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AMENDMENTS

20 - 125

Draft opinion
Ingeborg Gräble
(PE536.024v01-00)

EU Agency for Criminal Justice Cooperation (Eurojust)

Proposal for a regulation
(COM(2013)0535 – C7-0240/2013 – 2013/0256(COD))

AM_Com_LegOpinion

Amendment 20
Νότης Μαριιάς

Proposal for a regulation
Citation 1 a (new)

Text proposed by the Commission

Amendment

having regard to the Protocol (No 1) of the Treaty on the Functioning of the European Union (TFEU) on the role of national parliaments in the European Union,

Or. el

Amendment 21
Νότης Μαριιάς

Proposal for a regulation
Citation 1 b (new)

Text proposed by the Commission

Amendment

having regard to the Protocol (No 2) of the Treaty on the Functioning of the European Union (TFEU) on the application of the principles of subsidiarity and proportionality,

Or. el

Amendment 22
Luke Ming Flanagan

Proposal for a regulation
Recital 3

Text proposed by the Commission

Amendment

(3) Article 85 of the Treaty also provides that Eurojust's mission shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to

(3) Article 85 of the Treaty also provides that Eurojust's mission shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to

serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

serious crime affecting two or more Member States or requiring a prosecution on common bases, **and in particular 'white-collar' crime**, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

Or. en

Amendment 23
Dennis de Jong

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) ***Whilst*** the European Public Prosecutor's Office ***should have exclusive competence to investigate and prosecute*** crimes affecting the Union's financial interests, Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.

Amendment

(5) ***As the European Public Prosecutor's Office is established by enhanced co-operation, the Regulation implementing enhanced co-operation on the establishment of the European Prosecutor's Office is binding only for those Member States that participate in enhanced co-operation. Therefore, for those Member States not participating in the European Public Prosecutor's Office, Eurojust remains fully competent for crimes affecting the Union's financial interests. For those Member States participating in the European Prosecutor's Office, Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.***

Or. en

Amendment 24
Ingeborg Gräßle

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The division of competences between the European Public Prosecutor's Office and Eurojust with respect to crimes affecting the financial interests of the Union needs to be clearly established. Eurojust should be able to exercise its competence in such cases where they involve both Member States participating in enhanced cooperation on the establishment of the European Public Prosecutor's Office and Member States which do not. In such cases, Eurojust should act at the request of those non-participating Member States or at the request of the European Public Prosecutor's Office. Eurojust remains in any case competent for offences affecting the financial interests of the Union whenever the European Public Prosecutor's Office is not competent or, being competent, does not exercise its competence. The Member States which do not participate in enhanced cooperation on the establishment of the European Public Prosecutor's Office may continue to request Eurojust's support in all cases regarding offences affecting the financial interests of the Union.

Or. en

Amendment 25
Νότης Μαριιάς

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) When exercising its operational functions in relation to concrete criminal

(10) When exercising its operational functions in relation to concrete criminal

cases, at the request of competent authorities of Member States or on its own initiative, Eurojust should act *either* through one or more of the national members *or as a College*.

cases, at the request of competent authorities of Member States or on its own initiative, Eurojust should act, ***always in line with the Charter of Fundamental Rights of the EU***, through one or more of the national members.

Or. el

Amendment 26

Νότης Μαρτιάς

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) To ensure Eurojust can appropriately support and coordinate cross-border investigations, it is necessary that all national members have the same operational powers in order to cooperate between themselves and with national authorities in a more effective way. National members should be granted those powers that allow Eurojust to appropriately achieve its mission. These powers should include ***accessing relevant information in national public registers***, issuing and executing mutual assistance and recognition requests, directly contacting and exchanging information with competent authorities, participating in joint investigation teams and, in agreement with the competent national authority or in case of urgency, ordering investigative measures and controlled deliveries.

Amendment

(11) To ensure Eurojust can appropriately support and coordinate cross-border investigations, it is necessary that all national members have the same operational powers in order to cooperate between themselves and with national authorities in a more effective way. National members should be granted those powers that allow Eurojust to appropriately achieve its mission. These powers should include issuing and executing mutual assistance and recognition requests, directly contacting and exchanging information with competent authorities, participating in joint investigation teams and, in agreement with the competent national authority or in case of urgency, ordering investigative measures and controlled deliveries.

Or. el

Amendment 27

Νότης Μαρτιάς

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) It is necessary to provide Eurojust with an administrative and management structure that allows it to perform its tasks more effectively and respects the principles applicable to Union agencies whilst maintaining Eurojust's special characteristics and safeguarding its independence in the exercise of its operational functions. To this end, the functions of the national members, the College and the Administrative Director should be clarified and an Executive Board established.

Amendment

(12) It is necessary to provide Eurojust with an administrative and management structure that allows it to perform its tasks more effectively, ***always in line with the Charter of Fundamental Rights of the EU***, and respects the principles applicable to Union agencies whilst maintaining Eurojust's special characteristics and safeguarding its independence in the exercise of its operational functions. To this end, the functions of the national members, the College and the Administrative Director should be clarified and an Executive Board established.

Or. el

Amendment 28

Νότης Μαρτιάς

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) Provisions should be laid down to clearly distinguish between the operational and the management functions of the College, reducing the administrative burden on national members to the minimum so that the focus is put on Eurojust's operational work. The management tasks of the College should include in particular the adoption of Eurojust's work programmes, budget, annual activity report, appropriate financial rules, and working arrangements with partners. It should exercise the power of appointing authority towards staff of the agency including the Administrative Director.

Amendment

(13) Provisions should be laid down to clearly distinguish between the operational and the management functions of the College, reducing the administrative burden on national members to the minimum so that the focus is put on Eurojust's operational work. The management tasks of the College should include in particular the adoption of Eurojust's work programmes, budget, annual activity report, appropriate financial rules, and working arrangements with partners. It should exercise the power of appointing ***and monitoring*** authority towards staff of the agency including the Administrative Director.

Amendment 29
Νότης Μαριιάς

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) The Commission should be represented in the College when it exercises its management functions and in the Executive Board, to ensure non-operational supervision and strategic guidance of Eurojust.

deleted

Or. el

Amendment 30
Ingeborg Gräßle

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) The Commission should be represented in the College when it *exercises its management functions* and in the Executive Board, to ensure non-operational supervision and strategic guidance of Eurojust.

(15) The Commission should be represented in the College when it *discusses or adopts administrative issues* and in the Executive Board, to ensure non-operational supervision and strategic guidance of Eurojust.

Or. en

Justification

In accordance with the June 2012 Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies and its annexed Common Approach, the Commission should be part of the Executive Board and of the College when non-operational matters are discussed or adopted.

Amendment 31
Νότης Μαρτιάς

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) In order to ensure an efficient day-to-day administration of Eurojust, the Administrative Director should be its legal representative and manager, accountable to the College and the Executive Board. The Administrative Director should prepare and implement the decisions of the College and the Executive Board.

Amendment

(16) In order to ensure an efficient day-to-day administration of Eurojust, the Administrative Director should be its legal representative and manager, accountable to the College and the Executive Board. The Administrative Director should prepare and implement the decisions of the College and the Executive Board. ***The Administrative Director should each quarter inform both the College and the Executive Board on the course and progress of each case that has been undertaken by Eurojust for investigation.***

Or. el

Amendment 32
Luke Ming Flanagan

Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) Eurojust should be authorised to process certain personal data on persons who, under the national legislation of the Member States concerned, are suspected of having committed or having taken part in a criminal offence in respect of which Eurojust is competent, or who have been convicted of such an offence. It is not intended that Eurojust carry out an automated comparison of DNA profiles or fingerprints.

Amendment

(22) Eurojust should be authorised to process certain personal data on persons who, under the national legislation of the Member States concerned, are ***strongly*** suspected of having committed or having taken part in a criminal offence in respect of which Eurojust is competent, or who have been convicted of such an offence. It is not intended that Eurojust carry out an automated comparison of DNA profiles or fingerprints.

Or. en

Amendment 33
Luke Ming Flanagan

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Eurojust should be given *the* opportunity to extend the deadlines for storage of personal data, subject to observance of the purpose limitation principle applicable to processing of personal data in the context of all activities of Eurojust, in order to achieve its objectives. Such decisions should be taken following careful consideration of all interests at stake, including those of the data subjects. Any extension of deadlines for processing personal data, where prosecution is statute barred in all Member States concerned, should be decided only where there is a specific need to provide assistance under this Regulation.

Amendment

(23) Eurojust should be given *only very limited and strictly controlled* opportunity to extend the deadlines for storage of personal data, subject to observance of the purpose limitation principle applicable to processing of personal data in the context of all activities of Eurojust, in order to achieve its objectives. Such decisions should be taken following careful consideration of all interests at stake, including those of the data subjects. Any extension of deadlines for processing personal data, where prosecution is statute barred in all Member States concerned, should be decided only where there is a specific need to provide assistance under this Regulation.

Or. en

Amendment 34
Νότης Μαριιάς

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) *Eurojust should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks.*

Amendment

deleted

Or. el

Amendment 35
Luke Ming Flanagan

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) Eurojust should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks.

Amendment

(27) Eurojust should be able to exchange personal data with other Union bodies **but only** to the extent necessary for the accomplishment of its tasks.

Or. en

Amendment 36
Νότης Μαρτιάς

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) To guarantee the full autonomy and independence of Eurojust, it should be granted an autonomous budget, with revenue coming essentially from a contribution from the budget of the Union, except as regards the salaries and emoluments of the national members and assisting persons, which are borne by their Member State of origin. The Union budgetary procedure should be applicable as far as the Union contribution and other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

Amendment

(30) To guarantee the full autonomy and independence of Eurojust, it should be granted an autonomous budget, with revenue coming essentially from a contribution from the budget of the Union, except as regards the salaries and emoluments of the national members and assisting persons, which are borne by their Member State of origin. The Union budgetary procedure should be applicable as far as the Union contribution and other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors **and approved by the Committee on Budgetary Control of the European Parliament.**

Or. el

Amendment 37

Luke Ming Flanagan

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) To guarantee the full autonomy and independence of Eurojust, it should be granted an autonomous budget, with revenue coming essentially from a contribution from the budget of the Union, except as regards the salaries and emoluments of the national members and assisting persons, which are borne by their Member State of origin. The Union budgetary procedure should be applicable as far as the Union contribution and other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

Amendment

(30) To guarantee the full autonomy and independence of Eurojust, it should be granted an autonomous budget **sufficient to properly carry out its work**, with revenue coming essentially from a contribution from the budget of the Union, except as regards the salaries and emoluments of the national members and assisting persons, which are borne by their Member State of origin. The Union budgetary procedure should be applicable as far as the Union contribution and other subsidies chargeable to the general budget of the Union are concerned. The auditing of accounts should be undertaken by the Court of Auditors.

Or. en

Amendment 38
Νότης Μαρτιάς

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) In order to increase the transparency and democratic oversight of Eurojust **it is necessary to provide mechanisms for** the involvement of the European Parliament and national Parliaments in the evaluation of Eurojust's activities. This should not hinder the principles of independence as regards action taken in specific operational cases or the obligations of discretion and confidentiality.

Amendment

(31) In order to increase the transparency and democratic oversight of Eurojust, the involvement of the European Parliament and national Parliaments in the evaluation of Eurojust's activities **is imperative**. This should not hinder the principles of independence as regards action taken in specific operational cases or the obligations of discretion and confidentiality.

Or. el

Amendment 39
Dennis de Jong

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) Regulation (EC) **No 1073/1999** of the European Parliament and of the Council **of 25 May 1999** concerning investigations conducted by **the European Anti-Fraud Office (OLAF)**¹⁶ **should apply to Eurojust.**

¹⁶ OJ L 136, 31.5.1999, p.1.

Amendment

(34) **Co-operation between the European Anti-Fraud Office (OLAF) and Eurojust should be governed by Article 14 of Regulation (EC) No. 883/2013** of the European Parliament and of the Council concerning investigations conducted by **OLAF**¹⁶;

¹⁶ **Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999** (OJ L 136, 31.5.1999, p.1).

Or. en

Amendment 40
Νότης Μαρτιάς

Proposal for a regulation
Recital 35

Text proposed by the Commission

(35) The necessary provisions regarding accommodation for Eurojust in the Member State in which it has its headquarters, that is to say in the Netherlands, and the specific rules applicable to all Eurojust's staff and members of their families should be laid down in a headquarters agreement.

Amendment

(35) The necessary provisions regarding accommodation for Eurojust in the Member State in which it has its headquarters, that is to say in the Netherlands, and the specific rules applicable to all Eurojust's staff and members of their families should be laid down in a headquarters agreement.

Furthermore, the host Member State should provide the best possible conditions to ensure the proper functioning of Eurojust, including schools for children and transport, so as to attract high-quality human resources from as wide a geographical area as possible.

Furthermore, the host Member State should provide the best possible conditions to ensure the proper functioning of Eurojust, including schools for children ***at all grades*** and transport, so as to attract high-quality human resources from as wide a geographical area as possible.

Or. el

Amendment 41
Luke Ming Flanagan

Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) Since the objective of this Regulation, namely the setting up of an entity responsible for supporting and strengthening coordination and cooperation between judicial authorities of the Member States in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

(37) Since the objective of this Regulation, namely the setting up of an entity responsible for supporting and strengthening coordination and cooperation between judicial authorities of the Member States in relation to serious crime affecting two or more Member States (***in particular white-collar crime, where very specific expertise is required***) or requiring a prosecution on common bases, cannot be sufficiently achieved by the Member States and can, therefore, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Or. en

Amendment 42
Luke Ming Flanagan

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

Amendment

1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States (***in particular white-collar crime, an area in which very specific expertise is required, such as forensic accounting/auditing investigation***), or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

Or. en

Justification

In Ireland, for example, several high-profile cases have collapsed because of basic failings in the prosecution investigations - a lack of proper expertise.

Amendment 43 Ingeborg Gräßle

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, its competence shall ***not include the crimes for which*** the European Public Prosecutor's Office ***is competent***.

Amendment

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, ***Eurojust shall not, in general, exercise its competence in respect of crimes for which the European Public Prosecutor's Office exercises its competence. As an exception to this general rule, Eurojust shall exercise its competence in criminal cases:***

– ***involving Member States participating in enhanced cooperation, but in respect of which the European***

Public Prosecutor's Office does not exercise its competence,

– *involving Member States which do not participate in enhanced cooperation on the establishment of that Office, at the request of those Member States or at the request of the European Public Prosecutor's Office.*

To this end, Eurojust, the European Public Prosecutor's Office and the Member States concerned shall consult and cooperate with each other. The practical details on the exercise of competence in accordance with this paragraph shall be regulated by a working arrangement as referred to in Article 38(2a).

Or. en

Amendment 44
Dennis de Jong

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, *its competence shall not include the crimes for which* the European Public Prosecutor's Office *is competent*.

Amendment

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, *with regard to the forms of crime affecting the Union's financial interests, Eurojust remains fully competent only for those Member States not participating in the European Public Prosecutor's Office. In addition, for those Member States participating in the European Public Prosecutor's Office, Eurojust shall still be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.*

Or. en

Amendment 45
Ingeborg Gräßle

Proposal for a regulation
Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) support the Union centres of specialised expertise developed by Europol and other Union bodies;

Or. en

Justification

In the future such centres might also be developed by Union bodies other than Europol.

Amendment 46
Dennis de Jong

Proposal for a regulation
Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. In agreement with **the** competent national authority the national members **shall**:

2. In agreement with **their** competent national authority the national members **may in accordance with national law**:

Or. en

Amendment 47
Dennis de Jong

Proposal for a regulation
Article 8 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) order investigative measures;

(a) issue and execute any mutual assistance or mutual recognition request;

Amendment 48
Dennis de Jong

Proposal for a regulation
Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) *authorise and coordinate controlled deliveries in the Member State in accordance with national legislation.*

Amendment

(b) *order or request and execute investigative measures, as provided for in Directive 2014/41/EU of the European Parliament and of the Council^{1a};*

^{1a} *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).*

Amendment 49
Dennis de Jong

Proposal for a regulation
Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *participate, as necessary, in joint investigation teams including in their setting up;*

Amendment 50
Ingeborg Gräßle

Proposal for a regulation
Article 10 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The College shall be composed of:

1. The College shall be composed of
***all the national members and two
representatives of the Commission when
administrative issues are discussed or
adopted.***

Or. en

Justification

In accordance with the June 2012 Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies and its annexed Common Approach, the Commission should be part of the Executive Board and of the College when non-operational matters are discussed or adopted.

Amendment 51
Ingeborg Gräßle

Proposal for a regulation
Article 10 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***all the national members when the
College exercises its operational functions
under Article 4;*** ***deleted***

Or. en

Justification

See above – merged points (a) and (b) with introductory sentence.

Amendment 52
Ingeborg Gräßle

Proposal for a regulation
Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) *all the national members and two representatives of the Commission when the College exercises its management functions under Article 14.* *deleted*

Or. en

Justification

See above – merged points (a) and (b) with introductory sentence.

Amendment 53
Dennis de Jong

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The College shall hold at least one *operational* meeting per month. *To exercise its management functions, the College shall hold at least two ordinary meetings a year.* In addition, it shall meet on the initiative of the President, at the request of the Commission, or at the request of at least one third of its members.

Amendment

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, or at the request of at least one third of its members.

Or. en

Amendment 54
Luke Ming Flanagan

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Unless stated otherwise, the College shall take its decisions by a majority of its members.

Amendment

1. Unless stated otherwise, *and where a consensus cannot be reached*, the College shall take its decisions by a majority of its members.

Or. en

Amendment 55
Dennis de Jong

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 56
Luke Ming Flanagan

Proposal for a regulation
Article 14 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) adopt rules for the ***prevention and*** management of conflicts of interest in respect of its members;

(f) adopt rules for the ***detection and prevention or*** management of conflicts of interest in respect of its members;

Or. en

Justification

In the first instance conflict of interest should be detected, and as early as possible; in the second, such conflict can be either prevented or managed, it cannot be prevented AND managed - it's an either/or situation.

Amendment 57
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The Executive Board shall ***also***:

2. The Executive Board shall:

Or. en

Amendment 58
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point a

Text proposed by the Commission

(a) *prepare the decisions to be adopted*
by the *College in accordance with Article*
14;

Amendment

(a) *approve Eurojust's annual and*
multi-annual work programme based on
the draft prepared by the Administrative
Director and forward it to the College for
adoption;

Or. en

Amendment 59
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point g

Text proposed by the Commission

(g) *take any other decision not*
expressly attributed to the College in
Articles 5 or 14 or under the responsibility
of the Administrative Director in
accordance with Article 18;

Amendment

deleted

Or. en

Amendment 60
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) *adopt its rules of procedure.*

(h) *undertake any additional administrative tasks assigned to it by the College under Article 5(4);*

Or. en

Amendment 61
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

(ha) approve the annual report on Eurojust's activities and forward it to the College for adoption;

Or. en

Amendment 62
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point h b (new)

Text proposed by the Commission

Amendment

(hb) adopt the financial rules applicable to Eurojust in accordance with Article 52;

Or. en

Amendment 63
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point h c (new)

Text proposed by the Commission

Amendment

(hc) adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appoint authority powers to the Administrative Director and defining the conditions under which this delegation of powers can be suspended; the Administrative Director shall be authorised to sub-delegate these powers;

Or. en

Amendment 64
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

Amendment

3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the College on administrative and budgetary matters, which shall be subject to confirmation by the College.

deleted

Or. en

Amendment 65
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 8

Text proposed by the Commission

Amendment

8. The European Public Prosecutor may address written opinions to the Executive Board, to which the Executive

deleted

Board shall respond in writing without undue delay.

Or. en

Amendment 66

Dennis de Jong

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. The Administrative Director shall be appointed by the College from a list of candidates proposed by the ***Commission***, following an open and transparent selection procedure. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.

Amendment

2. The Administrative Director shall be appointed by the College ***on the grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience***, from a list of candidates proposed by the ***Executive Board***, following an open and transparent selection procedure, ***in accordance with the Rules of Procedure of Eurojust***. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College. ***Before being appointed, the candidate selected by the College shall answer questions from the members of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Budgetary Control of the European Parliament.***

Or. en

Amendment 67

Dennis de Jong

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

Amendment

3. The term of office of the Administrative Director shall be *five* years. By the end of this period, the *Commission* shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.

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

Or. en

Amendment 68
Ingeborg Gräßle

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. The term of office of the Administrative Director shall be *five* years. By the end of this period, the Commission shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.

Amendment

3. The term of office of the Administrative Director shall be *four* years. By the end of this period, the Commission shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.

Or. en

Justification

In accordance with the June 2012 Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies and its annexed Common Approach, the Commission should propose the list of candidates for the Administrative Director.

Amendment 69
Dennis de Jong

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. The College, acting on a proposal from the *Commission* which takes into account the assessment referred to in

Amendment

4. The College, acting on a proposal from the *Executive Board* which takes into account the assessment referred to in

paragraph 3, may extend once the term of office of the Administrative Director for no more than *five* years.

paragraph 3, may extend once the term of office of the Administrative Director for no more than *four* years.

Or. en

Amendment 70
Ingeborg Gräßle

Proposal for a regulation
Article 17 – paragraph 4

Text proposed by the Commission

4. The College, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 3, may extend once the term of office of the Administrative Director for no more than *five* years.

Amendment

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

Or. en

Justification

In accordance with the June 2012 Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies and its annexed Common Approach, the Commission should propose the list of candidates for the Administrative Director.

Amendment 71
Ingeborg Gräßle

Proposal for a regulation
Article 17 – paragraph 6

Text proposed by the Commission

6. The Administrative Director shall be accountable to the College *and the Executive Board*.

Amendment

6. The Administrative Director shall be accountable to the College.

Or. en

Amendment 72
Ingeborg Gräßle

Proposal for a regulation
Article 17 – paragraph 7

Text proposed by the Commission

7. The Administrative Director may be removed from the office only upon a decision of the College acting on a proposal **from** the Commission.

Amendment

7. The Administrative Director may be removed from the office only upon a decision of the College **on the basis of a two-thirds majority of its members** acting on a proposal **of** the Commission.

Or. en

Justification

In accordance with the June 2012 Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies and its annexed Common Approach, the Commission should propose the list of candidates for the Administrative Director.

Amendment 73
Dennis de Jong

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. Without prejudice to the powers of the **Commission, 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 from any other body.

Amendment

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 from any other body.

Or. en

Amendment 74
Dennis de Jong

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission

(a) the day-to-day administration of Eurojust;

Amendment

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

Or. en

Amendment 75
Dennis de Jong

Proposal for a regulation
Article 18 – paragraph 4 – point c

Text proposed by the Commission

(c) preparing the ***programming document*** and submitting ***it*** to the Executive Board ***and College after consultation of the Commission***;

Amendment

(c) preparing the ***annual and multi-annual work programmes*** and submitting ***them*** to the Executive Board ***for approval***;

Or. en

Amendment 76
Dennis de Jong

Proposal for a regulation
Article 24 – paragraph 7

Text proposed by the Commission

7. The Case Management System and its temporary work files shall be made available for use by the European Public Prosecutor's Office.

Amendment

deleted

Or. en

Amendment 77
Dennis de Jong

Proposal for a regulation

Article 24 – paragraph 8

Text proposed by the Commission

Amendment

8. *The provisions on access to the Case Management System and the temporary work files shall apply mutatis mutandis to the European Public Prosecutor's Office. However, the information entered into the Case Management System, temporary work files and the index by the European Public Prosecutor's Office shall not be available for access at the national level.*

deleted

Or. en

Amendment 78

Luke Ming Flanagan

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

Amendment

4. Personal data, processed by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and data concerning health or sex life may be processed by Eurojust only when such data are strictly necessary for the national investigations concerned as well as for coordination within Eurojust and if they supplement other personal data already processed. The Data Protection Officer shall be informed immediately of recourse to this paragraph. Such data may not be processed in the Index referred to in Article 24(4). Where such other data refer to witnesses or victims within the meaning of paragraph 3, the decision to process them shall be taken by the College.

4. Personal data, processed by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and data concerning health or sex life may be processed by Eurojust only when such data are strictly necessary for the national investigations concerned as well as for coordination within Eurojust and if they supplement other personal data already processed. The Data Protection Officer shall be informed immediately of recourse to this paragraph ***and his or her opinion on this usage should be requested and respected.*** Such data may not be processed in the Index referred to in Article 24(4). Where such other data refer to witnesses or victims within the meaning of paragraph 3, the decision to process them shall be taken by the College.

Amendment 79
Luke Ming Flanagan

Proposal for a regulation
Article 28 – paragraph 1 – point c

Text proposed by the Commission

(c) **three years** after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecutions became final;

Amendment

(c) **one year** after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecutions became final;

Or. en

Amendment 80
Luke Ming Flanagan

Proposal for a regulation
Article 28 – paragraph 1 – point e

Text proposed by the Commission

(e) **three years** after the date on which data were transmitted in accordance with Article 21(6) or (7).

Amendment

(e) **one year** after the date on which data were transmitted in accordance with Article 21(6) or (7).

Or. en

Amendment 81
Luke Ming Flanagan

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

1. For the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security, Eurojust shall keep

Amendment

1. For the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security, Eurojust shall keep

records of any collection, alteration, access, disclosure, combination or erasure of personal data used for operational purposes. Such logs or documentation shall be deleted after **18** months, unless the data are further required for on-going control.

records of any collection, alteration, access, disclosure, combination or erasure of personal data used for operational purposes. Such logs or documentation shall be deleted after **36** months, unless the data are further required for on-going control.

Or. en

Amendment 82
Luke Ming Flanagan

Proposal for a regulation
Article 31 – paragraph 2 – point b

Text proposed by the Commission

(b) cooperate with Eurojust staff responsible for procedures, training and advice on data processing;

Amendment

(b) cooperate with ***and advise*** Eurojust staff responsible for procedures, training and advice on data processing;

Or. en

Amendment 83
Luke Ming Flanagan

Proposal for a regulation
Article 37 – paragraph 1

Text proposed by the Commission

1. Eurojust shall be liable, in accordance with Article 340 of the Treaty, for any damage caused to an individual which results from unauthorised or incorrect processing of data carried out by it.

Amendment

1. Eurojust shall be liable, in accordance with Article 340 of the Treaty, for any damage ***and for any contingency damage*** caused to an individual which results from unauthorised or incorrect processing of data carried out by it.

Or. en

Amendment 84
Luke Ming Flanagan

Proposal for a regulation
Article 37 – paragraph 3

Text proposed by the Commission

3. Each Member State shall be liable, in accordance with its national law, for any damage caused to an individual, which results from unauthorised or incorrect processing carried out by it of data which were communicated to Eurojust.

Amendment

3. Each Member State shall be liable, in accordance with its national law, for any damage **and for any contingency damage** caused to an individual, which results from unauthorised or incorrect processing carried out by it of data which were communicated to Eurojust.

Or. en

Amendment 85
Luke Ming Flanagan

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. In so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 21(8), Eurojust may directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.

Amendment

2. **Only** in so far as relevant to the performance of its tasks and subject to any restriction stipulated pursuant to Article 21(8), Eurojust may directly exchange all information, with the exception of personal data, with the entities referred to in paragraph 1.

Or. en

Amendment 86
Luke Ming Flanagan

Proposal for a regulation
Article 38 – paragraph 3

Text proposed by the Commission

3. Eurojust may, in accordance with Article 4 of Regulation (EC) No 45/2001, receive and process personal data received

Amendment

3. Eurojust may, in accordance with Article 4 of Regulation (EC) No 45/2001, receive and process personal data received

from the entities referred to in paragraph 1 in so far as necessary for the performance of its tasks and subject to the provisions of Section IV.

from the entities referred to in paragraph 1 **only** in so far as necessary for the performance of its tasks and subject to the provisions of Section IV.

Or. en

Amendment 87
Dennis de Jong

Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

1. Eurojust shall establish and maintain a ***special*** relationship with the European Public Prosecutor's Office based on ***close*** cooperation ***and*** the development of operational, ***administrative and management*** links between them as defined ***below***. To this end, the ***European Public Prosecutor*** and the ***President of Eurojust*** shall meet on a regular basis to discuss issues of common ***concern***.

Amendment

1. Eurojust shall establish and maintain a ***close*** relationship with the European Public Prosecutor's Office based on ***mutual*** cooperation ***within their respective mandates and competences and on*** the development of operational ***and administrative*** links between them as defined ***in this Article***. To this end, the ***President of Eurojust*** and the ***European Chief Prosecutor*** shall meet on a regular basis to discuss issues of common ***interest***.

Or. en

Amendment 88
Dennis de Jong

Proposal for a regulation
Article 41 – paragraph 7

Text proposed by the Commission

7. ***Eurojust shall support the functioning of the European Public Prosecutor's Office through services to be supplied by its staff. Such support shall in any case include:***

a) technical support in the preparation of the annual budget, the programming

Amendment

deleted

document containing the annual and multiannual programming and the management plan;

b) technical support in staff recruitment and career-management;

c) security services;

d) Information Technology services;

e) financial management, accounting and audit services;

f) any other services of common interest.

The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office.

Or. en

Amendment 89 **Ingeborg Gräßle**

Proposal for a regulation

Article 41 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Eurojust shall support the functioning of the European Public Prosecutor's Office through services to be supplied by its staff. Such support shall in any case include:

Amendment

The European Public Prosecutor's Office may rely on the support and resources of the administration of Eurojust. To this end, Eurojust may provide services of common interest to the European Public Prosecutor's Office.

The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office.

Or. en

Justification

This paragraph should be redrafted in order to provide for the possibility for Eurojust to provide services of common interest to the EPPO. The details will have to be regulated through an agreement. This solution also reflects the EPPO text. If this amendment is

adopted, the remainder of this paragraph (points (a) to (f) and the second subparagraph) will become redundant.

Amendment 90
Ingeborg Gräßle

Proposal for a regulation
Article 41 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

a) *technical support in the* *deleted*
preparation of the annual budget, the
programming document containing the
annual and multiannual programming
and the management plan;

Or. en

Justification

See above.

Amendment 91
Ingeborg Gräßle

Proposal for a regulation
Article 41 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

b) *technical support in staff* *deleted*
recruitment and career-management;

Or. en

Justification

See above.

Amendment 92
Ingeborg Gräßle

Proposal for a regulation

Article 41 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

c) *security services;* *deleted*

Or. en

Justification

See above.

Amendment 93

Ingeborg Gräßle

Proposal for a regulation

Article 41 – paragraph 7 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

d) *Information Technology services;* *deleted*

Or. en

Justification

See above.

Amendment 94

Ingeborg Gräßle

Proposal for a regulation

Article 41 – paragraph 7 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

e) *financial management, accounting* *deleted*
and audit services;

Or. en

Justification

See above.

Amendment 95
Ingeborg Gräßle

Proposal for a regulation
Article 41 – paragraph 7 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

f) any other services of common interest. *deleted*

Or. en

Justification

See above.

Amendment 96
Ingeborg Gräßle

Proposal for a regulation
Article 41 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office. *deleted*

Or. en

Justification

See above.

Amendment 97
Iris Hoffmann

Proposal for a regulation
Article 41 – paragraph 7 – point 1 (new)

Text proposed by the Commission

Amendment

(1) The co-operation between Eurojust and the European Public Prosecutor's Office is clearly defined so as to avoid duplication.
The infrastructures and work structures shall be used efficiently in order to prevent cost increases.

Or. de

Amendment 98
Dennis de Jong

Proposal for a regulation
Article 41 – paragraph 8

Text proposed by the Commission

Amendment

8. The European Public Prosecutor may address written opinions to the College, to which the College shall respond in writing without undue delay. Such written opinions shall in any case be presented whenever the College adopts the annual budget and work programme.

deleted

Or. en

Amendment 99
Dennis de Jong

Proposal for a regulation
Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. OLAF *may* contribute to Eurojust's coordination work regarding the protection of the financial interests of the Union, in accordance with its mandate under Regulation (EU, Euratom) of the European Parliament and of the Council *No .../2013* concerning investigations conducted by the European Anti-Fraud Office (OLAF) and

2. OLAF *shall* contribute to Eurojust's coordination work regarding the protection of the financial interests of the Union, in accordance with its mandate under Regulation (EU, Euratom) of the European Parliament and of the Council *No 883/2013* concerning investigations conducted by the European Anti-Fraud

repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.

Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999.

Or. en

Amendment 100
Dennis de Jong

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. For purposes of the receipt and transmission of information between Eurojust and OLAF, and without prejudice to Article 8, Member States shall ensure that the national members of Eurojust shall be regarded as competent authorities of the Member States solely for the purposes of Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999¹⁹. The exchange of information between OLAF and national members shall be without prejudice to the information which must be given to other competent authorities under those Regulations.

Amendment

3. For purposes of the receipt and transmission of information between Eurojust and OLAF, and without prejudice to Article 8, Member States shall ensure that the national members of Eurojust shall be regarded as competent authorities of the Member States solely for the purposes of Regulation (EU, Euratom) of the European Parliament and of the Council No 883/2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF). The exchange of information between OLAF and national members shall be without prejudice to the information which must be given to other competent authorities under those Regulations.

¹⁹ OJ L 136, 31.5.1999, p. 8.

Or. en

Amendment 101
Luke Ming Flanagan

Proposal for a regulation
Article 45 – paragraph 2 – introductory part

Text proposed by the Commission

2. By way of derogation from paragraph 1, Eurojust may authorise the transfer of personal data to third countries or international organisations or Interpol on a case-by-case basis *if*:

Amendment

2. By way of derogation from paragraph 1, Eurojust may authorise the transfer of personal data to third countries or international organisations or Interpol on a case-by-case basis ***only if one or more of the following conditions are met:***

Or. en

Amendment 102
Luke Ming Flanagan

Proposal for a regulation
Article 45 – paragraph 2 – point a

Text proposed by the Commission

(a) the transfer of data is absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Eurojust's objectives;

Amendment

(a) the transfer of data is absolutely necessary to safeguard the essential interests of one or more Member States within the scope of Eurojust's objectives;

Or. en

Amendment 103
Luke Ming Flanagan

Proposal for a regulation
Article 45 – paragraph 2 – point b

Text proposed by the Commission

(b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences;

Amendment

(b) the transfer of the data is absolutely necessary in the interests of preventing imminent danger associated with crime or terrorist offences;

Or. en

Amendment 104

Luke Ming Flanagan

Proposal for a regulation

Article 45 – paragraph 2 – point c

Text proposed by the Commission

(c) the transfer is otherwise necessary or legally required on important public interest grounds of the Union or its Member States, as recognised by Union law or by national law, or for the establishment, exercise or defence of legal claims; **or**

Amendment

(c) the transfer is otherwise necessary or legally required on important public interest grounds of the Union or its Member States, as recognised by Union law or by national law, or for the establishment, exercise or defence of legal claims;

Or. en

Amendment 105

Dennis de Jong

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

1. Each year the Administrative Director shall draw up a draft statement of estimates of Eurojust's revenue and expenditure together, for the following financial year, including the establishment plan, and send it to the **College**.

Amendment

1. Each year the Administrative Director shall draw up a draft statement of estimates of Eurojust's revenue and expenditure together, for the following financial year, including the establishment plan, and send it to the **Executive Board**.

Or. en

Amendment 106

Dennis de Jong

Proposal for a regulation

Article 49 – paragraph 2

Text proposed by the Commission

2. The **College** shall, on the basis of that draft, **produce** a provisional draft estimate of Eurojust's revenue and

Amendment

2. The **Executive Board** shall, on the basis of that draft, **prepare** a provisional draft estimate of Eurojust's revenue and

expenditure for the following financial year.

expenditure for the following financial year
which shall be forwarded to the College for adoption.

Or. en

Amendment 107
Dennis de Jong

Proposal for a regulation
Article 49 – paragraph 6

Text proposed by the Commission

6. The budgetary authority shall authorise the appropriations for *Eurojust's* contribution.

Amendment

6. The budgetary authority shall authorise the appropriations for *the* contribution *from the Union to Eurojust.*

Or. en

Amendment 108
Luke Ming Flanagan

Proposal for a regulation
Article 51 – paragraph 1

Text proposed by the Commission

1. By 1 March following each financial year, Eurojust's Accounting Officer shall send the provisional accounts to the Commission's Accounting Officer and the Court of Auditors.

Amendment

1. By 1 March following each financial year, Eurojust's Accounting Officer shall send the provisional accounts to *each of* the Commission's Accounting Officer and the Court of Auditors.

Or. en

Amendment 109
Luke Ming Flanagan

Proposal for a regulation
Article 51 – paragraph 2

Text proposed by the Commission

2. Eurojust shall send the report on the budgetary and financial management to the European Parliament, the Council and the Court of Auditors, by 31 March of the following financial year.

Amendment

2. Eurojust shall send the report on the budgetary and financial management to ***each of*** the European Parliament, the Council and the Court of Auditors, by 31 March of the following financial year.

Or. en

Amendment 110

Dennis de Jong

Proposal for a regulation

Article 51 – paragraph 5

Text proposed by the Commission

5. On receipt of the Court of Auditors' observations on Eurojust's provisional accounts pursuant to Article 148 of Regulation (EU, EURATOM) No 966/2012, the Administrative Director shall draw up Eurojust's final accounts under his or her own responsibility and submit them to the ***College*** for an opinion.

Amendment

5. On receipt of the Court of Auditors' observations on Eurojust's provisional accounts pursuant to Article 148 of Regulation (EU, EURATOM) No 966/2012, the Administrative Director shall draw up Eurojust's final accounts under his or her own responsibility and submit them to the ***Executive Board*** for an opinion.

Or. en

Amendment 111

Dennis de Jong

Proposal for a regulation

Article 51 – paragraph 6

Text proposed by the Commission

6. The ***College*** shall deliver an opinion on Eurojust's final accounts.

Amendment

6. The ***Executive Board*** shall deliver an opinion on Eurojust's final accounts.

Or. en

Amendment 112
Dennis de Jong

Proposal for a regulation
Article 51 – paragraph 7

Text proposed by the Commission

7. The Administrative Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the *College's* opinion.

Amendment

7. The Administrative Director shall, by 1 July following each financial year, send the final accounts to the European Parliament, the Council, the Commission and the Court of Auditors, together with the ***Executive Board's*** opinion.

Or. en

Amendment 113
Dennis de Jong

Proposal for a regulation
Article 51 – paragraph 9

Text proposed by the Commission

9. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The Administrative Director shall also send this reply to the ***College and to*** the Commission.

Amendment

9. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The Administrative Director shall also send this reply to the ***Executive Board, the European Parliament and*** the Commission.

Or. en

Amendment 114
Ingeborg Gräßle

Proposal for a regulation
Article 55 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament for information:

3. In addition to the other obligations of information and consultation set out in this regulation, Eurojust shall transmit to the European Parliament ***and to national parliaments in the respective official languages*** for information:

Or. en

Amendment 115
Luke Ming Flanagan

Proposal for a regulation
Article 59 – paragraph 1

Text proposed by the Commission

1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents and the Data Protection Officer shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.

Amendment

1. The national members, their deputies and their Assistants referred to in Article 7, Eurojust staff, national correspondents and the Data Protection Officer shall be bound by an obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks, ***unless in the case of (a) whistleblower(s) exposing practices that conflict with the remit of Eurojust as outlined above, or practices that are illegal.***

Or. en

Amendment 116
Luke Ming Flanagan

Proposal for a regulation
Article 59 – paragraph 2

Text proposed by the Commission

2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust.

Amendment

2. The obligation of confidentiality shall apply to all persons and to all bodies called upon to work with Eurojust, ***unless***

in the case of (a) whistleblower(s) exposing practices that conflict with the remit of Eurojust as outlined above, or practices that are illegal.

Or. en

Amendment 117
Luke Ming Flanagan

Proposal for a regulation
Article 59 – paragraph 3

Text proposed by the Commission

3. The obligation of confidentiality shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1 and 2.

Amendment

3. The obligation of confidentiality shall also apply after leaving office or employment or after the termination of the activities of the persons referred to in paragraphs 1 and 2, *unless in the case of (a) whistleblower(s) exposing practices that conflict with the remit of Eurojust as outlined above, or practices that are illegal.*

Or. en

Amendment 118
Luke Ming Flanagan

Proposal for a regulation
Article 59 – paragraph 5

Text proposed by the Commission

5. Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks.

Amendment

5. Members and the staff of the European Data Protection Supervisor shall be subject to the obligation of confidentiality with respect to any information which has come to their knowledge in the course of the performance of their tasks, *unless in the case of (a) whistleblower(s) exposing practices that conflict with the remit of*

Eurojust as outlined above, or practices that are illegal.

Or. en

Amendment 119

Dennis de Jong

Proposal for a regulation

Article 61 – paragraph 1

Text proposed by the Commission

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EC) No 1073/1999, within six months from the entry into force of this Regulation, *it* shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt the appropriate provisions applicable to all the employees of Eurojust using the template set out in the Annex to that Agreement.

Amendment

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU) 883/2013, within six months from the entry into force of this Regulation, **Eurojust** shall accede to the Interinstitutional Agreement of 25 May 1999 concerning internal investigations by the European Anti-fraud Office (OLAF) and adopt the appropriate provisions applicable to all the employees of Eurojust using the template set out in the Annex to that Agreement.

Or. en

Amendment 120

Dennis de Jong

Proposal for a regulation

Article 61 – paragraph 3

Text proposed by the Commission

3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EC) No 1073/1999 and Council Regulation (Euratom, EC) No 2185/96²² with a view to establishing whether there have been any irregularities

Amendment

3. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU) 883/2013 and Council Regulation (Euratom, EC) No 2185/96²² with a view to establishing whether there have been any irregularities affecting the

affecting the financial interests of the Union in connection with expenditure funded by Eurojust.

financial interests of the Union in connection with expenditure funded by Eurojust.

²² OJ L 292, 15.11.1996, p. 2.

²² *Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities* (OJ L 292, 15.11.1996, p. 2).

Or. en

Amendment 121
Luke Ming Flanagan

Proposal for a regulation
Article 64 – paragraph 3

Text proposed by the Commission

3. In the case of non-contractual liability, Eurojust shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under Article 37, make good any damage caused by the College or the staff of Eurojust in the performance of their duties.

Amendment

3. In the case of non-contractual liability, Eurojust shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under Article 37, make good any damage caused - ***directly or indirectly*** - by the College or the staff of Eurojust in the performance of their duties.

Or. en

Amendment 122
Luke Ming Flanagan

Proposal for a regulation
Article 64 – paragraph 4

Text proposed by the Commission

4. Paragraph 3 shall also apply to damage caused through the fault of a

Amendment

4. Paragraph 3 shall also apply to damage caused - ***directly or***

national member, a deputy or an Assistant in the performance of their duties. However, when he or she is acting on the basis of the powers granted to him or her pursuant to Article 8, his or her Member State of origin shall reimburse Eurojust the sums which Eurojust has paid to make good such damage.

indirectly - through the fault of a national member, a deputy or an Assistant in the performance of their duties. However, when he or she is acting on the basis of the powers granted to him or her pursuant to Article 8, his or her Member State of origin shall reimburse Eurojust the sums which Eurojust has paid to make good such damage.

Or. en

Amendment 123
Dennis de Jong

Proposal for a regulation
Article 65 – paragraph 3

Text proposed by the Commission

The Netherlands shall provide the best possible conditions to ensure the functioning of Eurojust, including multilingual, European-oriented schooling and appropriate transport connections.

Amendment

deleted

Or. en

Amendment 124
Luke Ming Flanagan

Proposal for a regulation
Annex II – point 1 – point d

Text proposed by the Commission

(d) *sex*;

Amendment

(d) *gender*;

Or. en

Amendment 125

Luke Ming Flanagan

**Proposal for a regulation
Annex II – point 2 – point d**

Text proposed by the Commission

(d) *sex*;

Amendment

(d) *gender*;

Or. en