

Regulation (EU) 2018/1727 of the European Parliament and of the Council
of 14 November 2018 on the European Union Agency for Criminal Justice
Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA

CHAPTER II

STRUCTURE AND ORGANISATION OF EUROJUST

SECTION I

Structure

Article 6

Structure of Eurojust

Eurojust shall comprise:

- (a) the national members;
- (b) the College;
- (c) the Executive Board;
- (d) the Administrative Director.

SECTION II

National members

Article 7

Status of national members

1 Eurojust shall have one national member seconded by each Member State in accordance with its legal system. That national member shall have his or her regular place of work at the seat of Eurojust.

2 Each national member shall be assisted by one deputy and by one Assistant. In principle, the deputy and the Assistant shall have their regular place of work at the seat of Eurojust. Each Member State may decide that the deputy or Assistant or both will have their regular place of work in their Member State. If a Member State takes such a decision, it shall notify the College. If the operational needs of Eurojust so require, the College may request the Member State to assign the deputy or Assistant or both to work at the seat of Eurojust for a specified period. The Member State shall comply with such a request from the College without undue delay.

3 Additional deputies or Assistants may assist the national member and, if necessary and with the agreement of the College, may have their regular place of work at Eurojust. Member

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States shall notify Eurojust and the Commission of the appointment of national members, deputies and Assistants.

4 National members and deputies shall have the status of a prosecutor, a judge or a representative of a judicial authority with competences equivalent to those of a prosecutor or judge under their national law. The Member States shall grant them at least the powers referred to in this Regulation in order to be able to fulfil their tasks.

5 The terms of office of the national members and their deputies shall be five years, renewable once. In cases where a deputy is unable to act on behalf of a national member or is unable to substitute for a national member, the national member shall remain in office upon expiry of his or her term of office until the renewal of his or her term or his or her replacement, subject to the consent of their Member State.

6 Member States shall appoint national members and deputies on the basis of a proven high level of relevant, practical experience in the field of criminal justice.

7 The deputy shall be able to act on behalf of or to substitute for the national member. An Assistant may also act on behalf of or substitute for the national member if he or she has a status referred to in paragraph 4.

8 Operational information exchange between Eurojust and Member States shall take place through the national members.

9 The salaries and emoluments of the national members, deputies and Assistants shall be borne by their Member State without prejudice to Article 12.

10 Where national members, deputies and Assistants act within the framework of Eurojust's tasks, the relevant expenditure related to those activities shall be regarded as operational expenditure.

Article 8

Powers of national members

1 The national members shall have the power to:

- a facilitate or otherwise support the issuing or execution of any request for mutual legal assistance or mutual recognition;
- b directly contact and exchange information with any competent national authority of the Member State or any other competent Union body, office or agency, including the EPPO;
- c directly contact and exchange information with any competent international authority, in accordance with the international commitments of their Member State;
- d participate in joint investigation teams including in setting them up.

2 Without prejudice to paragraph 1, Member States may grant additional powers to national members in accordance with their national law. Those Member States shall notify the Commission and the College of these powers.

3 With the agreement of the competent national authority, national members may, in accordance with their national law:

- a issue or execute any request for mutual legal assistance or mutual recognition;
- b order, request or execute investigative measures, as provided for in Directive 2014/41/EU of the European Parliament and of the Council⁽¹⁾.

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4 In urgent cases where it is not possible to identify or to contact the competent national authority in a timely manner, national members shall be competent to take the measures referred to in paragraph 3 in accordance with their national law, provided that they inform the competent national authority as soon as possible.

5 The national member may submit a proposal to the competent national authority to carry out the measures referred to in paragraphs 3 and 4 where the exercise of the powers referred to in paragraphs 3 and 4 by that national member would be in conflict with:

- a a Member State's constitutional rules; or
- b fundamental aspects of that Member State's national criminal justice system regarding:
 - (i) the division of powers between the police, prosecutors and judges;
 - (ii) the functional division of tasks between prosecution authorities; or
 - (iii) the federal structure of the Member State concerned.

6 Member States shall ensure that, in cases referred to in paragraph 5, the proposal submitted by their national member is handled without undue delay by the competent national authority.

Article 9

Access to national registers

National members shall have access to, or at least be able to obtain the information contained in, the following types of registers of their Member State, in accordance with their national law:

- (a) criminal records;
- (b) registers of arrested persons;
- (c) investigation registers;
- (d) DNA registers;
- (e) other registers of public authorities of their Member State where such information is necessary to fulfil their tasks.

SECTION III

The College

Article 10

Composition of the College

- 1 The College shall be composed of:
- a all the national members; and
 - b one representative of the Commission when the College exercises its management functions.

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The representative of the Commission nominated under point (b) of the first subparagraph should be the same person as the Commission's representative on the Executive Board under Article 16(4).

2 The Administrative Director shall attend the management meetings of the College, without the right to vote.

3 The College may invite any person whose opinion may be of interest to attend its meetings as an observer.

4 The members of the College may, subject to the provisions of Eurojust's rules of procedure, be assisted by advisers or experts.

Article 11

The President and Vice-President of Eurojust

1 The College shall elect a President and two Vice-Presidents from among the national members by a two-thirds majority of its members. In the event that a two-thirds majority cannot be reached after the second round of election, the Vice-Presidents shall be elected by a simple majority of the members of the College, while a two-thirds majority shall continue to be necessary for the election of the President.

2 The President shall exercise his or her functions on behalf of the College. The President shall:

- a represent Eurojust;
- b call and preside over the meetings of the College and the Executive Board and keep the College informed of any matters that are of interest to it;
- c direct the work of the College and monitor Eurojust's daily management by the Administrative Director;
- d exercise any other functions set out in Eurojust's rules of procedure.

3 The Vice-Presidents shall exercise the functions set out in paragraph 2 which the President entrusts to them. They shall replace the President if he or she is prevented from attending to his or her duties. The President and Vice-Presidents shall be assisted in the performance of their specific duties by the administrative staff of Eurojust.

4 The term of office of the President and the Vice-Presidents shall be four years. They may be re-elected once.

5 When a national member is elected President or Vice-President of Eurojust, his or her term of office shall be extended to ensure that he or she can fulfil his or her function as President or Vice-President.

6 If the President or Vice-President no longer fulfils the conditions required for the performance of his or her duties, he or she may be dismissed by the College acting on a proposal from one third of its members. The decision shall be adopted on the basis of a two-thirds majority of the members of the College, excluding the President or Vice-President concerned.

7 When a national member is elected President of Eurojust, the Member State concerned may second another suitably qualified person to reinforce the national desk for the duration of the former's mandate as President.

A Member State which decides to second such a person shall be entitled to apply for compensation in accordance with Article 12.

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Article 12

Compensation mechanism for the election to the position of President

- 1 By 12 December 2019, the Council shall, acting on a proposal by the Commission and by means of implementing acts, determine a mechanism for compensation, for the purpose of Article 11(7), to be made available to Member States whose national member is elected President.
- 2 The compensation shall be available to any Member State if:
 - a its national member has been elected President; and
 - b it requests compensation from the College and provides justification for the need to reinforce its national desk on grounds of an increased workload.
- 3 The compensation provided shall equate to 50 % of the national salary of the seconded person. Compensation for living costs and other associated expenses shall be provided on a comparable basis to that provided to Union officials or other servants seconded abroad.
- 4 The costs of the compensation mechanism shall be borne by Eurojust's budget.

Article 13

Meetings of the College

- 1 The President shall convene the meetings of the College.
- 2 The College shall hold at least one meeting per month. In addition, it shall meet on the initiative of the President, at the request of the Commission to discuss the administrative tasks of the College, or at the request of at least one third of its members.
- 3 Eurojust shall send the EPPO the agenda of College meetings whenever issues are discussed which are of relevance for the exercise of the tasks of the EPPO. Eurojust shall invite the EPPO to participate in such meetings, without the right to vote. When the EPPO is invited to a College meeting, Eurojust shall provide it with the relevant documents supporting the agenda.

Article 14

Voting rules of the College

- 1 Unless stated otherwise, and where a consensus cannot be reached, the College shall take its decisions by a majority of its members.
- 2 Each member shall have one vote. In the absence of a voting member, the deputy shall be entitled to exercise the right to vote subject to the conditions set out in Article 7(7). In the absence of the deputy, the Assistant shall also be entitled to exercise the right to vote subject to the conditions set out in Article 7(7).

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Article 15

Annual and multi-annual programming

1 By 30 November each year, the College shall adopt a programming document containing annual and multi-annual programming, based on a draft prepared by the Administrative Director, taking into account the opinion of the Commission. The College shall forward the programming document to the European Parliament, the Council, the Commission and the EPPO. The programming document shall become definitive after final adoption of the general budget of the Union and shall be adjusted accordingly, if necessary.

2 The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 4. It shall clearly indicate which tasks have been added, changed or deleted in comparison with the previous financial year.

3 The College shall amend the adopted annual work programme when a new task is given to Eurojust. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The College may delegate to the Administrative Director the power to make non-substantial amendments to the annual work programme.

4 The multi-annual work programme shall set out overall strategic programming including objectives, the strategy for cooperation with the authorities of third countries and international organisations referred to in Article 52, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 69.

SECTION IV

The executive board

Article 16

Functioning of the Executive Board

1 The College shall be assisted by an Executive Board. The Executive Board shall be responsible for taking administrative decisions to ensure the proper functioning of Eurojust. It shall oversee the necessary preparatory work of the Administrative Director on other administrative matters for adoption by the College. It shall not be involved in the operational functions of Eurojust referred to in Articles 4 and 5.

2 The Executive Board may consult the College when carrying out its tasks.

3 The Executive Board shall also:

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- a review Eurojust's programming document referred to in Article 15 based on the draft prepared by the Administrative Director and forward it to the College for adoption;
- b adopt an anti-fraud strategy for Eurojust, proportionate to the fraud risks, taking into account the costs and benefits of the measures to be implemented and based on a draft prepared by the Administrative Director;
- c adopt appropriate implementing rules giving effect to the Staff Regulations of Officials of the European Union (the 'Staff Regulations of Officials') and the Conditions of Employment of Other Servants of the European Union ('Conditions of Employment of Other Servants'), laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68⁽²⁾ in accordance with Article 110 of the Staff Regulations of Officials;
- d ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports, evaluations and investigations, including those of the EDPS and OLAF;
- e take all decisions on the establishment and, where necessary, the modification of Eurojust's internal administrative structures;
- f without prejudice to the responsibilities of the Administrative Director set out in Article 18, assist and advise him or her on the implementation of the decisions of the College, with a view to reinforcing supervision of administrative and budgetary management;
- g undertake any additional administrative tasks assigned to it by the College under Article 5(4);
- h adopt the financial rules applicable to Eurojust in accordance with Article 64;
- i adopt, in accordance with Article 110 of the Staff Regulations of Officials, a decision based on Article 2(1) of the Staff Regulations of Officials and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appointing authority powers to the Administrative Director and establishing the conditions under which this delegation of powers can be suspended; the Administrative Director shall be authorised to sub-delegate those powers;
- j review Eurojust's draft annual budget for adoption by the College;
- k review the draft annual report on Eurojust's activities and forward it to the College for adoption;
- l appoint an accounting officer and a Data Protection Officer who are functionally independent in the performance of their duties.

4 The Executive Board shall be composed of the President and Vice-Presidents of Eurojust, one representative of the Commission and two other members of the College designated on a two-year rotation system in accordance with Eurojust's rules of procedure. The Administrative Director shall attend the meetings of the Executive Board without the right to vote.

5 The President of Eurojust shall be the chairperson of the Executive Board. The Executive Board shall take its decisions by a majority of its members. Each member shall have one vote. In the event of a tied vote, the President of Eurojust shall have a casting vote.

6 The term of office of members of the Executive Board shall end when their term as national members, President or Vice-President ends.

7 The Executive Board shall meet at least once a month. In addition, it shall meet on the initiative of its chairperson or at the request of the Commission or of at least two of its other members.

8 Eurojust shall send to the EPPO the agenda of the Executive Board meetings and consult with the EPPO on the need to participate in those meetings. Eurojust shall invite the

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EPPO to participate, without the right to vote, whenever issues are discussed which are of relevance for the functioning of the EPPO.

When the EPPO is invited to an Executive Board meeting, Eurojust shall provide it with the relevant documents supporting the agenda.

SECTION V

The Administrative Director

Article 17

Status of the Administrative Director

1 The Administrative Director shall be engaged as a temporary agent of Eurojust under point (a) of Article 2 of the Conditions of Employment of Other Servants.

2 The Administrative Director shall be appointed by the College from a list of candidates proposed by the Executive Board, following an open and transparent selection procedure in accordance with Eurojust's rules of procedure. For the purpose of concluding the employment contract with the Administrative Director, Eurojust shall be represented by the President of Eurojust.

3 The term of office of the Administrative Director shall be four years. By the end of that period, the Executive Board shall undertake an assessment that takes into account an evaluation of the performance of the Administrative Director.

4 The College, acting on a proposal from the Executive Board that takes into account the assessment referred to in paragraph 3, may extend the term of office of the Administrative Director once and for no more than four years.

5 An Administrative Director whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the overall period.

6 The Administrative Director shall be accountable to the College.

7 The Administrative Director may be removed from the office only pursuant to a decision of the College acting on a proposal from the Executive Board.

Article 18

Responsibilities of the Administrative Director

1 For administrative purposes, Eurojust shall be managed by its Administrative Director.

2 Without prejudice to the powers of the College or the Executive Board, the Administrative Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or any other body.

3 The Administrative Director shall be the legal representative of Eurojust.

4 The Administrative Director shall be responsible for the implementation of the administrative tasks assigned to Eurojust, in particular:

- a the day-to-day administration of Eurojust and staff management;

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- b implementing the decisions adopted by the College and the Executive Board;
- c preparing the programming document referred to in Article 15 and submitting it to the Executive Board for review;
- d implementing the programming document referred to in Article 15 and reporting to the Executive Board and College on its implementation;
- e preparing the annual report on Eurojust's activities and presenting it to the Executive Board for review and to the College for adoption;
- f preparing an action plan following up on conclusions of internal or external audit reports, evaluations and investigations, including those of the EDPS and OLAF and reporting on progress twice a year to the College, to the Executive Board, to the Commission and to the EDPS;
- g preparing an anti-fraud strategy for Eurojust and presenting it to the Executive Board for adoption;
- h preparing draft financial rules applicable to Eurojust;
- i preparing Eurojust's draft statement of estimates of revenue and expenditure and implementing its budget;
- j exercising, with respect to the staff of Eurojust, the powers conferred by the Staff Regulations of Officials on the appointing authority and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment of other servants ('the appointing authority powers');
- k ensuring that the necessary administrative support is provided to facilitate the operational work of Eurojust;
- l ensuring that support is provided to the President and Vice-Presidents as they carry out their duties;
- m preparing a draft proposal for Eurojust's annual budget, which shall be reviewed by the Executive Board before adoption by the College.

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- (1) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters ([OJ L 130, 1.5.2014, p. 1](#)).
- (2) [OJ L 56, 4.3.1968, p. 1](#).

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