European Judicial Network: A pioneer in networking judicial authorities to fight transnational crime

EJTN meeting “Networks aiming to facilitate judicial cooperation in criminal and civil matters between judicial authorities”, Duisburg, 27-28 June 2011
Networking judicial authorities

- The need of setting up networks of contact persons competent for judicial cooperation has appeared as a natural consequence of the opening of the borders within the European Union.
- The mutual recognition and direct contact principles established at the Tampere European Council from 15-16 October 1999 as the cornerstone of the European judicial cooperation have further emphasized the role of such networks.
The beginning

• The idea of setting up a network of contact points to facilitate judicial cooperation is directly linked to the evolution of the area of freedom, security and justice.
• Thus, by the Joint Action 98/428 JHA of 29 June 1998, in order to fulfil recommendation n°21 of the Action Plan to Combat Organised Crime adopted by the Council on 28 April 1997, it was created the European Judicial Network (EJN).
• It was a Belgian initiative and it was officially inaugurated on 25 September 1998 by the Austrian Minister of Justice acting as the Presidency of the Council of the European Union.
EJN: A pioneer in judicial networking

- EJN is a pioneer in networking judicial authorities in fighting serious crime.

- According to the original Joint Action and also to the Council Decision 2009/976/JHA of 16 December 2008, which repealed the Joint Action, the EJN is composed of Contact Points, appointed by each MS, as "active intermediaries" in order to facilitate judicial cooperation in criminal matters.

- Beyond the legal texts, the EJN is a community of judges, prosecutors, officials from the Central Authorities, strongly committed to put their experience in the benefit of the European judicial cooperation in criminal matters.
EJN: AS INFORMAL AS EFFICIENT

- EJN does not have legal personality.
- However, EJN is present everywhere in the EU MS, candidate countries, as well as in Switzerland and Norway.
- EJN has its own soul and it is an important voice in the European judicial area towards an European judicial culture.
EJN = A success story

• The success of the EJN as an horizontal and flexible “structure” is uncontestable
• More than 12 years later what continues to make it truly UNIQUE is the HUMAN FACTOR.
• EJN became a model for other networks created not only in Europe, but all over the world.
Meetings

• The EJN holds two plenary meetings, hosted by the MS which acts as the Presidency of the EU JHA Council, and one meeting in February, every year.
• As provided for in the new EJN Decision, at least one meeting of the National Correspondents (former IWG meetings) and one meeting of the “tool correspondents” are also organised every year.
Daily work: EJN is Operational

- The meetings of the CPs are only the “EJN fora” for debates and decisions. The real life of the EJN consists in the daily activities of the Contact Points in their own countries, to facilitate the judicial cooperation in criminal matters between the MS.
- The Contact Points offer their experience and expertise to their national or foreign colleagues ensuring the effectiveness of the bilateral cooperation.
The EJN Secretariat

- The EJN Secretariat is the administrative body of the European Judicial Network (article 2 of the EJN Decision).
- The EJN Secretariat is an autonomous and separate unit of the Eurojust administration (paragraphs 19 and 20 from the Preamble of the Council Decision on the strengthening of Eurojust and article 25a of the Eurojust Decision).

Conclusion: the EJN Secretariat has a dual role. It is not a regular unit of Eurojust, since it is responsible for the administration of an independent network and accountable before more than 300 EJN Contact Points.
The EJN’s Tools

- EJN has developed interesting and very useful e-tools, which may be considered one of the most important legacies of the network.
- These tools are used not only by the Contact Points, but also by the judicial authorities from all the MS.
- The EJN IT tools are composed of the List of Contact Points, the Legal Instruments, the Fiches Belges, the European Judicial Atlas (commonly known as the Atlas), the EAW Atlas, the Compendium, the EAW Wizard and the Forms section.
The European Judicial Atlas is a dynamic IT tool which provides details of the competent authorities for implementing requests for judicial cooperation and which simultaneously takes into account various types of data: geographic area, judicial organisation, type of crime, type of measure required and the applicable international instruments.
The first EJN online tool that facilitates the creation of a rogatory letter by local judicial authorities in a standardised and uniform manner within the European Union. The tool has a fundamental importance in the practical application of the MLA Convention (especially at the beginning of the direct transmission of the requests for mutual legal assistance in criminal matters, foreseen in article 6). It has been available on the website since 14th of January 2008.
The EAW ATLAS

The EAW Atlas is a dynamic tool that allows the practitioners to have all the details they need to draft and send a European Arrest Warrant. The search can be done by country, region, sub-region, locality or postcode. The Atlas shows the time limit in which the receipt of the EAW is mandatory after the arrest of the person, the languages accepted by each countries, the addresses, phone, faxes of the competent receiving and execution authorities as well as of those competent in specific cases (such as transit or urgent cases).
The EAW Wizard is a tool which allows the judicial authorities to create and fill an EAW form. It has a facility which provides translation of the general part in the language accepted by the Executing State.
The so called “Fiches belges” represent the first EJN tool. It contains basic information on the legislation and procedure for judicial cooperation in criminal matters within the 27 E.U. Member States.
12 years of EJN: looking into the Past and focusing in the Future

- "Madeira Meeting": celebration of the EJN’s 10th Anniversary took place in Madeira, Portugal on October 13, 2008
- The EJN presented itself to the world after 10 years of confidentiality under the slogan "EJN Mutual Trust: can’t do without it!"
- The old and the future generation gathered to discuss about these 10 years of self construction and to examine the past and create our foundations for the Future.
- Starting point to extend globally the reach of the EJN sharing this outcome with the leading institutions of the European Union and of the World
- "Madeira Declaration": important political document adopted and signed by the Justice Ministers of France, Belgium, Austria, Portugal, in representation of the other Member States.
Worldwide Networking

- **EJN - pioneer in global networking:**
  - The creation of other Networks was based on the Matrix and principles of EJN
    - European Judicial Network in civil and commercial matters (created in 2001);
    - European Network of CPs in respect of persons responsible for genocide, crimes against humanity and war crimes (created in 2002);
    - Ibered- Red Iberoamericana de Cooperación Jurídica Internacional (created in 2004);
    - Rede de Cooperação Jurídica e Judiciária Internacional dos Países de Língua Portuguesa (created in 2005);
    - SEEPAG- Southeast European Prosecutors Advisory Group (created in 2003);
    - CNCP-Commonwealth Network of Contact Persons (created in 2007).
“They are also convinced that continuing the work done by the EJN in partnership with other networks, not just at the European level (...) but also within an international framework involving the other existing judicial networks, will promote a European and international judicial culture founded on the shared values affirmed by the Treaty on the European Union.”

In Point V of the Madeira Declaration

- Strengthening relations of cooperation with EJN with other networks either within Europe or relating to other continents: a true Network of Networks.
- The need to support the interconnection between judicial cooperation in criminal matters networks was for the first time recognised at UN level by the conclusions of the 12th UN Congress on Crime Prevention and Criminal Justice (Salvador de Bahia, 12-19 April 2010), where the EJN Secretary had an active participation.
- The general conclusions of the UN Congress were concretised in the Resolution 19/7 – “Strengthening of regional networks for international cooperation in criminal matters”, adopted by the UN Commission on Crime Prevention and Criminal Justice, at its 19th session, 17-21 May 2010
Global picture of judicial networks

Levels:
- Sub-regional
- Regional
- Inter-regional = GLOBAL
EJN – The second generation

Once the Decision on the EJN, replacing the J.A. has entered into force, and with the new Eurojust Decision, we may speak of a second generation of the EJN.

Main innovations:
- National correspondents and the role of the National correspondents meeting as a veritable steering committee;
- Tool correspondents;
- Participation of the national correspondents and other EJN Contact Points in the future National Coordination System of Eurojust.
The main challenges for future of the EJN are:
- Strengthening its position, keeping its flexible and horizontal approach (role and functions of the Secretariat, autonomy, resources);
- Role of the EJN CPs within the future National Coordination System of Eurojust;
- Development of the EJN website;
- Secure Communication Network to become fully operational;
- Deeper involvement of the Contact Points and of the Secretariat in the training of judges and prosecutors;
- External actions.
PERSPECTIVES

- Maintaining its informal and horizontal organisation and its autonomy, EJN will have to become a major actor in the European Judicial Cooperation in criminal matters.
- Working closely with Eurojust, the EJN will consolidate its unique profile.
- Continuing to affirm itself as a regional network (within the E.U.) the EJN, due to its long experience and its unique characteristics of a profound level of integration based on Mutual Trust, is now ready to offer itself to the international justice as an interface between the several Regional Networks such as the EJN at a global level.
EJN website revised