



12<sup>th</sup> National Correspondents meeting of the  
European Judicial Network  
30 September 2020

COVER NOTE

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From: The Presidency and the EJM Secretariat

To: EJM National Correspondents

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Subject:

EJM Activities Reporting Guidelines for the EJM Contact Points

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The EJM National Correspondents will find hereunder Guidelines for reporting the activities of the EJM Contact Points.

EJN/2020/..

Date....

## Guidelines for reporting the activities of the EJN Contact Points

### LEGAL FRAMEWORK

In December 2008, a new legal basis entered into force, **Council Decision 2008/976/JHA of 16 December 2008 on the EJN ("the EJN Decision")**, which reinforced the legal status of the EJN. The new legal basis for the EJN, as well as the entering into force of the Lisbon Treaty on 1 December 2009 brought along several changes to the work programme of EJN, reinforcing the status of the EJN, while maintaining the spirit of 1998.

As provided for in Article 13 of the "EJN Decision", every second year the EJN is obliged to *report to the European Parliament, the Council and the Commission on its activities and management, indicating also any criminal policy problems within the EU and making proposals for the improvement of judicial cooperation in criminal matters.*

In 2015-2016, following the **Sixth round of mutual evaluations on EJN and Eurojust (6RME)**, the EJN Work Programme prioritised the actions intended to respond to its recommendations. In this context, it was included that the *Member States should ensure that reliable statistical data on the activities performed by their EJN Contact Points* are provided to the EJN Secretariat (Point 6 in the appendix to the Action Plan of 6RME).

Considering the development of the EJN in November 2018, the EJN adopted the **Guidelines for the role, tasks and for appointing the Contact Points of the European Judicial Network (EJN)**<sup>1</sup>. These Guidelines state:

*"it is highly important that the Contact Points acknowledge the need to report on their activities as EJN Contact Points to the EU Institutions via the EJN Secretariat on annual basis and that the reporting is done in an accurate and timely manner"* as well as they also emphasize the central role of the EJN National Correspondents in *"coordination of reporting the activities of the EJN Contact Points"*.

These documents underline the importance of the activities of the EJN Contact Points and provides the Network with the duty to keep a record of their tasks when acting as EJN Contact Points.

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<sup>1</sup> EJN/2018/9

## 1. REPORTING OF THE EJM ACTIVITIES

The EJM Contact Points should report on their activities through the [EJM Online reporting tool](#) on regular basis, preferably as soon as possible after an activity has been performed by accessing the account with their individual credentials.

In the end of each calendar year, the EJM Contact Points submit their activities by validating yearly activities in the EJM Online Reporting tool.

## 2. ACTIVITIES TO BE REPORTED BY EJM CONTACT POINTS

### a. CASE RELATED ACTIVITIES:

**The main role of the EJM Contact Points**, defined by the EJM Decision as “*active intermediaries*”, is to facilitate judicial cooperation in criminal matters between the EU Member States, particularly in actions to combat forms of serious crime (Art 4 of the “EJM Decision”). The EJM Contact Points:

*“enable local judicial authorities and other competent authorities in their own Member State, contact points in the other Member States and local judicial and other competent authorities in the other Member States to establish the most appropriate direct contacts”* (Art 4 (1) of the “EJM Decision”);

*“provide the local judicial authorities in their own Member State, the contact points in the other Member States and the local judicial authorities in the other Member States with the legal and practical information necessary to enable them to prepare an effective request for judicial cooperation or to improve judicial cooperation in general”* (Art 4 (2) of the “EJM Decision”);

### Principles for reporting EJM case related activities

The EJM Contact Points should report on any activities for which they were contacted by national or foreign authorities in their capacity as an EJM Contact Point. This contact could originate from either another EJM Contact Point or any representative of a national/foreign competent authority.

In cases where it cannot be determined if the EJM Contact Point was contacted in the capacity as an EJM Contact Point, e.g. requests received at the Central Authority, the case should be reported if the EJM is subsequently used to provide a solution for the request.

The activities to be reported do not have to be the “case” of the Contact Point reporting, but a case of a competent authority whom the EJM Contact Point has provided any kind of *assistance* with or has *facilitated* in any manner.

When reporting case related activities, the EJM Contact Points are encouraged to fill in the following details about each activity, if known: investigative measure concerned, legal instrument it is based on, type and manner of assistance provided, countries and other actors involved, and category of crime concerned.

This information completes the description of the activity and provides the Contact Points the opportunity to present more detailed statistics to their national authorities. Furthermore it can be valuable for analysing trends and issues in the area of international judicial cooperation.

It would be highly valuable if an example of a case, illustrating the role and functions of an EJM Contact Point, would be given. This currently should be done under the section “Other EJM Related activities”, in the EJM Online Reporting tool<sup>2</sup>.

#### **b. OTHER EJM RELATED ACTIVITIES:**

To give a comprehensive picture of the role of the EJM Contact Points, also other activities than those related to cases should be reported.

##### Trainings in the area of judicial cooperation:

EJM Contact Points should describe their involvement in organising training sessions on judicial cooperation at their respective level as well as their involvement/participation in training sessions organised by any other entity.

##### Regional and National EJM meetings

EJM Contact Points should describe their involvement/participation in organising Regional and National meetings of the EJM with or without EJM funding as well as their involvement/participation in Regional and National meetings organised by any other entity (Art. 5.3 of the EJM Decision).

##### Other activities

EJM Contact Points should describe any other activity performed in their capacity as EJM Contact Point e.g. negotiations of EU legal instruments; involvement in drafting national legislation on international judicial cooperation in criminal matters, participation in EJM meetings/language training, participation/lecturer in conferences/seminars etc.

### **3. SPECIFIC ROLE FOR THE NATIONAL CORRESPONDENTS**

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<sup>2</sup> An specific area to illustrate individual cases is planned to be developed in the EJM Reporting Tool



EJN National Correspondents should include measures taken to improve the functioning of the EJN in the Member State, e.g. meetings, guidance.

National Correspondents should coordinate and validate the activities reported by the EJN Contact Points in their country in line with the principles outlined above within the timeframe provided by the EJN Secretariat.