	4. <i>The cooperation established in accordance with paragraph 1 shall entail the exchange of information, including personal data. Any data thus exchanged shall only be used for the purposes for which it was provided. Any other usage of the data shall only be allowed in as far as such usage falls within the mandate of the body receiving the data, and subject to the prior authorisation of the body which provided the data.</i>	4. <i>In operational matters, Eurojust may associate the European Public Prosecutor's Office with its activities concerning cross-border cases, including by:</i>	4. <i>In operational matters relevant to competences of EPPO, Eurojust shall associate the European Public Prosecutor's Office with its activities concerning cross-border cases, including by:</i>	Agreed in principle: 4. <i>In operational matters relevant to competences of EPPO, Eurojust shall inform and, where appropriate, associate the European Public Prosecutor's Office with its activities concerning cross-border cases, including by:</i>
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763.			<i>a) sharing information, including personal data, on its cases in accordance with the relevant provisions in this Regulation;</i>	<i>(a) sharing information, including personal data, on its cases in accordance with the relevant EU provisions on data protection;</i>	Agreed in principle: <i>a) sharing information, including personal data, on its cases in accordance with the relevant provisions in this Regulation;</i>
764.			<i>b) inviting the European Public Prosecutor's Office to provide support in relevant cases.</i>	<i>(b) request support, where appropriate, provided by the European Public Prosecutor's Office.</i>	Agreed in principle: <i>(b) requesting support, where appropriate, provided by the European Public Prosecutor's Office.</i>
765.	Article 41 – paragraph 5	<i>5. For the purpose of identifying whether information available at Eurojust matches with information processed by the European Public Prosecutor's Office, Eurojust shall put in place a mechanism</i>	<i>5. Eurojust shall have indirect access on the basis of a hit/no-hit system to information in the case management system of the European Public Prosecutor's Office. Whenever a match is</i>	<i>5. Eurojust shall have access on the basis of a hit/no-hit system to information in the case management system of the European Public Prosecutors Office. Whenever a match is found between data entered into the case</i>	Agreed in principle (with the exception of the last sentence). <i>5. Eurojust shall have indirect access on the basis of a hit/no-hit system to information in the case</i>

		<p><i>for automatic cross-checking of data entered into its Case Management System.</i> Whenever a match is found between data entered into the Case Management System by the European Public Prosecutor's Office and data <i>entered</i> by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor's Office, as well as the Member <i>State</i> which provided the data to Eurojust. <i>In cases where the data was provided by a third party, Eurojust shall only inform that third party of the match found with the consent of the European Public Prosecutor's Office.</i></p>	<p>found between data entered into the case management system by the European Public Prosecutor's Office and data <i>held</i> by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor's Office, as well as the Member <i>State</i> which provided the data to Eurojust. <i>Eurojust shall take the appropriate measures to enable the European Public Prosecutor's Office to have indirect access to information in its case management system on the basis of a hit/no-hit system.</i></p>	<p>management system by the European Public Prosecutor's Office and data <i>held</i> by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor's Office, as well as the Member <i>States</i> which provided the data to Eurojust. <i>Eurojust shall take the appropriate measures to enable the European Public Prosecutor's Office to have access to information in its case management system on the basis of a hit/no-hit system.</i></p>	<p><i>management system of the European Public Prosecutor's Office.</i> Whenever a match is found between data entered into the case management system by the European Public Prosecutor's Office and data <i>held</i> by Eurojust, the fact that there is a match will be communicated to both Eurojust and the European Public Prosecutor's Office, as well as the Member <i>State</i> which provided the data to Eurojust. <i>Eurojust shall take the appropriate measures to enable the European Public Prosecutor's</i></p>
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					<p><i>Office to have indirect access to information in its case management system on the basis of a hit/no-hit system.</i></p> <p><u><i>Processing of personal data shall be regulated by regulation 45/2001.</i></u></p>
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766.	Article 41 - paragraph 6	6. Eurojust shall designate and inform the European Public Prosecutor's Office which staff members shall be authorised to have access to the results of the cross-checking mechanism.	6. <i>The European Public Prosecutor's Office may rely on the support and resources of the administration of Eurojust. To this end, Eurojust may provide services of common interest to the European Public Prosecutor's Office. The details shall be regulated by an arrangement.</i>		Agreed in principle: 6. <i>The European Public Prosecutor's Office may rely on the support and resources of the administration of Eurojust. To this end, Eurojust may provide services of common interest to the European Public Prosecutor's Office. The details shall be regulated by an arrangement.</i>
767.	Article 41 - paragraph 6 a (new)			6 a. <i>The European Public Prosecutor's Office may rely on the support of the administration of Eurojust. To this end, Eurojust may provide services of common interest to the European Public Prosecutor's Office. The details shall be regulated by an arrangement in accordance with Art 38/2a.</i>	Deleted

768.	Article 41 – paragraph 7	7. Eurojust shall support the functioning of the European Public Prosecutor's Office through services to be supplied by its staff. Such support shall in any case include:	<i>deleted</i>	<i>deleted</i>	Deleted
769.		a) technical support in the preparation of the annual budget, the programming document containing the annual and multiannual programming and the management plan;			Deleted
770.		b) technical support in staff recruitment and career-management;			Deleted
771.		c) security services;			Deleted
772.		d) Information Technology services;			Deleted
773.		e) financial management, accounting and audit services;			Deleted

774.		<i>f) any other services of common interest.</i>			Deleted
775.		<i>The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office.</i>			Deleted
776.		8. The European Public Prosecutor may address written opinions to the College, to which the College shall respond in writing without undue delay. Such written opinions shall in any case be presented whenever the College adopts the annual budget and work programme.	<i>deleted</i>		deleted
777.		<i>Article 42</i> Relations with other Union bodies and agencies	<i>Article 42</i> Relations with other Union bodies and agencies		Article 42 Relations with other Union bodies and agencies

778.		1. Eurojust shall establish and maintain cooperative relations with the European Judicial Training Network.	1. Eurojust shall establish and maintain cooperative relations with the European Judicial Training Network.		1. Eurojust shall establish and maintain cooperative relations with the European Judicial Training Network.
779.	Article 42 – paragraph 2	2. OLAF <i>may</i> 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 <i>No .../2013</i> 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	2. OLAF <i>shall</i> 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 <i>No 883/2013</i> 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.	2. OLAF <i>shall</i> 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 <i>No 883/2013</i> 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.	Agreed in principle: 2. OLAF <i>shall</i> 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 <i>No 883/2013</i> concerning investigations conducted by the European Anti-Fraud

		1074/1999.			Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.
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780.	Article 42 – paragraph 2 a (new)			<p><i>2a. Frontex shall contribute to Eurojust's work including by transmitting relevant information processed in accordance with its mandate and tasks under Regulation (EU) 2016/1624, processing of personal data shall be regulated by regulation 45/2001.</i></p>	<p>Compromise proposal: 2a. Frontex shall contribute to Eurojust's work including by transmitting relevant information processed in accordance with its mandate and tasks under <u>Article 8(1) m) of Regulation (EU) 2016/1624</u>, processing of personal data shall be regulated by regulation 45/2001.</p>
781.	Article 42 – paragraph 3	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	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	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	<p>Agreed in principle: 3. For purposes of the receipt and transmission of information between Eurojust and OLAF,</p>

		<p>shall be regarded as competent authorities of the Member States solely for the purposes of Regulation <i>(EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999¹⁹</i>. 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.</p>	<p>Eurojust shall be regarded as competent authorities of the Member States solely for the purposes of Regulation <i>(EU, Euratom) of the European Parliament and of the Council No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)</i>. 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.</p>	<p>be regarded as competent authorities of the Member States solely for the purposes of Regulation <i>(EU, Euratom) of the European Parliament and of the Council No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)</i>. 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.</p>	<p>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 <i>(EU, Euratom) of the European Parliament and of the Council No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF)</i>. The exchange of information between OLAF and national</p>
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					members shall be without prejudice to the information which must be given to other competent authorities under those Regulations.
782.		<i>SECTION III INTERNATIONAL COOPERATION</i>	<i>SECTION III INTERNATIONAL COOPERATION</i>		<i>SECTION III INTERNATIONAL COOPERATION</i>

783.	Article 43 - title	<i>Article 43</i> Relations with the authorities of third countries and international organisations	<i>Article 43</i> Relations with Union bodies, the authorities of third countries and international organisations		Agreed in principle: <i>Article 43</i> Relations with the authorities of third countries and international organisations
784.	Article 43 – paragraph -1 (new)			<i>-1. Eurojust shall establish and maintain cooperation with the authorities of third countries and international organisations.</i>	Agreed in principle: <i>-1. Eurojust may establish and maintain cooperation with the authorities of third countries and international organisations.</i>
785.				<i>To that end, Eurojust shall prepare, every four years, in consultation with the Commission, a cooperation strategy which pinpoints the third countries and international organisations with</i>	Agreed in principle: <i>To that end, Eurojust shall prepare, every four years, in consultation with the Commission, a cooperation strategy</i>

				<i>which there is an operational need for cooperation.</i>	<i>which pinpoints the third countries and international organisations with which there is an operational need for cooperation.</i>
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786.	Article 43 – paragraph 1	1. <i>Eurojust may establish working arrangements with the entities referred to in Article 38(1).</i>	1. <i>The working arrangements referred to in Article 38(2a) may include the secondment of liaison magistrates to Eurojust.</i>	1. <i>To this end</i> , Eurojust may establish working arrangements with the entities referred to in Article 38(1).	Agreed in principle: 1. <i>Eurojust may establish working arrangements with the entities referred to in Article 38(1).</i>
787.		2. Eurojust may designate, in agreement with the competent authorities, contact points in third countries in order to facilitate cooperation.	2. Eurojust may designate, in agreement with the competent authorities concerned, contact points in third countries in order to facilitate cooperation <i>in line with Eurojust's operational needs.</i>		Agreed in principle: 2. Eurojust may designate, in agreement with the competent authorities concerned, contact points in third countries in order to facilitate cooperation <i>in line with Eurojust's operational needs.</i>
788.	Article 43a (new)		<i>Article 43a</i> Liaison magistrates posted to third countries		Agreed in principle: <i>Article 43a</i> Liaison magistrates posted to third countries and from third countries to Eurojust (from line 843)

789.	Article 43a - paragraph 1 (new)		<p><i>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 38(2a) with that third country.</i></p>		<p>Agreed in principle:</p> <p><i>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 38(2a) with that third country.</i></p>
790.			<p><i>1(a) The tasks of the liaison magistrates shall include any activity designed to encourage and accelerate all forms of judicial cooperation in</i></p>		<p>Agreed in principle the first part. Second part pending till data protection decided.</p>

			<p><i>criminal matters, in particular by establishing direct links with the competent authorities of the host State. The liaison magistrate may exchange operational personal data with the competent authorities of the State concerned in the performance of their tasks in accordance with Article 45.</i></p>		<p><i>I(a) The tasks of the liaison magistrates shall include any activity designed to encourage and accelerate all forms of judicial cooperation in criminal matters, in particular by establishing direct links with the competent authorities of the host State. The liaison magistrate may exchange operational personal data with the competent authorities of the State concerned in the performance of their tasks in accordance with</i></p>
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					Article 45.
791.	Article 43a - paragraph 2 (new)		<i>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.</i>		Agreed in principle: 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.
792.	Article 43a - paragraph		<i>3. Where the liaison magistrate posted by Eurojust is selected among national members,</i>		Agreed in principle: 3. Where the liaison magistrate posted by

	3 (new)		<i>deputies or assistants:</i>		Eurojust is selected among national members, deputies or assistants:
793.	Article 43a - paragraph 3 point a (new)		<i>a) he or she shall be replaced in his or her function as a national member, deputy or Assistant, by the Member State;</i>		Agreed in principle: a) he or she shall be replaced in his or her function as a national member, deputy or Assistant, by the Member State;

794.	Article 43a - paragraph 3 point b (new)		<i>b) he or she ceases to be entitled to exercise the powers granted to him or her in accordance with Article 8.</i>		<u>Agreed in principle:</u> <i>b) he or she ceases to be entitled to exercise the powers granted to him or her in accordance with Article 8.</i>
795.	Article 43a - paragraph 4 (new)		<i>4. Without prejudice to Article 110 of the Staff Regulations, the College shall draw up the terms and conditions of the posting of liaison magistrates, including the level of remuneration and adopt the necessary implementing arrangements in this respect in consultation with the Commission.</i>		<u>Agreed in principle:</u> <i>4. Without prejudice to Article 110 of the Staff Regulations, the College shall draw up the terms and conditions of the posting of liaison magistrates, including the level of remuneration and adopt the necessary implementing arrangements in this respect in consultation with the Commission.</i>

796.	Article 43a - paragraph 5 (new)		<p><i>5. The activities of liaison magistrates posted by Eurojust shall be subject to the supervision 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.</i></p>		<p><u>Agreed in principle:</u> <i>5. The activities of liaison magistrates posted by Eurojust shall be subject to the supervision 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.</i></p>
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797.	Article 43a - paragraph 6 (new)		<i>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.</i>		<u>Agreed in principle:</u> <i>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.</i>
798.	Article 43a - paragraph 7 (new)		<i>7. The liaison magistrates referred to in paragraph 1 shall be connected to the Case Management System.</i>		<u>Agreed in principle:</u> <i>7. The liaison magistrates referred to in paragraph 1 shall be connected to the Case Management System.</i>
799.	Article 43b (new)		<i>Article 43b Requests for judicial cooperation to and from third Countries</i>		<u>Agreed in principle:</u> <i>Article 43b Requests for judicial cooperation to and from third Countries</i>

800.	Article 43b - paragraph 1 (new)		<p><i>1. Eurojust 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 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.</i></p>		<p><u>Agreed in principle:</u></p> <p><i>1. Eurojust 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 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.</i></p>
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801.	Article 43b - paragraph 2 (new)		<i>2. In case of urgency and in accordance with Article 19, the On-Call Coordination (OCC) may receive and transmit 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 Eurojust</i>		<u>Agreed in principle:</u> <i>2. In case of urgency and in accordance with Article 19, the On-Call Coordination (OCC) may receive and transmit 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 Eurojust.</i>
802.	Article 43b - paragraph 3 (new)		<i>3. Without prejudice to Article 3(4), where requests for judicial cooperation, which relate to the same investigation and require execution in a third country, are made by a Member State concerned, Eurojust shall facilitate judicial cooperation with that third country.</i>		<u>Agreed in principle:</u> <i>3. Without prejudice to Article 3(4), where requests for judicial cooperation, which relate to the same investigation and require execution in a third country, are made by a Member State concerned, Eurojust shall facilitate judicial cooperation with that third country.</i>

803.		SECTION IV TRANSFERS OF PERSONAL DATA	SECTION IV TRANSFERS OF PERSONAL DATA		Section IV Pending until the final decision on data protection rules.
804.	Article 44	<i>Article 44 Transfer of personal data to Union bodies or agencies</i>	<i>Article 44 Transmission of operational personal data to institutions, bodies, offices and agencies of the Union</i>		
805.	Article 44 - paragraph 1	Subject to any possible restrictions pursuant to Article 21(8) Eurojust <i>may directly transfer</i> personal data to Union bodies or agencies <i>in so far as it is</i> necessary for the performance of <i>its</i> tasks <i>or those of the recipient Union body or agency.</i>	1. Subject to any further restrictions pursuant to this Regulation, <i>in particular Article 21 (8), 27f, 38(4), 62</i> Eurojust <i>shall only transmit operational</i> personal data to <i>another institution</i> , body, <i>office</i> or agency <i>of the Union if the data are</i> necessary for the <i>legitimate</i> performance of tasks <i>covered by the competence of the other institution, body, office or agency of the Union.</i>		

806.	Article 44 - paragraph 2 (new)		<p><i>2. Where the operational personal data are transmitted following a request from the other institution, body, office or agency of the Union, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer. Eurojust shall be required to verify the competence of the other institution, body, office or agency of the Union and to make a provisional evaluation of the necessity for the transmission of the operational personal data. If doubts arise as to this necessity, Eurojust shall seek further information from the recipient.</i></p> <p><i>The other institution, body, office or agency of the Union</i></p>		
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			<i>shall ensure that the necessity for the transmission of the operational personal data can be subsequently verified.</i>		
807.	Article 44 - paragraph 3 (new)		<i>3. The other institution, body, office or agency of the Union shall process the operational personal data only for the purposes for which they were transmitted.</i>		
808.	Article 45 - title	<i>Article 45 Transfer of personal data to third countries and international organisations</i>	<i>Article 45 General principles for transfers of operational personal data to third countries and international organisations</i>		

809.	Article 45 - paragraph 1	1. Eurojust may transfer personal data to an authority of a third country or to an international organisation <i>or Interpol, in so far as this is necessary for it to perform its tasks, only on the basis of:</i>	1. Eurojust may transfer <i>operational</i> personal data to a third country or international organisation, <i>subject to compliance with the other provisions of this Regulation, only where the conditions laid down in this Article are met:</i>		
810.	Article 45 - paragraph 1 point a	<i>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 Council⁸ 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</i>	<i>(a) the transfer is necessary for the performance of the tasks of Eurojust;</i>		

⁸ OJ L 281, 23.11.1995, p. 31.

811.	Article 45 - paragraph 1 point b	<i>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</i>	<i>(b) the operational personal data are transferred to an authority in a third country or international organisation competent in law enforcement and criminal matters;</i>		
812.	Article 45 - paragraph 1 point c	<i>c) a cooperation agreement concluded between Eurojust and that third country or international organisation in accordance with Article 27 of Decision 2002/187/JHA .</i>	<i>(c) where the operational personal data to be transferred in accordance with this Article have been transmitted or made available by a Member State of the European Union to Eurojust, the latter shall obtain prior authorisation for the transfer by the relevant competent authority of that Member State of the European</i>		

			<i>Union in compliance with its national law, unless that Member State of the European Union has granted this authorisation to such transfer in general terms or subject to specific conditions;</i>		
813.	Article 45 - paragraph 1 point d (new)		<i>(d) in the case of an onward transfer to another third country or international organisation by a third country or international organisation, Eurojust shall require the third country or international organisation to seek its prior authorisation for that onward transfer, which Eurojust may provide only with prior authorisation of the Member State the data originates from and after taking into due</i>		

			<p><i>account all relevant factors, including the seriousness of the criminal offence, the purpose for which the operational personal data was originally transferred and the level of personal data protection in the third country or an international organisation to which operational personal data are onward transferred;</i></p>		
814.		<p><i>Such transfers do not require further authorisation. Eurojust may conclude working arrangements to implement such agreements or adequacy decisions.</i></p>	<p><i>Deleted</i></p>		

815.	Article 45 - paragraph 1bis (new)		<i>Ibis. Subject to conditions in paragraph 1 of this Article, Eurojust may transfer operational personal data to a third country or international organisation only where one of the following applies:</i>		
816.	Article 45 - paragraph 1bis point a (new)		<i>(a) the Commission has decided pursuant to Article 45a that the third country or international organisation in question ensures an adequate level of protection, or in the absence of such an adequacy decision, where appropriate safeguards are adduced or exist pursuant to Article 45b, or both in absence of an adequacy decision and of such appropriate safeguards,</i>		

			<i>derogation for specific situations apply pursuant to Article 45c; or</i>		
817.	Article 45 - paragraph 1bis point b (new)		<i>(b) on the basis of a cooperation agreement concluded before [...] between Eurojust and that third country or international organisation in accordance with Article 27 of Decision 2002/187/JHA; or</i>		
818.	Article 45 - paragraph 1bis point c (new)		<i>(c) on the basis of an international agreement concluded between the Union and the 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.</i>		

⁹ Date of application of this Regulation

819.	Article 45 - paragraph 1a (new)		<i>1.a. The working arrangements referred to in Article 38(2a) may be used to set out the modalities to implement such agreements or adequacy decisions.</i>		
820.	Article 45 - paragraph 2	<i>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:</i>	<i>2. Eurojust may in case of urgency transfer operational personal data without prior authorisation by a Member State of the European Union in accordance with point (c) of paragraph 1 only if the transfer of the operational personal data is necessary for the prevention of an immediate and serious threat to public security of a Member State of the European Union or a third country or to essential interests of a Member State of the</i>		

			<i>European Union and the prior authorisation cannot be obtained in good time. The authority responsible for giving prior authorisation shall be informed without delay.</i>		
821.	Article 45 - paragraph 2 point a	<i>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;</i>	<i>Deleted</i>		
822.	Article 45 - paragraph 2 point b	<i>b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences;</i>	<i>Deleted</i>		

823.	Article 45 - paragraph 2 point c	<i>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</i>	<i>Deleted</i>		
824.	Article 45 - paragraph 2 point d	<i>d) the transfer is necessary to protect the vital interests of the data subject or another person.</i>	<i>Deleted</i>		
825.	Article 45 - paragraph 3	<i>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</i>	<i>3. The transfer of operational personal data received from Eurojust to a third country or an international organisation by a Member State of the European Union, or institution, body, office or agency of the Union shall be prohibited. This shall</i>		

		<p><i>and freedoms of individuals, for a period not exceeding one year, renewable.</i></p>	<p><i>not apply in cases where Eurojust has authorised such transfer, after taking into due account all relevant factors, including the seriousness of the criminal offence, the purpose for which the operational personal data was originally transmitted and the level of personal data protection in the third country or an international organisation to which operational personal data are transferred.</i></p>		
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826.	Article 45 - paragraph 4	4. The European Data Protection Supervisor shall be informed of cases where paragraph 3 was applied.	4. Articles 45a to 45c shall be applied in order to ensure that the level of protection of natural persons ensured by this Regulation and by Union law is not undermined.		
827.	Article 45 - paragraph 5	5. Eurojust may transfer administrative personal data in accordance with Article 9 of Regulation (EC) No 45/2001.	Deleted		
828.	Article 45a - title (new)		Article 45a Transfers on the basis of an adequacy decision		
829.	Article 45a (new)		Eurojust may transfer operational personal data to a third country or an international organisation where the Commission has decided in accordance with Article 36 of Directive (EU) 2016/680 that		

			<i>the third country, a territory or one or more specified sectors within that third country, or the international organisation in question ensures an adequate level of protection.</i>		
830.	Article 45b - title (new)		<i>Article 45b Transfers subject to appropriate safeguards</i>		
831.	Article 45b - paragraph 1 (new)		<i>1. In the absence of an adequacy decision, Eurojust may transfer operational personal data to a third country or an international organisation where:</i>		
832.	Article 45b - paragraph 1 point a (new)		<i>(a) appropriate safeguards with regard to the protection of operational personal data are provided for in a legally binding instrument; or</i>		

833.	Article 45b - paragraph 1 point b (new)		<i>(b) Eurojust has assessed all the circumstances surrounding the transfer of operational personal data and concludes that appropriate safeguards exist with regard to the protection of operational personal data.</i>		
834.	Article 45b - paragraph 2 (new)		<i>2. Eurojust shall inform the European Data Protection Supervisor about categories of transfers under point (b) of paragraph 1.</i>		
835.	Article 45b - paragraph 3 (new)		<i>3. When a transfer is based on point (b) of paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and</i>		

			<i>time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the operational personal data transferred.</i>		
836.	Article 45c - title (new)		<i>Article 45c Derogations for specific situations</i>		
837.	Article 45c - paragraph 1 (new)		<i>1. In the absence of an adequacy decision, or of appropriate safeguards pursuant to Article 45b, Eurojust may transfer operational personal data to a third country or an international organisation only on the condition that the transfer is necessary:</i>		

838.	Article 45c - paragraph 1 point a (new)		<i>(a) in order to protect the vital interests of the data subject or another person;</i>		
839.	Article 45c - paragraph 1 point b (new)		<i>(b) to safeguard legitimate interests of the data subject;</i>		
840.	Article 45c - paragraph 1 point c (new)		<i>(c) for the prevention of an immediate and serious threat to public security of a Member State of the European Union or a third country; or</i>		
841.	Article 45c - paragraph 1 point d (new)		<i>(d) in individual cases for the performance of the tasks of Eurojust, unless Eurojust determines that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer.</i>		

842.	Article 45c - paragraph 2 (new)		<p><i>2. Where a transfer is based on paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the operational personal data transferred.</i></p>		
843.	Article 46 – title	<p><i>Article 46</i> Liaison magistrates posted to third countries</p>	<p><i>Deleted</i></p>	<p>Liaison magistrates posted to third countries <i>and from third-countries to Eurojust</i></p>	<p>If Article 43a is adopted Article 46 will be deleted.</p>

844.	Article 46 – paragraph 1	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 with that third country.	<i>Deleted</i>	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 with that third country. <i>Eurojust may establish working arrangements with entities referred to in Article 38(1) which may include the secondment of liaison magistrates to Eurojust.</i>	
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845.	Article 46 – paragraph 1 a (new)		<i>Deleted</i>	<i>1a. The tasks of the liaison magistrates shall include any activity designed to encourage and accelerate all forms of judicial cooperation in criminal matters, in particular by establishing direct links with the competent authorities of the third country.</i>	
846.		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.	<i>Deleted</i>		

847.		3. Where the liaison magistrate posted by Eurojust is selected among national members, deputies or assistants:	<i>Deleted</i>		
848.		a) he or she shall be replaced in his or her function as a national member, deputy or Assistant, by the Member State;	<i>Deleted</i>		
849.		b) he or she ceases to be entitled to exercise the powers granted to him or her in accordance with Article 8.	<i>Deleted</i>		
850.	Article 46 – paragraph 4	4. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs.	<i>Deleted</i>	4. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs, <i>including funding for joint investigation teams.</i>	

851.		5. The activities of liaison magistrates posted by Eurojust shall be the subject of supervision by 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.	<i>Deleted</i>		
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852.		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.	<i>Deleted</i>		
853.		7. The liaison magistrates referred to in paragraph 1 shall be connected to the Case Management System.	<i>Deleted</i>		
854.		<i>Article 47</i> Requests for judicial cooperation to and from third Countries	<i>Deleted</i>		

855.		<p>1. Eurojust shall 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. Such requests may also be transmitted to Eurojust by a competent national authority.</p>			
856.		<p>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 working arrangement with Eurojust.</p>			

857.		3. Without prejudice to Article 3(3), 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.			
858.		CHAPTER VI FINANCIAL PROVISIONS	CHAPTER VI FINANCIAL PROVISIONS		CHAPTER VI FINANCIAL PROVISIONS
859.		<i>Article 48</i> Budget	<i>Article 48</i> Budget		<i>Article 48</i> Budget
860.		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.	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.		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.

861.		2. Eurojust's budget shall be balanced in terms of revenue and of expenditure.	2. Eurojust's budget shall be balanced in terms of revenue and of expenditure.		2. Eurojust's budget shall be balanced in terms of revenue and of expenditure.
862.		3. Without prejudice to other resources, Eurojust's revenue shall comprise:	3. Without prejudice to other resources, Eurojust's revenue shall comprise:		3. Without prejudice to other resources, Eurojust's revenue shall comprise:
863.		a) a contribution from the Union entered in the general budget of the European Union;	a) a contribution from the Union entered in the general budget of the European Union;		a) a contribution from the Union entered in the general budget of the European Union;
864.		b) any voluntary financial contribution from the Member States;	b) any voluntary financial contribution from the Member States;		b) any voluntary financial contribution from the Member States;
865.		c) charges for publications and any service provided by Eurojust;	c) charges for publications and any service provided by Eurojust;		c) charges for publications and any service provided by Eurojust;
866.		d) ad-hoc grants.	d) ad-hoc grants		d) ad-hoc grants

867.		4. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs.	4. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs <i>including funding for Joint Investigation Teams.</i>		Agreed in principle: 4. The expenditure of Eurojust shall include staff remuneration, administrative and infrastructure expenses, operating costs <i>including funding for Joint Investigation Teams.</i>
868.		<i>Article 49</i> Establishment of the budget	<i>Article 49</i> Establishment of the budget		<i>Article 49</i> Establishment of the budget
869.	Article 49 – paragraph 1	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 <i>College</i> .	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 <i>Executive Board. The European Judicial Network and other networks referred to</i>	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 <i>Executive Board. The European Judicial Network and other networks of the Union involved in</i>	Agreed in principle: 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 <i>Executive Board. The European Judicial Network</i>

			<i>in Article 39 shall be informed on the parts related to their activities in due time before forwarding the estimate to the Commission.</i>	<i>cooperation in criminal matters referred to in Article 39 shall be involved on the parts related to their activities in due time before forwarding the estimate to the Commission.</i>	<i>and other networks of the Union involved in cooperation in criminal matters 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.</i>
870.	Article 49 – paragraph 2	2. The <i>College</i> shall, on the basis of that draft, <i>produce</i> a provisional draft estimate of Eurojust's revenue and expenditure for the following financial year.	2. The <i>Executive Board</i> shall, on the basis of that draft, <i>prepare</i> a provisional draft estimate of Eurojust's revenue and expenditure for the following financial year <i>which shall be forwarded to the College for adoption.</i>	2. The <i>Executive Board</i> shall, on the basis of that draft, <i>prepare</i> a provisional draft estimate of Eurojust's revenue and expenditure for the following financial year <i>which shall be forwarded to the College for adoption.</i>	<u>Agreed in principle:</u> 2. The <i>Executive Board</i> shall, on the basis of that draft, <i>review</i> a provisional draft estimate of Eurojust's revenue and expenditure for the following financial year <i>which shall be forwarded to the College for adoption.</i>

871.	Article 49 – paragraph 3	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. <i>The College</i> shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.	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. <i>Eurojust</i> shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.		<u>Agreed in principle:</u> 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. <i>Eurojust</i> shall send a final draft estimate, which shall include a draft establishment plan, to the Commission by 31 March.
872.	Article 49 – paragraph 4	4. The Commission shall send the statement of estimates to the European Parliament and the Council (<i>the budgetary authority</i>) together with the draft general budget of the European Union.	4. The Commission shall send the statement of estimates to the European Parliament and the Council (<i>the budgetary authority</i>) together with the draft general budget of the European Union.	4. The Commission shall send the statement of estimates to the European Parliament and the Council together with the draft general budget of the European Union.	<u>Agreed in principle:</u> 4. The Commission shall send the statement of estimates to the European Parliament and the Council (<i>the budgetary authority</i>) together with the draft general budget of the European Union.

873.		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.	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.		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.
874.	Article 49 – paragraph 6	6. The budgetary authority shall authorise the appropriations for <i>Eurojust's</i> contribution.	6. The budgetary authority shall authorise the appropriations for the contribution <i>from the European Union to Eurojust.</i>	6. The budgetary authority shall authorise the appropriations for <i>the contribution from the Union to Eurojust.</i>	<u>Agreed in principle:</u> 6. The budgetary authority shall authorise the appropriations for <i>the contribution from the Union to Eurojust.</i>

875.	Article 49 – paragraph 7	7. The budgetary authority shall adopt Eurojust's establishment plan.	The budgetary authority shall adopt Eurojust's establishment plan. <i>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 the College accordingly.</i>		<u>Agreed in principle:</u> The budgetary authority shall adopt Eurojust's establishment plan. <i>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 the College accordingly.</i>
876.	Article 49 – paragraph 8	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 accordingly.	<i>Deleted</i>		<u>Deleted</u>

877.	Article 49 – paragraph 9	9. For any building project likely to have significant implications for <i>the</i> budget <i>Eurojust shall inform the European Parliament and the Council as early as possible in accordance with the provisions of Article 203 of Regulation (EU, EURATOM) No 966/2012.</i>	9. For any building project likely to have significant implications for the <i>Eurojust's</i> budget <i>Article 88 of Regulation (EU) No 1271/2013 shall apply.</i>	9. For any building project likely to have significant implications for <i>Eurojust's</i> budget <i>Article 88 of delegated Regulation (EU) 1271/2013 shall apply.</i>	<u>Agreed in principle:</u> 9. For any building project likely to have significant implications for <i>Eurojust's</i> budget <i>Article 88 of delegated Regulation (EU) 1271/2013 shall apply.</i>
878.	Article 49 – paragraph 10 – subparagr aph 1	<i>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.</i>	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

879.	Article 49 – paragraph 10 – subparagr aph 2	<i>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.</i>	<i>deleted</i>	<i>deleted</i>	deleted
880.	Article 49 – paragraph 10 – subparagr aph 3	<i>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.</i>	<i>deleted</i>	<i>deleted</i>	deleted
881.	Article 49 – paragraph 10 – subparagr aph 4	<i>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.</i>	<i>deleted</i>	<i>deleted</i>	deleted

882.	Article 49 – paragraph 11	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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
883.		Article 50 Implementation of the budget	Article 50 Implementation of the budget		Article 50 Implementation of the budget
884.		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.	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.		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.

885.		<i>Article 51</i> Presentation of accounts and discharge	<i>Article 51</i> <i>Presentation of accounts and discharge</i>		Article 51 Presentation of accounts and discharge
886.		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.	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.		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.
887.		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.	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.		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.

888.		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.	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.		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.
889.		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.	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.		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.

890.	Article 51 – paragraph 5	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 <i>College</i> for an opinion.	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 <i>Executive Board</i> for an opinion.	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 <i>Executive Board</i> for an opinion.	<u>Agreed in principle:</u> 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 <i>Executive Board</i> for an opinion.
891.	Article 51 – paragraph 6	6. The <i>College</i> shall deliver an opinion on Eurojust's final accounts.	6. The <i>Executive Board</i> shall deliver an opinion on Eurojust's final accounts.	6. The <i>Executive Board</i> shall deliver an opinion on Eurojust's final accounts.	<u>Agreed in principle:</u> 6. The <i>Executive Board</i> shall deliver an opinion on Eurojust's final accounts.

892.	Article 51 – paragraph 7	7. The 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 <i>College's</i> opinion.	7. The Accounting Officer of Eurojust 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 <i>Executive Board's</i> opinion.	7. The 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 <i>Executive Board's</i> opinion.	<u>Agreed in principle:</u> 7. The 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 <i>Executive Board's</i> opinion.
893.		8. The final accounts of Eurojust shall be published in the Official Journal of the European Union by 15 November of the following year.	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.		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.

894.	Article 51 – paragraph 9	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 <i>College</i> and to the Commission.	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 <i>Executive Board</i> and to the Commission.	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 <i>Executive Board</i> and to the Commission.	<u>Agreed in principle:</u> 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 <i>Executive Board</i> and to the Commission.
895.	Article 51 - paragraph 10	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.	<i>deleted</i>		<u>Deleted</u>

896.		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.	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.		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.
897.		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.	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.		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.

898.	Article 51 – paragraph 12 a (new)			<p><i>12a. The discharge of the budget of Eurojust shall be given by the European Parliament on the recommendation of the Council following a procedure comparable to that provided for in Article 319 of the Treaty on the Functioning of the European Union and Articles 164 to 166 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council, and based on the audit report of the Court of Auditors.</i></p>	<p><u>Agreed in principle:</u> <i>12a. The discharge of the budget of Eurojust shall be given by the European Parliament on the recommendation of the Council following a procedure comparable to that provided for in Article 319 of the Treaty on the Functioning of the European Union and Articles 164 to 166 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council, and based on the audit report of the Court of Auditors.</i></p>
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899.				<i>If the European Parliament refuses to grant discharge, the Administrative Director shall tender his resignation to the College, which shall take its final decision in the light of the circumstances.</i>	Pending: <i>If the European Parliament refuses to grant discharge, the Administrative Director shall be invited to explain his/her position to the College, which shall take its final decision in the light of the circumstances.</i>
900.		Article 52 Financial Rules	Article 52 Financial Rules		Article 52 Financial Rules
901.	Article 52 – paragraph 1	The financial rules applicable to Eurojust shall be adopted by the <i>College</i> in accordance with <i>[Regulation 2343/2002 of 23 December 2002 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</i>	1. The financial rules applicable to Eurojust shall be adopted by the <i>Executive Board</i> in accordance with <i>Commission delegated No. 1271/2013 of 30 September 2013</i> on the framework financial regulation for the bodies referred to in Article 208 of Regulation 966/2012 and after consultation with the Commission. They	The financial rules applicable to Eurojust shall be adopted by the <i>Executive Board</i> in accordance with <i>delegated Regulation (EU) 1271/2013 of 30 September 2013</i> on the framework Financial Regulation for the bodies referred to in Article 208 of Regulation (EU) 966/2012 and after consultation with the Commission. They shall not	Agreed in principle: The financial rules applicable to Eurojust shall be adopted by the <i>Executive Board</i> in accordance with <i>delegated Regulation (EU) 1271/2013 of 30 September 2013</i> on the framework Financial Regulation for the bodies referred to in Article 208 of Regulation (EU) 966/2012 and

		<p><i>general budget of the European Communities]</i> and after consultation with the Commission. They shall not depart from [<i>Regulation 2343/2002</i>] unless such departure is specifically required for Eurojust's operation and the Commission has given its prior consent.</p>	<p>shall not depart from <i>Regulation No. 1271/2013</i> unless such departure is specifically required for Eurojust's operation and the Commission has given its prior consent.</p>	<p>depart from <i>Regulation (EU) 1271/2013</i> unless such departure is specifically required for Eurojust's operation and the Commission has given its prior consent.</p>	<p>after consultation with the Commission. They shall not depart from <i>Regulation (EU) 1271/2013</i> unless such departure is specifically required for Eurojust's operation and the Commission has given its prior consent.</p>
902.	<p>Article 52 – paragraph 1 a (new)</p>			<p><i>In respect of the financial support to joint investigation teams activities, Eurojust shall establish in cooperation with Europol the rules and conditions upon which the applications shall be processed.</i></p>	<p><u><i>Agreed in principle:</i></u> <i>In respect of the financial support to be given to joint investigation teams' activities, Europol and Eurojust shall jointly establish the rules and conditions upon which applications for such support are to be processed.</i> Text identical to Europol Regulation - article 61(4).</p>

903.	Article 52 - paragraph 2 (new)		<i>2. Eurojust may award grants related to the fulfilment 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.</i>		Agreed in principle: <i>2. Eurojust may award grants related to the fulfilment 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.</i>
904.	Article 52 - paragraph 3 (new)		<i>3. In respect of the financial support to joint investigation teams activities, Eurojust shall establish in cooperation with Europol the rules and conditions upon which the applications shall be processed.</i>		Deleted
905.		CHAPTER VII STAFF PROVISIONS	CHAPTER VII STAFF PROVISIONS		CHAPTER VII STAFF PROVISIONS

906.		<i>Article 53</i> General provisions	<i>Article 53</i> General provisions		Article 53 General provisions
907.		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.	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.		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.

908.	Article 53 - paragraph 2 (new)		<p><i>2. Eurojust staff shall consist of staff recruited according to the rules and regulations applicable to officials and other servants of the European Union, taking into account all the criteria referred to in Article 27 of the Staff Regulations of Officials of the European Union laid down by Regulation (EEC, Euratom, ECSC) No 259/68, including their geographical distribution.</i></p>		<p>Agreed in principle:</p> <p>2. Eurojust staff shall consist of staff recruited according to the rules and regulations applicable to officials and other servants of the European Union, taking into account all the criteria referred to in Article 27 of the Staff Regulations of Officials of the European Union laid down by Regulation (EEC, Euratom, ECSC) No 259/68, including their geographical distribution.</p>
909.		<p><i>Article 54</i></p> <p>Seconded national experts and other staff</p>	<p><i>Article 54</i></p> <p>Seconded national experts and other staff</p>		<p>Article 54</p> <p>Seconded national experts and other staff</p>

910.	Article 54 – paragraph 1	1. Eurojust may make use of seconded national experts or other staff not employed by Eurojust.	1. Eurojust may make use, <i>in addition to its own staff</i> , of seconded national experts or other staff not employed by Eurojust.		<u>Agreed in principle:</u> 1. Eurojust may make use, <i>in addition to its own staff</i> , of seconded national experts or other staff not employed by Eurojust.
911.	Article 54 – paragraph 2	2. The College shall adopt a decision laying down rules on the secondment to Eurojust of national experts.	2. The College shall adopt a decision laying down rules on the secondment of national experts to Eurojust.	2. The College shall adopt a decision laying down rules on the secondment to Eurojust of national experts <i>and on the use of other staff, notably to avoid potential conflicts of interest.</i>	<u>Agreed in principle:</u> 2. The College shall adopt a decision laying down rules on the secondment to Eurojust of national experts <i>and on the use of other staff, notably to avoid potential conflicts of interest.</i>
912.	Article 54 – paragraph 2 a (new)			2a. <i>Eurojust shall take appropriate administrative measures, inter alia through training and prevention strategies, to avoid conflicts of interest, including relating to post-employment issues.</i>	<u>Agreed in principle:</u> 2a. <i>Eurojust shall take appropriate administrative measures, inter alia through training and prevention strategies, to avoid conflicts of interest, including relating to post-employment issues.</i>

913.		CHAPTER VIII EVALUATION AND REPORTING	CHAPTER VIII EVALUATION AND REPORTING		CHAPTER VIII EVALUATION AND REPORTING
914.		Article 55 Involvement of the European Parliament and national Parliaments	Article 55 Involvement of the European Institutions and national Parliaments		Article 55 Involvement of the European Institutions and national Parliaments
915.	Article 55 – paragraph 1	1. Eurojust shall transmit its Annual Report to the European Parliament, which may present observations and conclusions.	1. Eurojust shall transmit its Annual Report to the European Parliament, the Council and national Parliaments , which may present observations and conclusions.	1. Eurojust shall transmit its Annual Report to the European Parliament and national parliaments , which may present observations and conclusions.	Agreed in principle: 1. Eurojust shall transmit its Annual Report to the European Parliament, the Council and national Parliaments , which may present observations and conclusions.

916.	Article 55 – paragraph 1 a (new)			<p><i>(1a) Before taking office, the newly appointed President of the College shall be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members.</i></p>	<p><u>Pending:</u> <u>(1a) The European Parliament may invite the newly elected and appointed President of the College shall be invited, before undertaking the tasks of the President upon his election, to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members. Discussions shall not refer directly or indirectly to concrete actions in relation with specific operational cases.</u></p>
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917.	Article 55 – paragraph 2	<p><i>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.</i></p>	<p><i>The President of the College shall appear before the European Parliament or the Council, 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.</i></p>	<p><i>2. During his or her term of office, 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.</i></p>	<p><u>Pending, taking into account the proposal by the Parliament:</u></p> <p><u>2. The President of the College shall appear within the framework of an Interparliamentary Committee Meeting once a year for the joint evaluation by the European Parliament and national Parliaments of the activities of Eurojust, to discuss its current activities and to present its Annual Report or other key documents of the Agency, taking into account the obligations of discretion and confidentiality. The President of the College shall appear before the European Parliament or the</u></p>
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					<p><i>Council, at their request or at the request of the European Parliament and national parliaments within the framework of the Inter Parliamentary Conference, 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.</i></p> <p><i>Accompanying recital 31:</i></p> <p><i>(31) In order to increase the transparency and democratic oversight of Eurojust it is necessary to provide a</i></p>
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					<p><i><u>mechanism for the joint evaluation by the European Parliament and national Parliaments of Eurojust's activities. The evaluation should take place in the framework of an Interparliamentary Committee Meeting in the premises of the European Parliament in Brussels with the participation of members of the competent committees of the European Parliament and of the national Parliaments. The Interparliamentary Committee Meeting shall be organized by the European Parliament together with the Parliament of the Member State holding the rotating presidency of the</u></i></p>
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					<p><u>Council of the European Union. However, the Interparliamentary Committee Meeting shall take place in full respect of the principles of independence of Eurojust as regards action taken in specific operational cases or the obligations of discretion and confidentiality.</u></p>
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918.	Article 55 – paragraph 3 – introductory part	3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament for information:	In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament <i>and to national Parliaments in the respective official languages</i> for information:	3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament <i>and to national parliaments in the respective official languages</i> for information:	<u>Agreed in principle:</u> 3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament <i>and to national parliaments in the respective official languages</i> for information:
919.		a) the results of studies and strategic projects elaborated or commissioned by Eurojust;	a) the results of studies and strategic projects elaborated or commissioned by Eurojust;		a) the results of studies and strategic projects elaborated or commissioned by Eurojust;
920.	Article 55 – paragraph 3 – point a a (new)			(aa) <i>the annual and multi-annual programming documents</i>	<u>Agreed in principle:</u> (aa) <i>the annual and multi-annual programming documents</i>

921.		b) working arrangements concluded with third parties;	b) working arrangements concluded with third parties;		b) working arrangements concluded with third parties;
922.	Article 55 – paragraph 3 – point c	<i>c) the annual report of the European Data Protection Supervisor.</i>	<i>c) the annual report of the European Data Protection Supervisor.</i>	<i>deleted</i>	Pending issue in relation with the final decision on data protection rules
923.	Article 55 – paragraph 4	<i>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.</i>	<i>Deleted</i>	<i>deleted</i>	<i>Deleted</i>
924.	Article 55 a (new)			<i>Article 55a</i>	<i>Article 55a</i>
925.				<i>Opinions on proposed legislative acts</i>	<i>Opinions on proposed legislative acts</i>

926.				<i>The Commission and the Member States concerned may request Eurojust's opinion on all the proposed legislative acts referred to in Article 76 TFEU.</i>	Agreed in principle: <i>The Commission and the Member States concerned exercising their rights on the basis of Article 76 letter b TFEU may request Eurojust's opinion on all the proposed legislative acts referred to in Article 76 TFEU.</i>
927.		<i>Article 56 Evaluation and review</i>	<i>Article 56 Evaluation and review</i>		<i>Article 56 Evaluation and review</i>
928.	Article 56 - paragraph 1	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	1. By 5 years after the date of application 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		Agreed in principle: <i>1. By 5 years after the date of application 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</i>

		practices. <i>The evaluation shall, in particular, address the possible need to modify the mandate of Eurojust, and the financial implications of any such modification.</i>	practices. The College shall be involved in the evaluation.		efficiency of Eurojust and its working practices. The College shall be involved heard in the evaluation. <i>The evaluation shall may, in particular, address the possible need to modify the mandate of Eurojust, and the financial implications of any such modification.</i>
929.		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.	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.		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.

930.	Article 56 - paragraph 3	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.	<i>Deleted</i>		<i>Deleted</i>
931.		CHAPTER IX GENERAL AND FINAL PROVISIONS	CHAPTER IX GENERAL AND FINAL PROVISIONS		CHAPTER IX GENERAL AND FINAL PROVISIONS
932.		<i>Article 57</i> Privileges and Immunities	<i>Article 57</i> Privileges and Immunities		<i>Article 57</i> Privileges and Immunities
933.		The Protocol on the Privileges and Immunities of the European Union shall apply to Eurojust and its staff.	The Protocol on the Privileges and Immunities of the European Union shall apply to Eurojust and its staff.		The Protocol on the Privileges and Immunities of the European Union shall apply to Eurojust and its staff.
934.		<i>Article 58</i> Language arrangements	<i>Article 58</i> Language arrangements		<i>Article 58</i> Language arrangements

935.		1. Regulation No 1 ¹⁰ shall apply to Eurojust.	1. Regulation No 1 ¹¹ shall apply to Eurojust.		1. Regulation No 1 ¹² shall apply to Eurojust.
936.	Article 58 – paragraph 1 a (new)		<i>1(a). The College shall decide by a two-thirds majority of its members on the internal language arrangements of Eurojust.</i>	<i>1a. The College shall decide by a majority of two-thirds of its members on the internal language arrangements of Eurojust.</i>	Agreed in principle: <i>1(a). The College shall decide by a two-thirds majority of its members on the internal language arrangements of Eurojust.</i>
937.	Article 58 - paragraph 2	2. The translation services required for the functioning of Eurojust shall be provided by the Translation Centre of the bodies of the European Union.	2. The translation services required for the functioning of Eurojust shall be provided by the Translation Centre of the bodies of the European Union <i>unless the urgency of the matter requires another solution.</i>		Pending (COM to come back): <i>2. The translation services required for the functioning of Eurojust shall be provided by the Translation Centre of the bodies of the European Union unless the unavailability of the Translation Centre requires another solution.</i>

¹⁰ OJ L 17, 6.10.1958, p.385.

¹¹ OJ L 17, 6.10.1958, p.385.

¹² OJ L 17, 6.10.1958, p.385.

938.		<i>Article 59</i> Confidentiality	<i>Article 59</i> Confidentiality		Article 59 Confidentiality
939.	Article 59 – paragraph 1	1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents and the Data Protection Officer shall 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.	1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents seconded national experts , the Data Protection Officer and the staff of the European Data Protection Supervisor shall 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.	1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents, seconded national experts, liaison magistrates, the Data Protection Officer and members and staff of the European Data Protection Supervisor shall 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.	Agreed in principle: 1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents, seconded national experts, liaison magistrates, the Data Protection Officer and members and staff of the European Data Protection Supervisor shall 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.

940.		2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust.	2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust.		2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust.
941.		3. 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 and 2.	3. 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 and 2.		3. 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 and 2.
942.	Article 59 – paragraph 4	4. 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.	4. The obligation of confidentiality shall apply to all information received by Eurojust, unless that information has already lawfully been made public.	4. The obligation of confidentiality shall apply to all information received <i>or exchanged</i> by Eurojust, unless that information has already been made public or is accessible to the public.	<u>Agreed in principle:</u> 4. The obligation of confidentiality shall apply to all information received <i>or exchanged</i> by Eurojust, unless that information has already <i>lawfully</i> been made public or is accessible to the public.

943.	Article 59 – paragraph 5	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.	<i>Deleted</i>	<i>deleted</i>	Deleted
944.	Article 59a - title (new)		Article 59a Conditions of confidentiality of national proceedings		Article 59a Conditions of confidentiality of national proceedings
945.	Article 59a - paragraph 1 (new)		1. Without prejudice to Article 21(3), where information is received or exchanged via Eurojust, the authority of the Member State who provided the information may, pursuant to its national law, stipulate conditions on the use by the receiving authority of that information in national proceedings.		Agreed in principle: 1. Without prejudice to Article 21(3), where information is received or exchanged via Eurojust, the authority of the Member State who provided the information may, pursuant to its national law, stipulate conditions on the use by the receiving authority of that information in national proceedings.

946.	Article 59a - paragraph 2 (new)		<i>2. The authority of the Member State who receives the information shall be bound by those conditions.</i>		<u>Agreed in principle:</u> <u>2. The authority of the Member State who receives the information shall be bound by those conditions.</u>
947.		<i>Article 60</i> Transparency	<i>Article 60</i> Transparency		<u>Article 60</u> <u>Transparency</u>
948.		1. Regulation (EC) No 1049/2001 shall apply to documents which relate to Eurojust's administrative tasks.	1. Regulation (EC) No 1049/2001 shall apply to documents which relate to Eurojust's administrative tasks.		<u>Pending:</u> <u>Regulation (EC) No 1049/2001 shall apply to documents <i>other than temporary work files and the index, that are kept in accordance with Article 24 of this Regulation.</i></u> <u>The following recitals will accompany this paragraph:</u> <u>The Eurojust's proceedings should be transparent in accordance with Article 15(3) TFEU and specific provisions on how the right of public</u>

				<p><i>access to documents is ensured, would need to be adopted by the College. Nothing in this Regulation is intended to restrict the right of public access to documents in so far as it is guaranteed in the Union and in the Member States, in particular under Article 42 of the Charter and other relevant provisions.</i></p> <p><i>The general rules on transparency that apply to Union agencies should also apply to Eurojust but only with regard to documents other than temporary work files and the index, so as not to jeopardise in any manner the requirement of</i></p>
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					<p><u>confidentiality in its operational work. In the same manner, administrative inquiries conducted by the European Ombudsman should respect the requirement of confidentiality of the Eurojust. In view of ensuring the integrity of the operational activity of Eurojust, documents relating to the operational activity should not be covered by the rules of transparency.</u></p>
949.	Article 60 – paragraph 2	2. The <i>College</i> shall, within six months of the date of its first meeting, <i>adopt</i> the detailed rules for applying Regulation (EC) No 1049/2001.	2. The <i>Executive Board</i> shall, within six months of the date of its first meeting, <i>prepare</i> the detailed rules for applying Regulation (EC) No 1049/2001 <i>for adoption by the College.</i>	2. The <i>Executive Board</i> shall, within six months of the date of its first meeting <i>prepare</i> the detailed rules for applying Regulation (EC) No 1049/2001 <i>for adoption by the College.</i>	<p><u>Agreed in principle:</u></p> <p><u>2. The <i>Executive Board</i> shall, within six months of the date of its first meeting <i>prepare</i> the detailed rules for applying Regulation (EC) No 1049/2001 <i>for adoption by the College.</i></u></p>

950.		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.	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.		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.
951.	Article 60 – paragraph 3 a (new)			<i>3a. Eurojust shall publish on its website the list of the members of its Executive Board and of its external and in-house experts, together with their respective declarations of interest and curricula vitae. The minutes of the meetings of the College and of the Executive Board shall be systematically published.</i>	<i>Compromise proposal:</i> <i>3.a Eurojust shall publish on its website the list of the members of its Executive Board and of its external and in-house experts, together with their respective declarations of interest and curricula vitae. The summaries of the outcome of the meetings of the Executive</i>

					<p><i>Board shall be systematically published.</i> (alignment with Article 65.4 of Europol Regulation)</p> <p><i>Adapted from Article 65.4 Europol regulation:</i></p> <p><i>Eurojust shall publish on its website a list of the Executive Board members and summaries of the outcome of the meetings of the Executive Board. The publication of those summaries shall be temporarily or permanently omitted or restricted if such publication would risk jeopardising the performance of Eurojust's tasks, taking into account its obligations of discretion and confidentiality and the operational character</i></p>
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					<p><u>of Eurojust.</u></p> <p><u>The following recital will accompany this paragraph:</u></p> <p><u>In order to increase Eurojust's transparency vis-à-vis Union citizens and its accountability, Eurojust should publish on its website a list of its Executive Board members and, where appropriate, the summaries of the outcome of the meetings of the Executive Board, while respecting data protection requirements.</u></p>
952.		<p><i>Article 61</i></p> <p>OLAF and the European Court of Auditors</p>	<p><i>Article 61</i></p> <p>OLAF and the European Court of Auditors</p>		<p>Article 61</p> <p>OLAF and the European Court of Auditors</p>
953.	<p>Article 61</p> <p>– paragraph 1</p>	<p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation <i>(EC) No 1073/1999</i>,</p>	<p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation <i>(EC) No 883/2013</i>,</p>	<p>1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation <i>(EU) 883/2013</i></p>	<p><u>Agreed in principle:</u></p> <p>1. In order to facilitate combating fraud, corruption and other unlawful activities</p>

		within six months from the entry into force of this Regulation, <i>it</i> 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 of Eurojust using the template set out in the Annex to that Agreement.	within six months from the entry into force of this Regulation, <i>Eurojust</i> 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 <i>the national members, their deputies and Assistants, seconded national experts and Eurojust staff</i> using the template set out in the Annex to that Agreement.	within six months from the entry into force of this Regulation, <i>Eurojust</i> 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 of Eurojust using the template set out in the Annex to that Agreement.	under Regulation (EC) No 883/2013, within six months from the entry into force of this Regulation, <i>Eurojust</i> 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 <i>the national members, their deputies and Assistants, seconded national experts and Eurojust staff</i> using the template set out in the Annex to that Agreement.
954.	Article 61 – paragraph 2	2. The European Court of Auditors shall <i>have the power of audit</i> , on the basis of documents <i>and on the spot</i> , over all grant	2. The European Court of Auditors shall <i>have the power of audit</i> , on the basis of documents <i>and on the spot</i> ,	2. The European Court of Auditors shall <i>regularly carry out audits on the compliance and on the performance of Eurojust’s activities</i> , on the basis of documents <i>or on-the-spot checks</i> , over all grant	<u><i>Agreed in principle:</i></u> 2. The European Court of Auditors shall <i>have the power of audit</i> , on the basis of documents <i>and on the spot</i> , over all grant beneficiaries,

		beneficiaries, contractors and subcontractors who have received Union funds from Eurojust.	over all grant beneficiaries, contractors and subcontractors who have received Union funds from Eurojust.	beneficiaries, contractors and subcontractors who have received Union funds from Eurojust.	contractors and subcontractors who have received Union funds from Eurojust.
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955.	Article 61 – paragraph 3	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 and Council Regulation (Euratom, EC) No 2185/96 ²² 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.	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 883/2013 and Council Regulation (Euratom, EC) No 2185/96 ¹³ 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.	3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU) 883/2013 and Council Regulation (Euratom, EC) No 2185/96 ²² 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.	<u>Agreed in principle:</u> 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 883/2013 and Council Regulation (Euratom, EC) No 2185/96 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.
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¹³ OJ L 292, 15.11.1996, p. 2.

956.		<p>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.</p>	<p>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.</p>		<p>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.</p>
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957.	Article 61 – paragraph 4 a (new)			<p><i>4a. The staff of Eurojust, the Administrative Director and the members of the College and Executive Board shall, without delay and without any question of their responsibility being called into question as a result, notify OLAF of any frauds which have come to their attention in the fulfilment of their duties or remit. If they fail to meet this obligation and to inform OLAF of fraud of which they have knowledge, they shall become personally liable for the consequences.</i></p>	<p><u>Agreed in principle:</u> <i>4a. The staff of Eurojust, the Administrative Director and the members of the College and Executive Board shall, without delay and without any question of their responsibility being called into question as a result, notify OLAF and EPPO of any suspicion of frauds illegal activity, covered by their competence which have come to their attention in the fulfilment of their duties or remit. If they fail to meet this obligation and to inform OLAF of fraud of which they have knowledge, they shall become personally liable for the consequences.</i></p>
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958.		<i>Article 62</i>	<i>Article 62</i>		Article 62
959.	Article 62 – title	Security rules on the protection of classified information	Rules on the protection of sensitive non-classified and of classified information	Security rules on the protection of <i>sensitive non-classified and</i> classified information	Rules on the protection of sensitive non-classified and of classified information
960.	Article 62 – paragraph 1	Eurojust shall <i>apply the security principles contained in the Commission's security rules for protecting</i> European Union Classified Information (<i>EUCI</i>) <i>and sensitive non-classified information, as set out in the annex to Commission Decision 2001/844/EC, ECSC, Euratom</i> ²³ . <i>This shall cover, inter alia, provisions for the exchange, processing and storage of</i> such information.	1. Eurojust shall establish internal rules on the protection of sensitive non-classified information, including the creation and processing of such information at Eurojust.	Eurojust shall <i>establish internal rules on the protection of the</i> European Union classified information <i>which shall be consistent with Council Decision 2013/488/EU in order to ensure an equivalent level of protection for</i> such information	Agreed in principle: Eurojust shall <i>establish internal rules on the protection of the</i> European Union classified information <i>which shall be consistent with Council Decision 2013/488/EU in order to ensure an equivalent level of protection for</i> such information

961.	Article 62 – paragraph 1 a (new)			<i>Eurojust shall establish internal rules on the handling and confidentiality of information and on the protection of sensitive non-classified information, including the creation and processing of such information at Eurojust.</i>	Agreed in principle: Eurojust shall establish internal rules on the handling and confidentiality of information and on the protection of sensitive non-classified information, including the creation and processing of such information at Eurojust.
962.	Article 62 - paragraph 2 (new)		<i>2. Eurojust shall establish internal 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.</i>		Deleted

963.		<p><i>Article 63</i></p> <p>Administrative inquiries</p> <p>The administrative activities of Eurojust shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>	<p><i>Article 63</i></p> <p>Administrative inquiries</p> <p>The administrative activities of Eurojust shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>		<p>Article 63</p> <p>Administrative inquiries</p> <p>The administrative activities of Eurojust shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 of the Treaty.</p>
964.		<p><i>Article 64</i></p> <p>Liability other than liability for unauthorised or incorrect processing of data</p>	<p><i>Article 64</i></p> <p>Liability other than liability for unauthorised or incorrect processing of data</p>		<p>Article 64</p> <p>Liability other than liability for unauthorised or incorrect processing of data</p>
965.		<p>1. Eurojust's contractual liability shall be governed by the law applicable to the contract in question.</p>	<p>1. Eurojust's contractual liability shall be governed by the law applicable to the contract in question.</p>		<p>1. Eurojust's contractual liability shall be governed by the law applicable to the contract in question.</p>

966.		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.	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.		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.
967.	Article 64 – paragraph 3	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 <i>Article 37</i> , make good any damage caused by the College or the staff of Eurojust in the performance of their duties.	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 <i>Article 37</i> , make good any damage caused by the College or the staff of Eurojust in the performance of their duties.	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 <i>Union law</i> , make good any damage caused by the College or the staff of Eurojust in the performance of their duties.	Pending issue until the final decision on data protection rules.

968.		<p>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.</p>	<p>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.</p>		<p>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.</p>
969.		<p>5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p>	<p>5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p>		<p>5. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.</p>

970.		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 44/2001 ¹⁴ .	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 44/2001 ¹⁵ .		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 44/2001 ¹⁶ .
971.		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.	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.		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.
972.		<i>Article 65</i> Headquarters Agreement and operating conditions	<i>Article 65</i> Headquarters Agreement and operating conditions		<i>Article 65</i> Headquarters Agreement and operating conditions

¹⁴ 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

¹⁵ 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.

¹⁶ 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.

973.		<p>The seat of Eurojust shall be The Hague, The Netherlands.</p> <p><i>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. The Netherlands shall provide the best possible conditions to ensure the functioning of</i></p>	<p>1. The seat of Eurojust shall be The Hague, The Netherlands.</p>		<p><u>Agreed in principle:</u></p> <p><i>The seat of Eurojust shall be The Hague, The Netherlands. 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.</i></p>
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		<i>Eurojust, including multilingual, European-oriented schooling and appropriate transport connections.</i>			The last part of the sentence “ <i>The Netherlands shall provide the best possible conditions to ensure the functioning of Eurojust, including multilingual, European-oriented schooling and appropriate transport connections</i> ” will be moved to a recital (alignment with Article 70 and recital 67 of the Europol Regulation).
974.	Article 65 - paragraph 2 (new)		<i>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</i>		Deleted

			<i>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.</i>		
975.		<i>Article 66</i> Transitional arrangements	<i>Article 66</i> Transitional arrangements		Article 66 Transitional arrangements
976.		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.	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.		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.

977.	Article 66 - paragraph 2	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. <i>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.</i>	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 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. <i>The term of their office may be extended once under Article 10(2) 7(3a) of this Regulation after the entry into force of this Regulation, irrespective of a previous extension.</i> (The reference of the relevant article will need to be changed.)
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978.		<p>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.</p>	<p>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.</p>		<p>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.</p>
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979.		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.	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.		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.
980.		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	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		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

		force before the entry into force of this Regulation shall remain legally valid.	into force before the entry into force of this Regulation shall remain legally valid.		into force before the entry into force of this Regulation shall remain legally valid.
981.	Article 66 - paragraph 6 (new)		6. The discharge procedure in respect of the budgets approved on the basis of Article 35 of Decision 2002/187/JHA shall be carried out in accordance with the rules established by Article 36 of Decision 2002/187/JHA.		Agreed in principle: 6. The discharge procedure in respect of the budgets approved on the basis of Article 35 of Decision 2002/187/JHA shall be carried out in accordance with the rules established by Article 36 of Decision 2002/187/JHA.
982.	Article 66 - paragraph 7 (new)		7. The Regulation shall not affect labour contracts which have been concluded in accordance with Article 31 prior to the entry into force of this Regulation. The Data Protection Officer who was lastly appointed under Article 17 of Decision 2002/187/JHA		Agreed in principle: 7. The Regulation shall not affect labour contracts which have been concluded in accordance with Article 31 prior to the entry into force of this Regulation. The Data Protection Officer who was lastly appointed under Article

			<i>shall take the role of the Data Protection Officer under Article 31.</i>		17 of Decision 2002/187/JHA shall take the role of the Data Protection Officer under Article 31.
983.	Article 67 - title	<i>Article 67</i> Repeal	<i>Article 67</i> Replacement		Compromise proposal <i>Article 67</i> Replacement and repeal
984.	Article 67 - paragraph 1	<i>1. This Regulation replaces and repeals Decisions 2002/187/JHA, 2003/659/JHA and 2009/426/JHA.</i>	<i>1. Decisions 2002/187/JHA, 2003/659/JHA and 2009/426/JHA are hereby replaced for the Member States bound by this Regulation with effect from the date of application of this Regulation.</i>		Agreed in principle: <i>1. Decisions 2002/187/JHA, 2003/659/JHA and 2009/426/JHA are hereby replaced for the Member States bound by this Regulation with effect from [...]¹⁷.</i> Therefore, <i>Decisions 2002/187/JHA, 2003/659/JHA and 2009/426/JHA are repealed with effect from [...]¹⁸.</i>

¹⁷ 1 year after entry into force.

¹⁸ 1 year after entry into force.

985.	Article 67 - paragraph 2	2. References to the repealed Council Decisions referred to in paragraph 1 shall be construed as references to this Regulation.	2. For the Member States bound by this Regulation, references to the Council Decisions referred to in paragraph 1 shall be construed as references to this Regulation.		Agreed in principle: 2. With regard to the Member States bound by this Regulation, references to the [...] Decisions referred to in paragraph 1 shall be construed as references to this Regulation.
986.		Article 68 Entry into force	Article 68 Entry into force		Article 68 Entry into force
987.		This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. <i>This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.</i> <i>Done at Brussels,</i>	1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		Agreed in principle: 1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

988.	Article 68 - paragraph 2 (new)		<i>2. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.</i>		Agreed in principle: 2. This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.
989.	Article 68 - paragraph 3 (new)		<i>3. It shall apply from [...]¹⁹.</i>		3. It shall apply from [...]²⁰.
990.		<i>For the European Parliament For the Council The President The President</i>			
991.		<u>ANNEX 1</u>	ANNEX 1		
992.		List of forms of serious crime which Eurojust is competent to deal with in accordance with Article 3(1):	List of forms of serious crime which Eurojust is competent to deal with in accordance with Article 3(1):		

¹⁹ 1 year after entry into force.

²⁰ 1 year after entry into force.

993.		– <i>organised crime;</i>	– <i>terrorism,</i>		Pending issue: the order of list of the Council is aligned with the Annex I of the Europol Regulation
994.	Annex I – paragraph 1 – indent 2	– <i>terrorism;</i>	– <i>organised crime,</i>	– terrorism, <i>terrorist offences, offences related to a terrorist group and offences related to terrorist activities:</i>	
995.		– drug trafficking;	– drug trafficking,		
996.	Annex I – paragraph 1 – indent 4	– money-laundering;	– money-laundering activities,	– money-laundering activities;	
997.	Annex I – paragraph 1 – indent 5	– <i>corruption;</i>	– <i>crime connected with nuclear and radioactive substances,</i>		
998.	Annex I – paragraph 1 – indent 6	– <i>crime against the financial interests of the Union;</i>	– <i>illegal immigrant smuggling,</i>		In Europol regulation: <i>immigrant smuggling</i>

999.	Annex I – paragraph 1 – indent 7	– <i>murder, grievous bodily injury;</i>	– <i>trafficking in human beings,</i>	– murder <i>and</i> grievous bodily injury;	
1000.	Annex I – paragraph 1 – indent 8	– <i>kidnapping, illegal restraint and hostage taking;</i>	– <i>motor vehicle crime,</i>		
1001.	Annex I – paragraph 1 – indent 9	– <i>sexual abuse and sexual exploitation of women and children, child pornography and solicitation of children for sexual purposes;</i>	– <i>murder, grievous bodily injury,</i>		In Europol regulation: <i>murder and grievous bodily injury</i>
1002.	Annex I – paragraph 1 – indent 10	– <i>racism and xenophobia;</i>	– <i>illicit trade in human organs and tissue</i>		
1003.	Annex I – paragraph 1 – indent 11	– <i>organised robbery;</i>	– <i>kidnapping, illegal restraint and hostage taking,</i>	– robbery <i>and aggravated theft;</i>	

1004.	Annex I – paragraph 1 – indent 12	– <i>motor vehicle crime;</i>	– <i>racism and xenophobia</i>		
1005.	Annex I – paragraph 1 – indent 13	– <i>swindling and fraud;</i>	– <i>organised robbery and aggravated theft,</i>		The term “ <i>organised</i> ” is not mentioned in the Europol Annex I.
1006.	Annex I – paragraph 1 – indent 14	– <i>racketeering and extortion;</i>	– <i>illicit trafficking in cultural goods, including antiquities and works of art,</i>		
1007.	Annex I – paragraph 1 – indent 15	– <i>counterfeiting and product piracy;</i>	– <i>swindling and fraud,</i>		
1008.	Annex I – paragraph 1 – indent 16	– <i>forgery of administrative documents and trafficking therein;</i>	– <i>crime against the financial interests of the Union,</i>		

1009.	Annex I – paragraph 1 – indent 17	– <i>forgery of money and means of payment;</i>	– <i>insider dealing and financial market manipulation,</i>		
1010.	Annex I – paragraph 1 – indent 18	– <i>computer crime;</i>	– <i>racketeering and extortion,</i>		
1011.	Annex I – paragraph 1 – indent 19	– <i>insider dealing and financial market manipulation;</i>	– <i>counterfeiting and product piracy,</i>		
1012.	Annex I – paragraph 1 – indent 20	– <i>illegal</i> immigrant smuggling;	– <i>forgery of administrative documents and trafficking therein,</i>	– immigrant smuggling;	
1013.	Annex I – paragraph 1 – indent 21	– <i>trafficking in human beings;</i>	– <i>forgery of money and means of payment,</i>		

1014.	Annex I – paragraph 1 – indent 22	– <i>illicit trade in human organs and tissue;</i>	– <i>computer crime,</i>		
1015.	Annex I – paragraph 1 – indent 23	– <i>illicit trafficking in hormonal substances and other growth promoters;</i>	– <i>corruption,</i>		
1016.	Annex I – paragraph 1 – indent 24	– <i>illicit trafficking in cultural goods, including antiquities and works of art;</i>	– <i>illicit trafficking in arms, ammunition and explosives,</i>		
1017.	Annex I – paragraph 1 – indent 25	– <i>illicit trafficking in arms, ammunition and explosives;</i>	– <i>illicit trafficking in endangered animal species,</i>		
1018.	Annex I – paragraph 1 – indent 26	– <i>illicit trafficking in endangered animal species;</i>	– <i>illicit trafficking in endangered plant species and varieties,</i>	– <i>illicit trafficking in animal species, including endangered species;</i>	

1019.	Annex I – paragraph 1 – indent 27	– <i>illicit trafficking in endangered plant species and varieties;</i>	– <i>environmental crime, including ship source pollution,</i>		
1020.	Annex I – paragraph 1 – indent 28	– environmental crime;	– <i>illicit trafficking in hormonal substances and other growth promoters,</i>	– environmental crime, including ship-source pollution;	
1021.	Annex I – paragraph 1 – indent 29	– <i>ship-source pollution;</i>	– <i>sexual abuse and sexual exploitation including child pornography and solicitation of children for sexual purposes,</i>	<i>deleted</i>	The wording of the Europol Annex I is “ <i>sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes</i> ”
1022.	Annex I – paragraph 1 – indent 30	– <i>crime connected with nuclear and radioactive substances;</i>	– <i>genocide, crimes against humanity and war crimes.</i>		

1023.	Annex I – paragraph 1 – indent 30 a (new)			– <i>sexual abuse and sexual exploitation, including child abuse material and solicitation of children for sexual purposes;</i>	See above line 1021
1024.	Annex I – paragraph 1 – indent 31	– <i>genocide, crimes against humanity and war crimes.</i>	– <i>unlawful seizure of aircraft/ships</i>		This crime is not in Europol Annex I.
1025.	Annex 2 (new)		<i>Annex 2</i>		PENDING ISSUE- until the final decision on data protection rules.
1026.			<i>Categories of operational personal data referred to in Article 27</i>		
1027.			<i>1. a) surname, maiden name, given names and any alias or assumed names;</i>		
1028.			<i>b) date and place of birth;</i>		
1029.			<i>c) nationality;</i>		

1030.			<i>d) sex;</i>		
1031.			<i>e) place of residence, profession and whereabouts of the person concerned;</i>		
1032.			<i>f) social security numbers or other official numbers used in the Member States to identify individuals, driving licences, identification documents and passport data, customs and Tax Identification Numbers;</i>		
1033.			<i>g) information concerning legal persons if it includes information relating to identified or identifiable individuals who are the subject of a judicial investigation or prosecution;</i>		

1034.			<i>h) details of accounts held with banks or other financial institutions;</i>		
1035.			<i>i) description and nature of the alleged offences, the date on which they were committed, the criminal category of the offences and the progress of the investigations;</i>		
1036.			<i>j) the facts pointing to an international extension of the case;</i>		
1037.			<i>k) details relating to alleged membership of a criminal organisation;</i>		
1038.			<i>l) telephone numbers, e-mail addresses, traffic data and location data, as well as any related data necessary to identify the subscriber or user;</i>		
1039.			<i>m) vehicle registration data;</i>		

1040.			<i>n) DNA profiles established from the non-coding part of DNA, photographs and fingerprints.</i>		
1041.			<i>2. a) surname, maiden name, given names and any alias or assumed names;</i>		
1042.			<i>b) date and place of birth;</i>		
1043.			<i>c) nationality;</i>		
1044.			<i>d) sex;</i>		
1045.			<i>e) place of residence, profession and whereabouts of the person concerned;</i>		
1046.			<i>f) the description and nature of the offences involving them, the date on which they were committed, the criminal category of the offences and the progress of the investigations.</i>		

1047.			<i>g) social security number or other official numbers used by the Member States to identify individuals, driving licences, identification documents and passport data, customs and Tax Identification Numbers;</i>		
1048.			<i>h) details of accounts held with banks and other financial institutions;</i>		
1049.			<i>i) telephone numbers, e-mail addresses, traffic data and location data, as well as any related data necessary to identify the subscriber or user;</i>		
1050.			<i>j) vehicle registration data.</i>		