



EuroMed Justice Expert Group on Criminal Matters (CrimEx) Updated Rules and Procedures

1. BACKGROUND

EuroMed Justice (EMJ) is a capacity-building Programme aiming to strengthen judicial authorities' strategic and operational cooperation in criminal matters in three axes: amongst national authorities, between SPCs and EU MSs judicial authorities and with EU justice and home affairs agencies.

The Programme, hosted and implemented by Eurojust, represents a continuation of the previous phases of EMJ project, phases that facilitated the built of trust, confidence and respect between its members from the two shores of the Mediterranean.

One of the cornerstones of the EMJ IV project was the establishment on 14-16 March 2017 in Madrid of the EMJ Expert Group on Criminal Matters (CrimEx).

Since 2017 CrimEx hold 9 regular and 2 special meetings, drafted six legal and gaps analyses, the “EuroMed Fiches”, the “Handbook on judicial cooperation in criminal matters”, the “Training of trainers documents on judicial cooperation in criminal matters” the “Digital Evidence Manual” and essentially contributed to the establishment of the Forum of General Prosecutors.

2. PURPOSE

CrimEx designed as permanent experts working group, (with regular meetings in 2017-2019), functions as a real think-tank and a cross-regional forum building the trust and mutual confidence, exchanging good practices and lessons learned, conducting thorough analyses of the situation in each SPC and in the whole region, and setting up specific recommendations, guidelines, manuals, studies and researches.

CrimEx exercises cross-regional ownership in the implementation of the Euro-Mediterranean judicial cooperation, in drafting and upgrading EuroMed tools for cooperation, interacting with other judicial networks, in training activities and in the monitoring of the Programme results.

Within this new phase of the EMJ Programme, CrimEx will continue keeping its key role in directing the Programme and contributing to the achievements of the overall and specific objectives.

3. COMPOSITION

CrimEx is composed of **high to middle-ranking** justice practitioners from Justice Ministries, the Judiciary, Public prosecution, Law enforcement and Police, with strong experience and sound knowledge in judicial cooperation in criminal matters, from both SPCs and EU MSs.



SPCs shall nominate three CrimEx members:

- A. 1 (one) representative from the National Central Authority – Ministry of Justice – the structure for judicial cooperation in criminal matters;
- B. 1 (one) Prosecutor from the General Prosecution Office or any of the Specialised Prosecution offices, or the International Cooperation Unit within the Prosecution Office, specialised in judicial cooperation in criminal matters;
- C. 1 (one) Judge from the Supreme Court or Appellate Court or High Judicial Council specialised in judicial cooperation in criminal matters.

EU MSs may nominate one or two representatives (depending on the number of National Focal Points established for the EMJ Programme), from the categories mentioned above.

Eurojust and EJM representatives together with the liaison magistrates from both SPCs and EU may attend CrimEx meetings as privileged partners.

CrimEx may invite representatives and experts from SPCs and EU MSs criminal justice authorities (other than their CrimEx members), EU agencies, International Organisations and Associations, Lawyers associations, judicial training institutes, civil society organisations. These participants will have the statute of invitees. The invitees may take the floor for presentations, and actively participate in the discussions. In this way, CrimEx will benefit from a multi-disciplinary, international, regional and cross-regional approach.

4. MEMBERS NOMINATION PROCEDURE

The EMJ NFPs should coordinate with the Ministry of Justice, the Prosecutor General Office and Appellate Court/ Supreme Court/High Judicial Council to prepare the nominations of CrimEx members. The nominations should be communicated to EMJ PMT for validation (the respect of the nomination criteria).

It is desirable and strongly encouraged that the designated CrimEx experts be assigned for the entire period of the programme. This will ensure the success of activities, the continuity and coherence and will contribute to the development of trustful working relationship and confidence within the group. Representatives of Eurojust and EJM will take part in CrimEx meetings with observatory status.

General selection criteria

The selection of CrimEx members must take into consideration the proven experience and knowledge in the field of judicial cooperation in criminal matters and the stability in the position held within the judicial authority, institution or agency and the gender balance.

Specific criteria



CrimEx members should be **high to middle-ranking justice practitioners** from the judiciary, Public Prosecution Office and legal advisors from Ministries of Justice, specialised in judicial cooperation in criminal matters.

5. ROLE AND TASKS

CrimEx should exercise the following role and tasks

- a) Contribute to the strengthening of the judicial cooperation in criminal matters in the Euro-Mediterranean region at both National, Regional and International level;
- b) Coordinating with the national authorities of their country for the dissemination to National criminal justice practitioners of the documents, practical tools and the experience gathered from EMJ Programme;
- c) Support EMJ PMT in the identification of the key topics, Programme and capacity building activities and practical tools to be addressed and developed by the Programme;
- d) Assure the coordination of judicial and law enforcement authorities at national level, with regard to the inputs related to the EMJ Programme;
- e) Provide relevant national data on practices, legal framework, rules and procedures, statistics and share at national level the outputs and the experience gathered in EMJ Programme;
- f) Encourage and support the development of national, regional and cross-regional cooperation platforms of criminal justice professionals in the Euro-Mediterranean region;
- g) Participate in or facilitate the participation of national criminal justice practitioners in the trainings, exchanges and study visits organized within the framework of EMJ Programme
- h) Identify practical ways of cooperation and coordination in criminal matters with Eurojust, the EJM in criminal matters, EU JHA Agencies and other organisations such as the Council of Europe, UNODC, UN-CTED, IAP and EuroMed Police
- i) Contribute to the setting-up of a cooperation network able to facilitate expedited and efficient international judicial cooperation in criminal matters;
- j) Prepare the drafts of the strategical documents to be agreed upon or endorsed by the Forum of Prosecutors General.

6. WORKING PRINCIPLES

- a) CrimEx members should have an active role in the overall EMJ activities, to contribute to the professional dialogue, to build of trust, confidence and respect between the criminal justice authorities and professionals involved in the Programme;
- b) CrimEx members should always give consideration to the fact that CrimEx and EMJ programmes are unique technical cooperation platforms which build the capacities of the criminal justice systems;
- c) CrimEx members need to be committed to carrying out several tasks beyond the networks' meetings (scheduled periodically, and organised by the PMT with the support of STEs). CrimEx



members should have sufficient time to carry out the intersessional work, i.e. to analyse the outcome of the previous meeting and to prepare properly for the next, including the time to collect and centralise any information agreed in the previous meeting. The success of the programme depends strongly of the commitment and involvement of the stakeholders.

- d) CrimEx members should remain, where possible, stable during the whole period of the project. This will ensure all activities success and a trustful working relationship and confidence in the cooperation through the regional platforms. They have to be able to exchange expert opinions and to contribute to the drafting of CrimEx docs, studies, researches and training materials, to be able to identify the challenges, good practices and experiences, and to provide inputs from their respective countries.
- e) CrimEx members should actively encourage the development of demand driven activities throughout the use of TAF, in conjunction with the PMT.
- f) CrimEx decisions will be taken by consensus; where no consensus can be found, CrimEx members should strive for the identification and taken of a solution to balance the opposing opinions, with the goal to support EMJ overall objectives. Each SPCs and EU MSs represented in CrimEx has one vote.

7. CRIMEX PRESIDUM

A Presidium composed of the President (from SPCs) and a Vice-President (from EU MSs) will preside over the CrimEx regular sessions. The President and Vice-President will rotate for each of the CrimEx meetings in alphabetical order based on the name of the country represented in CrimEx. During the resuming CrimEx meeting, a schedule of the chairing for all the CrimEx meetings to be delivered in the timeframe of EMJ Programme (2021-2023) will be adopted.

8. SESSIONS AND AGENDAS

CrimEx periodicity is one regular session at 1-3 months, which is a reasonable and realistic period allowing CrimEx members sufficient time to carry out the intermediate work, i.e. to analyse the outcome of the previous meeting and to prepare properly for the next, including time to collect and centralise any information agreed in the previous meeting.

CrimEx regular sessions address to the overall implementation of the EuroMed Justice Programme.

CrimEx special sessions precede the meetings of the Prosecutors General Forum, with the purpose to fine tune and agree on the final Forum documents.



The EMJ PMT will prepare the **draft agendas** for the CrimEx meetings and send them prior to CrimEx meetings to all CrimEx members. The agenda shall be adopted by the CrimEx in the beginning of the meeting.

9. CRIMEX AND PROSECUTORS GENERAL FORUM

Accordingly to the General Rules for the Organization of the Forum, agreed upon in The Hague 2019, article 7. *“The EuroMed Justice Group of Experts in Criminal Matters (CrimEx) will continue to function as the interface for the Forum and fulfil its role mentioned in articles 8 of the Madrid Declaration and 5 of the Roadmap.”*

Article 8 of the PG Forum Madrid Declaration, 2018 reads: *“8. To continue through the CrimEx and the representatives of the Prosecutors General the discussions on the steps proposed in the Road Map”.*

Article 5 of the PG Forum Roadmap, Madrid 2018 reads: *“ 5. Without prejudice to its current tasks and activities, CrimEx, in close cooperation with Eurojust, European Judicial Network in criminal matters (EJN), the United Nations Counter-Terrorism Executive Directorate (UN CTED), the United Nations Office on Drugs and Crime (UNODC), the Council of Europe - the Consultative Council of European Prosecutors (CCEP), and the International Association of Prosecutors (IAP) should continue the exploration of the avenues to build a high level of trust, confidence and coordination with the aim of organising following meetings of the EuroMed Forum of Prosecutors General.*

10. DIRECTORY OF EMJ CRIMEX MEMBERS AND NATIONAL FOCAL POINTS

EMJ PMT will create and keep up to date, a Directory of EMJ CrimEx members and NFPs, nominated by their national authorities, to facilitate and encourage the networking between EMJ members and pave the way for first contacts in cross-border judicial cooperation in criminal matters.

The inclusion of a CrimEx member or NFP in the list is subject to the prior explicit and clear consent of the CrimEx member/NFP. EMJ PMT will ask for this consent following the resuming CrimEx meeting, via electronic means.

The Directory will be circulated twice a year or based upon request with all the CrimEx members and NFPs who expressly consented that their data be included in the Directory and to be shared with the other members.

All the aspects related to the protection of personal data for the data included in this Directory are covered by the Data protection notice circulated with CrimEx members following their nomination. This includes information regarding the transfer of personal data to recipients outside of EU borders.