

JOINT ACTION

of 29 June 1998

adopted by the Council on the basis of Article K.3 of the Treaty on European Union, on the creation of a European Judicial Network

(98/428/JHA)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS JOINT ACTION:

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

TITLE I

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

PRINCIPLES OF THE EUROPEAN JUDICIAL NETWORK

Having regard to the Action Plan to combat organised crime approved by the European Council in Amsterdam on 17 June 1997, and in particular Recommendation No 21 thereof,

*Article 1***Creation**

Bearing in mind the need for coordination between this initiative and the implementation of Recommendation No 19 in that Action Plan,

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

*Article 2***Composition**

Taking into account the conclusions of the seminars on 'The European judicial network and organised crime', held in Brussels from 8 to 10 May 1996 and on 19 and 20 June 1997, which were organised by the Belgian Ministry of Justice within the framework of a programme partly financed by the European Union, and also of the proceedings of the European Parliament and the European Commission,

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 or other competent authorities with specific responsibilities within the context of international cooperation, both generally and for certain forms of serious crime, such as organised crime, corruption, drug-trafficking or terrorism.

Bearing in mind the Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union⁽¹⁾,

2. One or more contact points of each Member State shall be established 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.

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 often perpetrated by actual, in most cases transnational, organisations;

3. Each Member State shall ensure that its contact point or points have an adequate knowledge of a language of the European Union other than its own national language, bearing in mind the need to be able to communicate with the contact points in the other Member States.

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;

4. Where the liaison magistrates referred to in Joint Action 96/277/JHA have duties analogous to those assigned by Article 4 to the contact points, 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.

Whereas this Joint Action is without prejudice to existing conventions and agreements, in particular the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959,

5. The Commission shall designate a contact point for those areas falling within its sphere of competence.

⁽¹⁾ OJ L 105, 27. 4. 1996, p. 1.

*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 contacts between the contact points in the various Member States in order to carry out the functions laid down in Article 4;
- (b) it shall organise periodic meetings of the Member States' representatives in accordance with the procedures laid down in Articles 5, 6 and 7;
- (c) it shall constantly provide a certain amount of up-to-date background information, notably by means of an appropriate telecommunications network, under the procedures laid down in Articles 8, 9 and 10.

TITLE II

CONTACTS WITHIN THE NETWORK*Article 4***Functions of contact points**

1. The contact points shall be 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 local judicial authorities and other competent authorities in their own country, contact points in the other countries and local judicial and other competent authorities in the other countries to establish the most appropriate direct contacts.

They may if necessary travel to meet other Member States' contact points, on the basis of an agreement between the administrations concerned.

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 necessitates 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 shall be 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 provide 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 shall be passed on 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. The European Judicial Network shall first meet within three months following the entry into force of this Joint Action.

2. The European Judicial Network shall thereafter meet periodically on an *ad hoc* basis, as its members feel the need, at the invitation of the Presidency of the Council, which shall also take account of the Member States' wishes for the Network to meet.

*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 Member States should be contemplated, to enable the contact points of all the Member States to meet 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

INFORMATION AVAILABLE WITHIN THE EUROPEAN JUDICIAL NETWORK*Article 8***Content of the information disseminated within the European Judicial Network**

The contact points must have permanent access 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;
3. concise 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 conventions currently in force, the texts of declarations and reservations.

Article 9

Updating of information

1. The information distributed within the European Judicial Network must without fail be constantly updated.
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 8 need to be amended.
3. The General Secretariat of the Council shall be responsible for the administration of the Network set up under this Joint Action. In particular, it shall be responsible for making the information referred to in Article 8 available to members of the European Judicial Network and for keeping the information required for the proper functioning of the Network constantly updated.

TITLE V

TELECOMMUNICATIONS NETWORK

Article 10

Report concerning a telecommunications system

1. Within six months of the entry into force of this Joint Action, the Council shall examine, on the basis of a report from the Presidency, drawn up after consultation of the European Judicial Network, whether the Network should be linked by a telecommunications network.
2. The Council shall lay down the details of 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.

TITLE VI

FINAL PROVISIONS

Article 11

Territorial application

As regards the United Kingdom, the provisions of this Joint Action shall apply to the United Kingdom of Great Britain and Northern Ireland, the Channel Islands and the Isle of Man.

Article 12

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 close of the start-up phase, which shall end 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 for 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 position 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 development of Europol's powers.

Article 13

Entry into force

This Joint Action shall enter into force one month after the date of its publication in the Official Journal.

Article 14

Publication

The Joint Action shall be published in the Official Journal.

Done at Luxembourg, 29 June 1998.

For the Council

The President

R. COOK

*ANNEX***COUNCIL DECLARATION**

The Council declares that Article 11 of the Joint Action on the creation of a European Judicial Network is without prejudice to the territorial application of other instruments.
