

**Executive Summary of the
Opinion on the Proposal for a Regulation of the European Parliament and of the
Council on the European Union Agency for Criminal Justice Cooperation
(Eurojust) - COM (2013) 535**

The Chamber of Deputies

1. Duly notes the decision of the Standing committee on defence, public policy and national security to support the proposal for a Regulation and to recommend the Romanian delegation to the Council of the EU to take favourable position on it;
2. Duly notes the opinion of the Standing committee on human rights, cults and questions concerning the national minorities, that judges that the proposal is appropriate and rational;
3. Duly notes the favourable preliminary position of the Government of Romania, including the opinion expressed by the Ministry of Justice to support the adoption of the Regulation, but subject to a detailed assessment liable to result in remarks and contributions of the Romanian delegation to the Council of the EU;
4. Acknowledges that the Eurojust plays a substantial rule in supporting national investigating and prosecuting authorities in what concerns their coordination and cooperation and that helps building a climate of mutual trust and overcoming the challenges brought by the great diversity in judicial systems and traditions within the EU;
5. Acknowledges that the Eurojust has to be perceived as a global player in the field of international criminal justice and as a “one stop shop” among Member States and third countries in the field of judicial cooperation and information exchange, and acknowledges also that the liaison magistrates and the contact points have proved to be valuable bridges in the third countries;
6. Duly notes that the Union’s legislative action is absolutely needed in order to give effect of the primary law into the secondary law, taking into account the fact that the Eurojust was initially set up within the former third (intergovernmental) pillar of the EU, as the “European Union’s Judicial Cooperation Unit”, within which the role of the Member States, by national representatives, was prevailing compared to the role played by EU institutions, so that it [Eurojust] will become the European Union Agency for Criminal Justice Cooperation;
7. Duly notes that the Union legislation aims to consolidate and strengthen the effectiveness of the operational and administrative activities carried out by Eurojust;
8. Judges nonetheless that that it were more suitable if the proposal had been presented after the sixth round of mutual evaluations concerning the implementation by the Member States of the decisions concerning Eurojust and the European Judicial Network, so that the conclusions of the evaluation reports could have been taken into account;
9. Finds that the new Regulation keeps the elements that have proven their effectiveness in managing and operating Eurojust, streamlining in the same time its functioning and structure in line with the Lisbon Treaty;

10. Welcomes especially these changes brought to the Eurojust's governance, liable to enhance the democratic oversight and in the instant case the involvement of the European Parliament and national Parliaments in the evaluation of Eurojust's activities, while preserving its operational independence;

11. Takes cognizance that the need for a new Eurojust's governance flows from differences in national law of the EU Member States, as some states, as it is the case with Romania, have granted their national members a status that allow them to fulfil their mission in good condition, while other Member States have granted their national members only limited powers;

12. Admits that one of the main amendments brought, namely that concerning the administrative issues concerning the organisation of Eurojust, by establishing a new structure: the College, the Executive Board and the Administrative Director; a clear distinction between operational or management functions; and a unitary definition of the status and operational competences of the national members are liable to achieve the objective of strengthening the Agency's effectiveness;

13. Duly notes that the provisions meant to establish solid links and synergies between the European Public Prosecutor's office and Eurojust, by an effective cooperation and exchanges of information, knowledge and resources, were included both in the Regulation establishing the European Public Prosecutor's Office and the Regulation on Eurojust;

14. Highlights nonetheless the risk of overlapping duties along with that of reducing the effectiveness of Eurojust, in case of a unreasonsabile transfer in resources towards the future European Public Prosecutor's office, and thinks that, in case the competences in mixed cases would overlap, Eurojust could provide assistance in solving the conflict of jurisdiction;

15. Takes cognizance that, from the point of view of Eurojust's duties, the legislative proposal does only grant it complementary functional competences, specific to judicial cooperation, while according to Article 85 TFEU the Agency could be granted also main competences, like those to order prosecuting, including in what concerns crimes affecting the EU's financial interests;

16. Thinks that the Eurojust's operational powers should fully reflect the new concept of Article 85 TFEU, by regulating in a detailed manner the proceedings to initiate criminal prosecution and the way to solve conflicts of jurisdiction;

17. Highlights that, if the European Public Prosecutor's office would be established under enhanced cooperation, a deficit of compences concerning the Agency would be felt by the non-participant Member States, taking into account that Eurojust does not have the competences to investigate or prosecute in cases of fraud, as it will be the case with the European Public Prosecutor's office;

18. Judges that the proposal to set up two compositions of the College, one comprising only national members – for operational activities concerning judicial cooperation – and the other comprising also representatives of the European Commission – for management functions of Eurojust, does not reach the objective that the national members should carry out exclusively operational activities concerning judicial cooperation and that they should be excepted from management activities of Eurojust; under the current setup, only a separation between those two functions of the College would be achieved, but the national members would not be

exempted from taking part in management decisions of Eurojust, so that the attaining operational activities could be affected by taking part in management decisions;

19. Is of opinion that the Proposal for a Regulation should regulate in a clearer manner the relationship between the European judicial networks, especially the European Judicial Network in criminal matters, and should define the autonomous nature of their Secretariats within Eurojust;

20. Thinks that the future Regulation should amount to a genuine reform of Eurojust, and not just by taking over, with certain amendments, a great part of the current Council decision.