



## Data Protection at EUROJUST Challenges & Opportunities

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## Outline



- Eurojust - What, Why, Who and How
- Problems
- Powers
- Casework Example
- Data Protection Issues

## What is Eurojust ?



- A group of 25 EU prosecutors / judges
  - One nominated by each Member State
- Aim -
  - *“to deal more effectively with serious cross border crime, particularly when it is organised, and involves two or more Member States”* - JHA Council Decision of 14 December 2000

## Why Eurojust ?

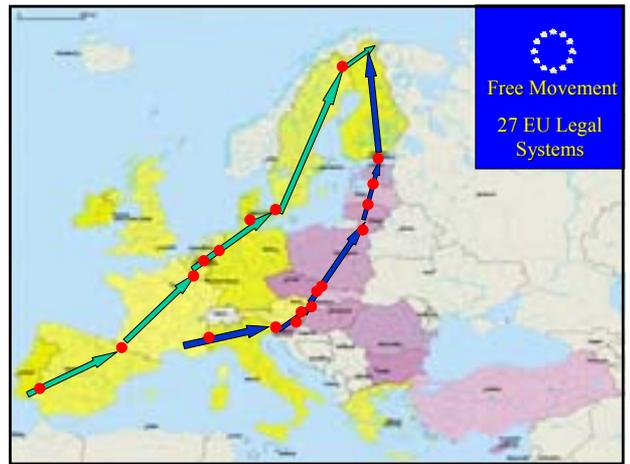
- Removal of frontier controls in EU states
- 27 different legal systems
- To improve action against cross-border crime
- Existing Mutual Legal Assistance & Extradition arrangements are often lengthy and uncertain
- Alternative to the European Prosecutor option

## Some of the Problems



- European Union Principle Freedom of Movement
  - People, Capital, Goods & Services
  - Minimal, if any, frontier controls
  - Mobility & relatively cheap travel
  - Computer and internet ‘cyber crime’
- Organised cross-border crime
  - Terrorism
  - Trafficking in Drugs
  - Trafficking in Human Beings
  - Serious Fraud (inc..fraud on EU Budget)
  - Car Theft
  - Corruption





## Objectives



- Improve co-operation between Competent Authorities in Member States
- Bring better co-ordination of cross-border investigations and prosecutions
- Exchange of information
- To make recommendations to change laws to improve MLA & Extradition arrangements

## Eurojust Provides



- Easy access to a range of MLA expertise
- Link to a network of operational investigators & prosecutors across Europe and beyond
- Facilities to co-ordinate transnational cases
  - conference and meeting rooms
  - translators
- Possible exercise of powers
- Etc... Joint Investigation Teams... Monitoring the EAW.. Decisions on Jurisdiction... EU MLAC 2000

## Eurojust's Powers



- Power to request:
  - Competent authorities to investigate or prosecute \*
  - one competent authority to accept that one country is better placed to prosecute than another\*
  - the setting up of a Joint Investigation Team
  - any information necessary to carry out its tasks\*
  - Competent authorities to co-operate with one another \*
  - Competent authorities to co-ordinate with one another \*



## Casework Example

- Involving France (Paris & Perpignan) and Barcelona in Spain and trafficking of women (mainly minors) for prostitution from Romania by Albanian crime gangs
- Facilitation of evidence collection in Romania and Albania
- Evidence relating to forgery and use of false French passports
- Denunciation of prosecution by the Romanian authorities

## Data Protection is crucial for Eurojust

- Eurojust deals with personal data on persons subject of a criminal investigation or prosecution, witnesses and victims. Indispensable to be able to work efficiently.
- In addition to the normal processing operations of every organisation (HR, ICT, security department, etc)
- Data Protection is a **one factor that can strongly influence the successful performance of Eurojust and the trust that we gain from other partner organisations**

## Terrorism EU JHA Council Decision

19 December 2002



- Information to be supplied to Eurojust
- Articles 2 and 3
  - Data on person, group or entity suspected of terrorist activity
  - Details of acts under investigation
  - Links with other relevant terrorist investigations
  - Existence of Letters of Request and the results

## Legal Framework



- Eurojust does not operate in a legal vacuum
- Eurojust Decision contains detailed provisions on Data Protection
- Other European Provisions applicable
  - Treaty of the EU - Article 6
  - ECHR - Article 8
  - 1981 Council of Europe Convention
    - Benchmark for Eurojust
  - EU Charter - Articles 7 & 8

## Legal Framework (2)



- Need for consistency with other “first pillar” instruments and growing approximation between third and first pillar (see for instance the Capatto report). Following closely the initiatives of the EC (DG JHA).
- Eurojust will therefore try to stay close (whenever possible) to existing first pillar instruments:
  - Directive 95/46/EC
  - Directive 2002/58/EC
  - Regulation 45/2001/EC
  - Article 29 Working Party documents

## Data Protection Players

- Independent Data Protection Officer:
  - “...in the performance of his/her duties, the DPO will take instructions from no-one.”
  - Diana Alonso Blas took up her post in November 2003
- Joint Supervisory Body :
  - will monitor the Eurojust activities to ensure that the processing of personal data is carried out in accordance with the Decision and other relevant instruments
  - The JSB has held several meetings last and this year, including a plenary meeting in March 2004. Excellent working relationship with Eurojust

## Work Plan: Rules of Procedure on Data Protection are main priority

- Provisional guidelines presented
  - to JSB 2 March 2004
  - to the College on the 1 April 2004 with JSB comments
- Creation of a data protection task force with representatives of the College and the Administration
- Definitive DP rules of procedure presented to the College in July; approval will hopefully follow end September so that they can be presented to JSB in October (Council + publication in OJ will follow)
- Implementation plan 2004-2005 will be prepared on the basis of the adopted rules

## Work Plan II



- Parallel activities
  - Rules on classification of documents
  - Information management task force
  - EPOC project (case management database)
  - Proposed judicial database on counter-terrorist activity
  - ICT Security
- Rules on Public Access to Documents
  - Adopted by the College in July 2004

## Data Protection issues under discussion



- Practical implementation of agreement with Europol
- Adoption of agreement with Norway by the JHA Council
- Preparation of a possible agreement with Romania
- Exchange of Data with OLAF

For more information see: [www.eurojust.eu.int](http://www.eurojust.eu.int)



Thank you for your attention!