

Editorial

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Dear readers,

I am very pleased to introduce this ERA Forum, mainly devoted to Eurojust and its future. Eurojust supports and strengthens coordination and cooperation between national investigation and prosecution authorities of the Member States when dealing with serious cross-border crime cases. It facilitates the execution of mutual legal assistance, monitors the application of judicial cooperation instruments and develops cooperation with third States. Eurojust's coordination meetings and coordination centres bring together both law enforcement and judicial authorities, allowing for strategic, informed and targeted operations and the resolution of legal and practical difficulties. The latter are related, *inter alia*, to the gathering and admissibility of evidence and confiscation and asset recovery resulting from the differences in the 30 existing legal systems in the European Union. Eurojust's 24/7 availability allows it to support and follow up seizures, arrests and searches in real time on the day of action. Eurojust provides support and assists in the setting up and running of joint investigation teams Eurojust is committed to promoting the use of joint investigation teams beyond traditional forms of mutual legal assistance. As crime does not stop at the borders of the European Union, Eurojust concludes cooperation agreements with third States. At present, agreements are in place with Switzerland, the former Yugoslav Republic of Macedonia, Croatia, the USA, Iceland and Norway to ensure swift information exchange and coordination of efforts. By doing so, Eurojust is fulfilling its mission to contribute from the judicial perspective to the establishment of an area of freedom, security and justice in the European Union, and providing added value to the practitioners in the Member States.

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The conference, *10 years of Eurojust: Operational Achievements and Future Challenges* co-organised by Eurojust and ERA on 12–13 November 2012, facilitated interesting discussions focusing on the future of Eurojust and how it should be enhanced by fully exploiting its potential in light of the Treaty on the Functioning of the European Union (TFEU). Eurojust is entering a new phase and while continuing with its core activity, the time has come to prepare for the changes needed to achieve more operational and institutional effectiveness and efficiency.

Effective reinforcement of the protection of the financial interests of the European Union is, especially in times of economic crisis, a clear priority. The Lisbon Treaty provides for additional powers for Eurojust such as the powers to initiate investigations and issue binding decisions to resolve conflicts of jurisdictions, and also opens the door to a new EU player in the field, the European Public Prosecutor's Office (EPPO), to be created "*from*" Eurojust. The European Commission announced a proposal for the creation of the EPPO in 2013, and, in parallel, for a reform of Eurojust.

Based on 10 years of Eurojust's operational experience, I believe that the enhancement of options in judicial cooperation is gradually needed to tackle the increasing flexibility of criminal networks and the complexity of the fight against crimes with a cross-border dimension. In certain cases, when the facilitating and advisory role of Eurojust has reached its limits, it could be empowered to initiate investigations and to act on the prevention and resolution of conflicts of interest, in particular in relation to offences against the Union's financial interests and complement the work of a future EPPO. Any additional powers conferred upon Eurojust should arise from definite needs and requirements identified in casework, and the actual use of such powers should be the last resort to avoid impunity gaps as well as issues in relation to the *ne bis in idem* principle.

Although the exact meaning of "*from*" Eurojust remains to be defined, the prominent role that Eurojust is being called upon to play in this context is clear. Eurojust will contribute to the success of a future EPPO with its 10 years' expertise as a key player in the judicial dimension, its working relations with partners such as Europol, OLAF, the EJM and with third States, and its close interaction with the national authorities in the Member States. When the EPPO is integrated into the existing landscape of police and judicial cooperation in criminal matters, the utilisation of existing resources and the creation of synergies, possibly by co-location of this new EU actor in The Hague, would ensure a functioning and cost-efficient solution to step up the fight against cross-border crime and the effective protection of the financial interests of the European Union.

The Lisbon Treaty also strengthens the roles of the European Parliament and National Parliaments in the evaluation of Eurojust's activities. Democratic accountability is an important cornerstone in a system balanced between freedom, security and justice, and which is bound to serve the interests of the European citizens and respect the fundamental rights of individuals.

These themes will be further developed throughout this issue of the ERA Forum.

This is an exciting time for Eurojust and an opportunity to implement changes that will mean another milestone for Eurojust and for shaping an area of freedom, security and justice that keeps its citizens safe and puts criminals behind bars.

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