



EUROPEAN COMMISSION

Brussels, 19.03.2014
C(2014) 1573 final

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion concerning 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 final}.

The Commission is pleased to note the overall support of the Camera Deputaților for its proposal. It has carefully analysed its comments and will consider them further in the on-going inter-institutional negotiations.

As regards the 6th Round of Mutual evaluation, the Commission agrees with the Camera Deputaților that the outcome of this Round should be taken into consideration in the course of the on-going negotiations.

As regards the relations between Eurojust and the future European Public Prosecutor's office, there would be strong operational, management and administrative links between the two organisations. Such links would not reduce the effectiveness of Eurojust, but rather ensure that Eurojust can render assistance to the European Public Prosecutor's Office where this is in line with the mandate of both organisations. There should be no overlapping cases, since the proposal stipulates that Eurojust would not be competent to deal with a case handled by the European Public Prosecutor's Office. In hybrid cases, Eurojust and the European Public Prosecutor's Office could indeed work together and Eurojust could provide its assistance, including in resolving conflicts of jurisdiction.

The Camera Deputaților is correct in identifying that under the Commission's proposals, Eurojust would not have jurisdiction to carry out criminal investigations, or initiate criminal proceedings – such powers have only been proposed for the European Public Prosecutor's Office. Member States are therefore encouraged to participate in setting up the European Public Prosecutor's Office.

The Commission has proposed that in those cases where the European Public Prosecutor's Office exercises its exclusive competence, there would be no competence for the authorities of the Member States, and therefore no competence for Eurojust to assist them. However, in

*Mr Valeriu Ștefan ZGONEA
President of the
Camera Deputaților
Palace of the Parliament
Str. Izvor nr. 2-4, sector 5
RO – BUCHAREST*

accordance with the proposed Regulation establishing the European Public Prosecutor's Office (Article 13 – Ancillary competence) there would be crimes affecting the EU's financial interests which would be investigated and prosecuted by the authorities of the Member States. In those cases, Eurojust could support these authorities, which is why crimes affecting the Union's financial interests have been included in the list of crimes for which Eurojust would be competent.

This same logic would also apply in case the Council would decide to establish the European Public Prosecutor's Office through enhanced cooperation. In that scenario Eurojust would continue to be competent for crimes affecting the Union's financial interests for those Member States not participating in the enhanced cooperation. However, as pointed out by the Camera Deputaților, in such cases Eurojust would not have jurisdiction to carry out criminal investigations or initiate criminal proceedings.

One of the aims of the Commission's proposal is to change the governance structure of Eurojust and to reduce the administrative burden of the national members. For this reason, the Commission has proposed that the College would be established in two compositions - an operational and a management composition. Moreover, the College, in management composition, would be assisted by an Executive Board which would relieve the College of its administrative tasks on a daily basis. It is the Commission's expectation that this new structure would put the largest administrative burden on the Executive Board, thus significantly reducing such burdens on national members.

With respect to the relations between Eurojust and European Judicial networks, the Commission would point out that the provisions regulating these relations do not differ from those currently included in the Eurojust Decision. The Commission agrees with the Camera Deputaților that these relations should be clear and precise, including as regards the autonomy of the secretariats.

The Commission agrees with the Camera Deputaților that the future Regulation should be a genuine reform of Eurojust. It is the Commission's intention for the new Regulation to make Eurojust more effective and operational in the fight against cross border serious crimes.

The Commission hopes that these clarifications address the issues raised by the Camera Deputaților and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*