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**NOTE**

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from : Presidency and Belgian delegation

to : Multidisciplinary Working Party on Organized Crime

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Subject: Proposal for a joint action to create a European Judicial Network

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Delegations will find attached a draft joint action launched by the Kingdom of Belgium and fully endorsed by the Presidency.

The draft gives specific form to Recommendation No 21 in the report from the High-Level Working Party on Organized Crime, which was approved by the European Council in Amsterdam on 17 June 1997.

The Presidency intends to submit it for examination to the meeting of the Multidisciplinary Working Party on Organized Crime scheduled for 15 July 1997.

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**Proposal for a joint action to create a  
European Judicial Network**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.3(2)(b) thereof;

Having regard to the initiative taken by the Kingdom of Belgium;

Having regard to the action plan to combat organized crime approved by the European Council in Amsterdam on 17 June 1997, and in particular Recommendation 21 thereof;

Taking into account the conclusions of the seminar on "The European Judicial Network and Organized Crime" held in Brussels from 8 to 10 May 1996 and on 19 and 20 June 1997, which was organized by the Belgian Ministry of Justice within the framework of a programme partly financed by the European Union;

Whereas it is necessary to make further improvements to judicial cooperation between the Member States of the European Union, particularly in combating forms of serious crime;

Whereas effective improvement of judicial cooperation between the Member States requires the adoption of structural measures at European Union level, to enable the appropriate direct contacts to be set up between judicial authorities and other authorities responsible for judicial cooperation and judicial action against forms of serious crime within Member States,

HAS ADOPTED THE FOLLOWING JOINT ACTION:

**TITLE 1**

**PRINCIPLES OF THE EUROPEAN JUDICIAL NETWORK**

*Article 1*

**Creation**

A network of judicial contact points shall be set up between the Member States of the European Union, hereinafter referred to as "the European Judicial Network".

## *Article 2*

### **Composition**

1. The European Judicial Network shall be made up, taking into account the constitutional rules, legal traditions and internal structure of each Member State, of the central authorities responsible for international judicial cooperation and the judicial authorities with specific responsibilities within the context of international cooperation, both generally and for certain forms of serious crime, such as organized crime, corruption or drug-trafficking.
2. Each Member State shall designate one or more contact points in accordance with its internal rules and internal division of responsibilities, taking care to ensure effective coverage of the whole of its territory and of all forms of serious crime.
3. The contact points shall be designated by name by each Member State. Designations shall be notified to the Council, which shall communicate them officially to the other Member States. Any change in designation of the contact points shall be notified to the Council without delay by each Member State.
4. Each Member State shall ensure that its contact point or points have an adequate knowledge of a language of the European Union other than the national language, bearing in mind the need to be able to communicate with the contact points in the other Member States.
5. Where the liaison magistrates have duties analagous to those allocated to the contact points by Article 4, they may be linked to the European Judicial Network by the Member State appointing the liaison magistrate in each case, in accordance with the procedures to be laid down by that State.
6. The Commission shall designate a contact point for those areas falling within its competence. The designation shall be made in accordance with the procedure laid down in paragraph 3.

## *Article 3*

### **Manner of operation of the network**

The European Judicial Network shall operate in particular in the following three ways:

- (a) it shall facilitate the establishment of appropriate bilateral contacts between the contact points in the various Member States in order to carry out its functions as laid down in Article 4;
- (b) it shall organize periodic meetings of the Member States' contact points in accordance with procedures laid down in Articles 5, 6 and 7;

- (c) it shall provide a certain amount of permanently updated background information, notably by means of an appropriate telecommunications network, under the procedures laid down in Articles 8, 9 and 10.

## TITLE II

### BILATERAL CONTACTS

#### *Article 4*

##### Functions of contact points

1. The contact points are active intermediaries with the task of facilitating judicial cooperation between Member States, particularly in action to combat forms of serious crime. They shall be available to enable other judicial authorities in their own country, the contact points in the other countries and local judicial authorities in the other countries to establish the most appropriate direct contacts.

In carrying out this task, they shall if necessary travel to wherever their services are required. Except where other arrangements are made, the appointing State shall defray all expenses relating to such travel.

2. The contact points shall provide the legal and practical information necessary to the local judicial authorities in their own country, to the contact points in the other countries and to the local judicial authorities in the other countries to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general.
3. They shall improve coordination of judicial cooperation in cases where a series of requests from the local judicial authorities in a Member State necessitate coordinated action in another Member State.

## TITLE III

### PERIODIC MEETINGS OF THE EUROPEAN JUDICIAL NETWORK

#### *Article 5*

##### Purpose of the periodic meetings

1. The aims of the periodic meetings of the European Judicial Network are as follows:

- (a) to allow the contact points to get to know each other and exchange experience, particularly concerning the operation of the network;
  - (b) to be a forum for discussion of practical and legal problems encountered by the Member States in the context of judicial cooperation, in particular with regard to the implementation of measures adopted by the European Union.
2. The relevant experience acquired within the European Judicial Network will be communicated to the competent European Union working parties to serve as a basis for discussion of possible legislative changes and practical improvements in the area of international judicial cooperation.

#### *Article 6*

#### **Frequency of meetings**

1. In the launching phase of the European Judicial Network, which will be the year following the entry into force of this Joint Action, the European Judicial Network will meet every three months.
2. In the later phase, the Network will meet on an ad hoc basis as its members feel the need, at the invitation of the Presidency.

#### *Article 7*

#### **Venue of meetings**

1. Meetings shall in principle be held on the premises of the Council in Brussels, in accordance with the provisions laid down in the Council's Rules of Procedure.
2. However, alternative meetings in the capitals of the Member States should be contemplated, to enable the contact points of all the Member States to meet the authorities of the host State other than its contact points and visit specific bodies in that State with responsibilities in the context of international judicial cooperation or of combating certain forms of serious crime.

## TITLE IV

### THE TELECOMMUNICATIONS NETWORK

#### *Article 8*

##### **Principle and configuration of the telecommunications system**

1. The contact points will be linked by a telecommunications network not more than one year after entry into force of this Joint Action.
2. The Council shall lay down the terms for the configuration of the telecommunications system in a decision taken by a qualified majority, in accordance with Article K.3.2(b) of the Treaty on European Union.
3. The General Secretariat of the Council shall be responsible for management and maintenance of the telecommunications system set up under this Joint Action.

#### *Article 9*

##### **Content of the information disseminated within the European Judicial Network**

The contact points must have permanent access via the telecommunications system to the following four types of information:

1. Full details of the contact points in each Member State with, where necessary, an explanation of their responsibilities at national level;
2. A simplified list of the judicial authorities and a directory of the local authorities in each Member State, modelled on the simplified list and directory drawn up under the Schengen Agreement;
3. Legal and practical information concerning the judicial and procedural systems in the 15 Member States;
4. The texts of the relevant legal instruments and, for agreements currently in force, the texts of all declarations and reservations.

## *Article 10*

### **Updating of information**

1. The information distributed within the European Judicial Network must necessarily be updated on a day-to-day basis.
2. It shall be each Member State's individual responsibility to check the accuracy of the data contained in the system and to inform the Council immediately as soon as data on one of the four points referred to in Article 9 need to be amended.
3. The ongoing monitoring and updating of the information contained in the system shall be the responsibility of the Council.

## TITLE V

### **FINAL PROVISIONS**

## *Article 11*

### **First official designation of the contact points**

The Member States shall, in accordance with Article 2, proceed with the first designation of their contact points in the three months following the adoption of the joint action.

## *Article 12*

### **Entry into force**

Subject to the provisions of Article 11, this Joint Action shall enter into force on the first day of the sixth month following its adoption.

## *Article 13*

### **Assessment of the operation of the European Judicial Network**

The Council shall carry out an initial assessment of the operation of the European Judicial Network at the end of the start-up phase, which expires one year after the entry into force of this Joint Action.

Thereafter the Council shall, every three years, on the Presidency's initiative, carry out an assessment of the operation of the European Judicial Network on the basis of a report drawn up by the Network.

When the first triennial report is examined, the Council shall look at the place and role that the Network might fulfil vis-à-vis Europol, on the basis of experience of the operation of the Network and of the extension of Europol's powers.

*Article 14*

**Publication**

This Joint Action shall be published in the Official Journal.

Done at Brussels, ....

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