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**COMMISSION STAFF WORKING DOCUMENT**  
**IMPACT ASSESSMENT REPORT**

*Accompanying the document*

**Proposal for a  
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL  
on the European Union Agency for Criminal Justice Cooperation (Eurojust) and  
repealing Regulation (EU) 2018/1727**

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## Glossary

Term or acronym	Meaning or definition
AD	Administrative Director
AFA	Anti-fraud Architecture
AMLA	Anti-Money Laundering Agency
ARO	Asset Recovery Office
CAAR	Consolidated Annual Activity Report
CATS	Informal Coordinating Committee in the area of police and judicial cooperation in criminal matters
CC	Coordination Centres
CEPOL	European Union Agency for Law Enforcement Training
CF	Consultative Forum of Prosecutors General and Directors of Public Prosecutions
CICED	Core International Crimes Evidence Database
CM	Coordination Meeting
CMS	Case Management System
CTR	European Judicial Counter-Terrorism Register
DG HOME	Directorate-General for Migration and Home Affairs
DG JUST	Directorate General for Justice and Consumers
DPR	Data Protection Rules
EAW	European Arrest Warrant
ECRIS	European Criminal Records Information System
ECRIS-TCN	European Criminal Records Information System – Third Country Nationals
EDPS	European Data Protection Supervisor
EJN	European Judicial Network
EJR	Eurojust Regulation

EIO	European Investigation Order
EMPACT	European Multidisciplinary Platform Against Criminal Threats
ENCS	Eurojust National Coordination Systems
EPPO	European Public Prosecutor's Office
EU	European Union
EUCA	European Union Customs Authority
EUDPR	EU Data Protection Regulation
Eurojust	European Union Agency for Criminal Justice Cooperation
Europol	European Union Agency for Law Enforcement Cooperation
eu-LISA	European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice
EB	Executive Board
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Border and Coast Guard Agency
FTE	Full-Time Equivalent
GBV	Gender-Based Violence
IBOA	EU institutions, bodies, offices and agencies
ICF	Internal Control Framework
ICPA	International Centre for the Prosecution of the Crime of Aggression against Ukraine
JHA	Justice and Home Affairs
JIT	Joint Investigation Team
JOP	Joint Operational Platform
JUDEX	JUstice Digital EXchange system, the constellation of decentralised IT systems established by various EU legal instruments in civil, commercial, and criminal matters
KPI	Key Performance Indicator

LM	Liaison Magistrate
LP	Liaison Prosecutor
MAS	Multi-Annual Strategy
MB	Management Board
MFF	Multiannual Financial Framework (EU financial programming)
MLA	Mutual Legal Assistance
MoJ	Ministry of Justice
NM	National Member
OLAF	European Anti-Fraud Office
PIF	Protection of the European Union's financial interests. In EU criminal law, it refers to offences that harm the EU budget, such as fraud, corruption, or related financial crime.
RACER	Relevant, Accepted, Credible, Easy to monitor and Robust.
SMART	Specific, Measurable, Achievable, Relevant and Time-bound
SOCTA	Serious and Organised Crime Threat Assessment
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union
VURM	Violation of Union Restrictive Measures

## 1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

### 1.1. Eurojust

Eurojust is the EU agency for **criminal justice cooperation**, supporting national authorities in combating serious cross-border crime by strengthening coordination between national authorities. As criminal networks increasingly operate across borders, national authorities rely on Eurojust to facilitate parallel investigations across multiple Member States, resolve conflicts of jurisdiction, coordinate prosecutorial strategies and support the gathering and exchange of evidence.

Originally proposed in the **Tampere Programme of 1999**,<sup>1</sup> Eurojust was **formally established in 2002** as an intergovernmental body under the Third Pillar on Police and Judicial Cooperation in Criminal Matters.<sup>2</sup> The **Treaty of Lisbon**<sup>3</sup> transformed it into an EU agency within the ‘*Area of Freedom, Security and Justice*’ in the TFEU, culminating in **Regulation (EU) 2018/1727 on the European Union Agency for Criminal Justice Cooperation (EJR)**, which modernised its governance and aligned it with post-Lisbon EU agency structures. This Regulation has since been **amended three times** in a targeted manner to address pressing operational needs: **Regulation (EU) 2022/838**, created the **Core International Crimes Evidence Database (CICED)** following Russia’s full-scale war of aggression against Ukraine; **Regulation (EU) 2023/2131**, strengthened information-sharing in terrorism cases; and **Regulation (EU) 2025/2082**, extended the timeframe for the establishment of the **new Eurojust Case Management System (CMS)**.<sup>4</sup>

Today, Eurojust is an **indispensable operational and strategic hub for judicial cooperation**, directly supporting the fight against cross-border criminal cases.

### 1.2. Legal context: the Eurojust Regulation

Eurojust’s mandate, structure, and operational framework are governed by the EJR, which establishes it as a decentralised EU agency with legal personality. The Regulation defines the mission of Eurojust as **supporting and strengthening coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime**, particularly in cases affecting multiple Member States, based on information supplied by Member States’ authorities, Europol, the European Public Prosecutor’s Office (EPPO) and the European Anti-Fraud Office (OLAF).

Eurojust’s material competence extends to **serious forms of crime listed in Annex I** of the EJR, and related offences. While Eurojust itself does not exercise prosecutorial powers, the EJR equips it with **coordination tools that go beyond informal facilitation**. These include the power to request national authorities to initiate investigations, to recommend jurisdictional leadership, and to issue opinions to resolve disputes.

Operational tasks are performed by **National Members (NMs)** – judicial representatives from each Member State – who may act in individual capacity or collectively as the **College**. This ensures that all actions undertaken remain grounded in national law, while enabling coordination among Member States. Strategic planning and management are, as a rule, entrusted to the **Executive Board (EB)** and **Administrative Director (AD)**.

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<sup>1</sup> Tampere European Council of 15 and 16 October 1999, Presidency conclusions, para 46.

<sup>2</sup> 2002/187/JHA: Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime.

<sup>3</sup> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed 13 December 2007.

<sup>4</sup> Regulation (EU) 2025/2082.

Eurojust’s operational model relies on multilateral judicial coordination, primarily through **case management**, **Joint Investigation Teams (JITs)**, and **strategic platforms** like the Counter-Terrorism Register.

Recent years have seen a shift toward crisis-driven coordination, exemplified by Eurojust’s pivotal role in the International Centre for the Prosecution of the Crime of Aggression (ICPA). Established under the CICCED framework, ICPA facilitates evidence-sharing for war crimes linked to Russia’s aggression in Ukraine, requiring close collaboration with the ICC, Europol’s War Crimes Task Force, and national war crimes units. This expansion underscores Eurojust’s evolving mandate in international criminal justice, with resource demands outpacing current capacities.

The Regulation imposes on Member States specific information-sharing obligations, coupled with data protection rules (DPR) governing the transfer of data. It also provides the legal basis for Eurojust’s CMS.

Finally, it establishes a framework for cooperation with judicial networks – notably the European Judicial Network (EJN) – as well as Europol and the EPPO, other EU institutions, bodies, offices and agencies (IBOAs), third countries, and international organisations.

#### ***Internal functioning of Eurojust***

The main governance organs of Eurojust are the Eurojust’s **College**, the Executive Board (**EB**) and the Administrative Director (**AD**). The **College** is the body in charge of operational and operational-related decisions; it is chaired by the President, who is a National Member elected by their peers for a four-year term and is assisted by two Vice-Presidents. When exercising its management functions, the **College** also includes a representative of the European Commission. The **College** adopts the Agency’s budget, Rules of Procedure, as well as policy papers and guidelines related to the operational work of Eurojust. There is one National Member per Member State. National Members are responsible for overseeing the operational work of their respective National Desks. They are supported by a deputy and assistant(s). While the National Members are organs of Eurojust, they are appointed and continue to be employed by their respective Member States. The introduction of the **EB** by the Eurojust Regulation aimed at reducing the administrative burden on the College. The **Board** consists of Eurojust’s President, its two Vice-Presidents, a representative of the European Commission, and two other College Members designated on a two-year rotation system. As such, membership of the Board is not conditional on any managerial skill or experience. The EB is not involved in the operational functions of Eurojust. Instead, it focuses on ensuring the Agency’s proper functioning. Activities of the Board include reviewing key programming and planning documents (e.g. the draft annual budget), assisting and advising the **AD** on the implementation of College decisions, and adopting the anti-fraud strategy and financial rules. The administration of Eurojust is headed by the **AD**, who is appointed by the College. The **AD** is responsible for the day-to-day administration of Eurojust, in line with the Eurojust Regulation, College decisions, and Eurojust programming documents, etc. The administration (Eurojust staff) is further divided into two main departments, the Operations Department and the Resources Department.

### **1.3. Political context**

The EU’s internal security landscape is evolving rapidly, shaped by **increasingly complex criminal ecosystems**, **a steady expansion of cross-border threats**, and ongoing **geopolitical instability**. Criminal networks operate seamlessly across borders, exploiting jurisdictional fragmentation and technical innovation to commit illegal activities and evade detection. While Europe’s institutional systems are largely recognised as effective and resilient, there are regional variations.<sup>5</sup> National judicial and law enforcement systems are

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<sup>5</sup> [Global Organized Crime Index 2025](#), Crime at a crossroads, Europe, p. 2.

under unprecedented strain, intensifying the operational demand for coordinated support at EU level.

The recent **Serious and Organised Crime Threat Assessment (SOCTA)**<sup>6</sup> underlines this shift, depicting a **highly interconnected, technology-driven criminal ecosystem** that systematically outpaces national law enforcement and judicial responses.

In response, the EU has strengthened its strategic framework for internal security. The **ProtectEU Strategy**<sup>7</sup> explicitly prioritises judicial cooperation, recognising that operational intelligence must translate into effective prosecutions. It highlights the need to **assess and strengthen Eurojust's mandate in 2026**, underscoring the Agency's central role in coordinating cross-border prosecutions, enabling information exchange between judicial authorities, and ensuring coherent prosecution at EU level and beyond. This is echoed in the **EU Roadmap to fight Drug Trafficking and Organised Crime** and the **EU Drugs Strategy and EU Action Plan against drug trafficking**<sup>8</sup>. Given that successful prosecutions hinge on swift mutual legal assistance and parallel investigations, Eurojust's role as the EU's criminal justice hub has never been more critical.

A clear trend has emerged: **the line between domestic and cross-border crime is blurring**, and effectiveness of national judicial action now depends on robust EU-level support. Recent reforms – such as the **E-evidence framework**,<sup>9</sup> the **Anti-Money Laundering package**,<sup>10</sup> and the **interoperability of EU information systems**<sup>11</sup> – are transforming data-sharing practices of national authorities, making coordination even more essential.

Member States increasingly depend on Eurojust's support, using **Joint Investigation Teams (JITs)**<sup>12</sup>, **Coordination Meetings (CMs)** and **Coordination Centres (CC)** to manage parallel investigations, prevent jurisdictional conflicts, and secure admissible evidence.<sup>13</sup> **Judicial cooperation needs have expanded in both volume and complexity**, particularly in cyber-enabled crime, financial crime, terrorism, and organised crime cases. Eurojust must be ready to rise to these challenges.

The **2025 evaluation of Eurojust**,<sup>14</sup> carried out pursuant to Article 69 of the EJR, found that while the Agency plays a **pivotal role** in supporting cross-border investigations, it faces **structural and organisational constraints** which ultimately affect its operational performance.

Therefore, the **EU needs a more effective, more efficient, and better-equipped Eurojust** to ensure cross-border crimes are prosecuted effectively and justice systems can respond swiftly to evolving threats.

In light of this, the **High-Level Forum on the Future of EU Criminal Justice** called for a more cohesive criminal justice architecture, recognising Eurojust's decisive role in

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<sup>6</sup> EU Serious and Organised Crime Threat Assessment 2025 ([EU-SOCTA](#)).

<sup>7</sup> COM(2025) 148 final (01.04.2025).

<sup>8</sup> COM(2023) 641 final (18.10.2023), COM(2025) 743 final (04.12.2025), COM(2025) 744 final (04.12.2025).

<sup>9</sup> Regulation (EU) 2023/1543 and Directive (EU) 2023/1544.

<sup>10</sup> Regulations (EU) 2023/1113, 2024/1620, 2024/1624, Directives (EU) 2024/1640, 2024/1654.

<sup>11</sup> Regulation (EU) 2019/818, Regulation (EU) 2019/817.

<sup>12</sup> As defined under Article 1 of the Council Framework Decision 2002/465/JHA A Joint Investigation Team (JIT) is set up for a specific purpose and limited duration, based on an agreement between two or more EU Member States (and possibly third parties), to carry out criminal investigations in one or more of the states involved. Since 2024, around 300 JITs are supported by Eurojust every year.

<sup>13</sup> Demand for CMs grew by 50% between 2019 and 2024, applications for JIT financial support rose by 17% over the same period, Support study, pp. 19-20.

<sup>14</sup> SWD(2025) 182 final (02.7.2025).

coordinating cross-border investigations, both within the EU and with third countries.<sup>15</sup> Consequently, the **Commission work programme 2026** has prioritised revising Eurojust’s legal framework to protect democracy, upholding EU values.<sup>16</sup>

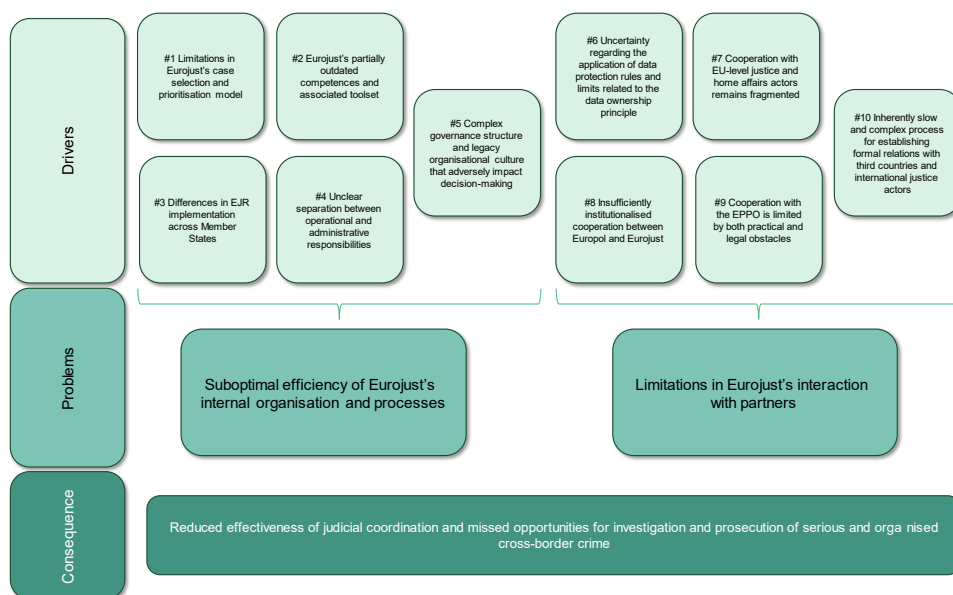
## 2. PROBLEM DEFINITION

The evaluation found that Eurojust is **highly effective in fulfilling its mandate** to support and strengthen coordination and cooperation between national authorities in the field of criminal justice.<sup>17</sup> However, **improvements are needed, particularly in efficiency and cooperation with EU partners and third countries**<sup>18</sup> – issues that were not addressed by previous amendments<sup>19</sup> of the EJR. **Optimising internal processes and interactions with the broader criminal justice ecosystem would unlock its full potential** in the fight against serious and organised cross-border crime.

**Two sets of problems** have been identified: one relating to the **internal dimension**, stemming from limitations in the organisational structure and processes; and one relating to the **external dimension**, concerning challenges in coordination with partners.

The evaluation also highlighted the **slow pace of Eurojust’s digitalisation** and the issues arising from its outdated IT infrastructures, particularly its CMS, hindering interoperability, data exchange and analysis and effective workflows. This ultimately affects Eurojust’s capacity to manage increasing data volumes and address digitally enabled crime.<sup>20</sup> However, as a **new CMS and other digital tools are already in development**, this problem is not explored further in this impact assessment.<sup>21</sup>

Table 1: Problem tree



<sup>15</sup> [Report](#) of the High Level-Forum on the Future of EU Criminal Justice, February-December 2025 (HLF report).

<sup>16</sup> COM(2025) 870 final (21.10.2025), Annex I, No. 31.

<sup>17</sup> Eurojust Evaluation, p. 43.

<sup>18</sup> Eurojust Evaluation, pp. 47-49.

<sup>19</sup> Changes to the EJR since 2022 were targeted amendments (Counter Terrorism Register, Ciced and new CMS) adding competences, in particular in reaction to crisis situations. These amendments did not constitute a comprehensive reform of the Agency that would address broader structural deficiencies.

<sup>20</sup> Eurojust Evaluation, pp. 18, 33.

<sup>21</sup> COM/2025/143 final.

## 2.1. Suboptimal efficiency of Eurojust’s internal organisation and processes

### 2.1.1. What is the problem?

Eurojust’s ability to maximise its added value in supporting cross-border criminal cases is compromised by an insufficient focus on its core operational activities.<sup>22</sup>

While demand for its services grows across Member States,<sup>23</sup> it still struggles to systematically filter out lower-complexity cases, such as routine information exchange or bilateral mutual legal assistance requests, which could be handled more efficiently through bilateral cooperation or the EJM. Instead, resources are diverted from complex cases,<sup>24</sup> which involve serious cross-border crime requiring active coordination and a common strategy among multiple jurisdictions. These are the cases where Eurojust’s involvement generates the greatest added value, particularly when multiple legal frameworks and judicial authorities, or third countries are involved.<sup>25</sup>

**Example EncroChat<sup>26</sup>:** Eurojust’s strategic impact is exemplified in the dismantling of EncroChat, an encrypted phone network widely used by organised crime groups across Europe and beyond. Initiated in 2017 by French authorities, followed by a case opening at Eurojust in 2019 and escalated into a JIT in 2020 with the Netherlands under Eurojust’s coordination, the operation exemplifies how the Agency optimises resources for high-stakes cases. By facilitating nine CMs, resolving jurisdictional conflicts, and processing nearly 170 European Investigation Orders (EIOs), Eurojust enabled the interception of millions of encrypted messages, leading to 6,558 arrests globally and the seizure of EUR 900 million in criminal assets. The case also demonstrated Eurojust’s role in scaling cooperation: what began as a bilateral effort expanded to 13 countries, triggering spin-off investigations into drug trafficking, money laundering, and violent crime. Crucially, Eurojust’s involvement ensured that admissible evidence was shared efficiently across jurisdictions, avoiding duplication and legal fragmentation. This case shows how Eurojust’s intervention on complex, multi-jurisdictional threats delivers transformative results in combating organised crime.

In recent years, Eurojust’s mandate has expanded into new and resource-intensive areas, namely international crimes and terrorism.<sup>27</sup> Despite allocations of some additional budget and staff to account for the new tasks,<sup>28</sup> a level of tension is noted between workload and staff availability, leading to reduced support capacity and delays in responding to Member States.<sup>29</sup> Some resource dispersion results from Eurojust’s unstructured participation in policy and strategic cycles.<sup>30</sup> While the Agency is uniquely positioned to contribute to policy development in the area of criminal justice and judicial cooperation, its role in this field remains largely based on ad hoc requests, resulting in both limited involvement and challenges in determining the appropriate level of resources to be allocated to such work.<sup>31</sup>

<sup>22</sup> Eurojust Evaluation, pp. 25, 30-31; Support study, p. 18.

<sup>23</sup> The number of registered cases grew by 66% between 2019 and 2024, at an average growth rate of 11%. The projected annual growth in workload for the period 2026-2028 is 8%. Support study, pp. 18-19.

<sup>24</sup> Core characteristics of a complex case are for example: multilateral investigations (several Member States and/or third countries) linked to organised crime, parallel proceedings and prosecutions with risks of jurisdictional conflicts, several legal frameworks and judicial authorities involved, operations demanding coordination tools or synchronised actions (e.g., JITs, simultaneous arrests, or searches), operational urgency or strategic importance.

<sup>25</sup> Eurojust Evaluation, pp. 18-20, 25-27.

<sup>26</sup> <https://www.eurojust.europa.eu/ar2020/7-casework-crime-type/72-encrochat-dismantling-encrypted-network-used-criminal-groups>; <https://www.eurojust.europa.eu/news/dismantling-encrypted-criminal-encrochat-communications-6-500-arrests-900-eur-seized>; <https://www.eurojust.europa.eu/fr/document/encrochat-investigation-france>.

<sup>27</sup> Amending Regulations (EU) 2022/838 (establishing the Core International Crimes Evidence Database and supporting the International Centre for the Prosecution of the Crime of Aggression) and 2023/2131 (establishing the Counter Terrorism Register).

<sup>28</sup> Eurojust Evaluation, pp. 23-24, 27-28.

<sup>29</sup> Support study, p. 21.

<sup>30</sup> Support study, p. 22.

<sup>31</sup> Eurojust Evaluation, pp. 14, 37; Support study, p. 21.

These constraints have shaped an operational model in which Eurojust primarily responds to Member States' requests rather than acting proactively. This limits the use of its own-initiative powers and reduces its capacity to identify and act on cross-border criminal developments, leaving its potential to contribute to crime detection underexploited.<sup>32</sup>

Part of the problem lies in Eurojust's partially outdated toolset. Its competences remain focused on the coordination of investigations and prosecutions, with no clearly defined mandate in related areas of growing importance, such as asset freezing, the processing of e-evidence, victim support and analysis of judicial data. Though Eurojust already engages in these activities at the request of Member States, it does so in an unstructured manner, without a clear legal basis and defined scope.<sup>33</sup>

Finally, the Agency's governance, decision-making and management do not consistently support timely and effective steering. Despite the change of legal framework, the Agency's internal structures and working practices have not fully evolved to operate as an EU decentralised agency.<sup>34</sup> Decisions that could be taken at managerial or administrative level are often escalated to collective governance bodies, increasing procedural burden, potentially delaying strategic direction and operational follow-through. Administrative work tends to absorb a significant share of the attention of NMs and their desks, diverting time and focus from casework.<sup>35</sup>

### *2.1.2. What are the problem drivers?*

**Problem driver #1** relates to **limitations in Eurojust's case selection and prioritisation model**. This driver stems primarily from implementation challenges, though the absence of a legal definition of a "Eurojust case" which adds procedural ambiguity. Beyond limited instances of own-initiative action, Eurojust's operational work is driven by Member States' demand, as it is national authorities that refer cases and provide information.<sup>36</sup>

When dealing with incoming requests, Eurojust does not systematically apply clear criteria to select, redirect, or prioritise cases. One reason appears to be the lack of a common definition of a "Eurojust case",<sup>37</sup> leading to inconsistent approaches to case handling. In addition, NMs may prioritise certain referrals over others based less on objective or strategic considerations and more on thematic preferences, interests of the Member State they represent, or established relationships with their respective national authorities.<sup>38</sup> In 2023, an estimated 82% of Eurojust's new case work was made up of bilateral and low-complexity cases.<sup>39</sup> In this context, high levels of ambition, combined with inconsistent prioritisation, can create the perception that additional resources are the primary solution to workload pressure, rather than a change in operational practices,<sup>40</sup>

A similar definitional gap affects 'own-initiative' cases as mentioned in Article 2(3) EJR.<sup>41</sup> Coupled with the high number of referrals, this restricts the Agency's ability to act proactively.

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<sup>32</sup> Support study, pp. 17-18.

<sup>33</sup> Support study, p. 19.

<sup>34</sup> Support study, p. 20.

<sup>35</sup> Eurojust Evaluation, pp. 30-34. Support study, pp. 22-25.

<sup>36</sup> Eurojust Evaluation, pp. 18-20, 26-27; Support study, pp. 18, 27.

<sup>37</sup> Eurojust Evaluation, pp. 41-42.

<sup>38</sup> Eurojust Evaluation, pp. 30-31, 36. Support study, p. 27.

<sup>39</sup> Support study p. 18.

<sup>40</sup> Eurojust Evaluation, pp. 33-35. The support study suggests that by streamlining governance structures, Eurojust has the potential to deliver greater impact with the same or even reduced level of resources, Support study, p. 24.

<sup>41</sup> Eurojust Evaluation, pp. 20, 27; Support study, pp. 19-20.

**Problem driver #2** relates to **Eurojust’s partially outdated competences and associated toolset.**

This driver arises primarily from gaps in Eurojust’s formal mandate and competences.

As a hub connecting criminal justice authorities, Eurojust is well placed to support national authorities in investigative activities of growing relevance, such as asset freezing – by coordinating Asset Recovery Offices (AROs) and judicial authorities when proceeds of crime are identified – and the issuance and execution of e-evidence orders. However, Eurojust lacks an explicit mandate in these areas, resulting in unstructured activities carried out at the request of national authorities, leaving much potential untapped.<sup>42</sup>

The lack of clearly defined competences also affects Eurojust’s analytical work, for which a specific mandate has so far been granted only in relation to international crimes and terrorism (for the data stored in the CISED and CTR). The positive experience with these instruments suggests that such analytical functions could bring added value also in other highly complex areas of crime.<sup>43</sup>

Moreover, emerging areas of criminalisation – such as violations of the Union’s restrictive measures and cybercrime – currently fall outside Eurojust’s competence, meaning that the Agency can only be involved upon specific request from national authorities, thereby limiting its proactivity and strategic involvement.

Finally, despite its recognised value,<sup>44</sup> no institutionalised mechanisms are in place to translate Eurojust’s operational expertise into reusable knowledge for EU policy development in the area of criminal justice and judicial cooperation.<sup>45</sup>

**Problem driver #3** concerns **differences in EJR implementation across Member States.**

This driver stems from a mix of legal and practical problems, rooted in the fragmented implementation of the EJR, divergent national legal frameworks governing NMs, and inconsistent operational practices in case referrals and information sharing.

When appointed as NMs, the status and powers of the designated officials remain governed by national law. While the implementation of the EJR has led to some harmonisation of NMs’ judicial powers,<sup>46</sup> differences persist, meaning that NMs from different Member States may be empowered to carry out acts that others are precluded from performing.<sup>47</sup>

Under the current framework, Member States may appoint a prosecutor, a judge, or a representative of a judicial authority as NM<sup>48</sup> – a choice which affects the scope of powers and the handling of cases. This is particularly evident in the issuance of judicial instruments: some may be issued by a prosecutor, others require an independent judge, while none can be issued by a representative who does not hold the status of an active member of the judiciary.

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<sup>42</sup> Interviews. Practitioners highlight how Eurojust could speed up asset freezing.

<sup>43</sup> Interviews. Practitioners using CISED value the analytical reports prepared by Eurojust at their request.

<sup>44</sup> HLF report, p. 24.

<sup>45</sup> Eurojust Evaluation, pp. 14, 37; Support study, pp. 21-22.

<sup>46</sup> Evaluation study, p. 85.

<sup>47</sup> Eurojust Evaluation, p. 12; Support study, p. 26.

<sup>48</sup> Article 7(4) of the Eurojust Regulation. In some national systems, the appointed NM no longer retains judicial status and assumes a role comparable to a civil servant within the MoJ.

Another consequence of differing practices and legal systems is that NMs have varying levels of expertise which affects how administrative tasks are performed.<sup>49</sup>

These discrepancies lead to an uneven distribution of added value from the Agency's services across Member States, with some benefiting more than others.

Inconsistencies also affect the referral practices of Member States, exacerbating problem driver #1. National authorities do not always apply appropriate criteria to distinguish between lower-complexity cases, to be referred to the EJM, and more complex cases requiring Eurojust's involvement. In some instances, national authorities resort to Eurojust as a "fast track" helpdesk for convenience rather than based on objective needs; in others, they may favour bilateral cooperation or EJM channels, underusing Eurojust. Even the Eurojust National Coordination System (ENCS) – the national hub responsible for coordination between Eurojust and Member States – may lack sufficient authority to effectively enforce such filtering.<sup>50</sup>

Finally, information sharing obligations are applied inconsistently. Member States lack a shared understanding of what constitutes serious cross-border crime requiring Eurojust involvement, leading to selective reporting. This reduces the completeness and timeliness of the information shared, thereby limiting the Agency's ability to gain an overview of cross-border crime and to intervene proactively.<sup>51</sup>

**Problem driver #4 concerns unclear separation between operational and administrative responsibilities.**

This driver stems from a mix of legal ambiguity and implementation challenges, primarily arising from divergent interpretations of the EJM.

Interpretations of "operational" and "administrative" matters under the EJM diverge, with Eurojust's reading not fully aligning with the Commission's institutional position.<sup>52</sup> By broadly defining "operational" matters, the College has effectively retained control over a number of administrative decisions, sidelining the EB, which now functions largely as a preparatory body for College meetings. This is partly due to reluctance from NMs to delegate administrative authority, fearing it may compromise operational autonomy or prosecutorial independence.<sup>53</sup>

The blurring of operational and administrative roles contributes to lengthy decision-making processes and high administrative burden for NMs, who currently spend around 40-50% of their time on administrative work, at the expense of operational work.<sup>54</sup>

**Problem driver #5 concerns the complex governance structure and legacy organisational culture that adversely impact decision-making.**

This driver stems primarily from implementation problems. However, the lack of clear legal mandates for roles intensifies these challenges.

Eurojust's governance is distributed across the College, the EB, College Working Groups and the Administration, which can lead to misaligned priorities.

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<sup>49</sup> Eurojust Evaluation, pp. 32-33. This is exacerbated by the existing rotation system for National Members' membership to the EB, which fails to take into account the specific expertise, interest, capacity and availability of the National Members on duty. Support study, pp. 23, 26.

<sup>50</sup> Eurojust Evaluation, pp. 12, 25-26; Support study, pp. 26-27.

<sup>51</sup> Eurojust Evaluation, p. 27.

<sup>52</sup> Eurojust Evaluation, pp. 25, 30-32, 38-39; Support study, p. 24.

<sup>53</sup> Support study, pp. 23-24.

<sup>54</sup> Eurojust Evaluation, p. 30; Support study, p. 26.

The College informally shapes strategy, overlapping with responsibilities of the EB, while the AD holds formal responsibility for planning and implementation.<sup>55</sup> College Working Groups play a role in shaping strategic planning through their influence rooted in legacy practices. This undermines coherent governance and dilutes accountability.<sup>56</sup> Despite raising the issue and pushing for changes, the Commission, in its role as a member of the EB and within the College, has not been able to effect reform.<sup>57</sup>

Governance inefficiencies are also rooted in a legacy culture. Established practices and institutional culture preserve pre-EJR working methods, like consensus-based decision-making, that favours inclusiveness over agility. This reflects an unresolved institutional identity that oscillates between an intergovernmental coordination unit and a full EU agency. The resulting ambiguity slows adaptation to new mandates or operational threats.<sup>58</sup>

## **2.2. Limitations in Eurojust's interaction with partners**

### *2.2.1. What is the problem?*

Eurojust's effectiveness as an EU criminal justice coordination hub is constrained in the way it interacts with partner at the EU and international level.

While the mandates of EU agencies and bodies are designed to complement each other and provide for close cooperation, their implementation in practice may give rise to procedural complexity and duplication, affecting the EU's response to serious and organised cross-border crime.<sup>59</sup> Stakeholders have drawn attention to the need to reinforce the judicial dimension of cross-border cooperation by addressing gaps and enhancing coherence across existing instruments.<sup>60</sup>

Eurojust's cooperation with EU agencies and bodies is overall effective on a case-by-case basis but lacks a fully structured or systematic approach. This can lead to withholding of information, which may affect the identification of criminal activity at an early stage.<sup>61</sup> This is particularly relevant for Eurojust's main partners in the criminal justice domain: Europol and the EPPO. Cooperation with other IBOAs – notably OLAF – as well as the EJM and other judicial networks, show scope for further improvement in terms of the distribution of tasks and information exchange.<sup>62</sup>

Moreover, Eurojust's capacity to support cooperation in cases with an extra-EU dimension, while increasing, faces challenges. Cooperation with third countries is often irregular and slow to operationalise, as existing arrangements may not be sufficiently robust or stable, or are unevenly implemented.<sup>63</sup> Following changes in the Treaty framework applicable to international agreements, the EJR removed Eurojust's power to conclude cooperation agreements directly. Instead, in accordance with Article 218 TFEU, the Commission

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<sup>55</sup> Eurojust Evaluation, pp. 30-33. Support study, p. 23.

<sup>56</sup> Eurojust Evaluation, pp. 11-12, 30-33, 36. Support study, p. 23.

<sup>57</sup> In the context of EB meetings, the Commission representative consistently pointed to agenda items which should not have been brought before the EB, as well as others that should have been decided by the EB rather than being referred to the College.

<sup>58</sup> Eurojust Evaluation, pp. 30-33, 36.

<sup>59</sup> Eurojust Evaluation, pp. 25, 28-29.

<sup>60</sup> HLF report, p. 10.

<sup>61</sup> Eurojust Evaluation, pp. 28-29.

<sup>62</sup> Eurojust Evaluation, pp. 29-30.

<sup>63</sup> Interviews, Annex II.

conducts negotiations, while the Council authorises signature and conclusion following the consent of the European Parliament. This has made the process more time-consuming.<sup>64</sup>

In the absence of an international agreement, Eurojust has only limited and unstructured means to engage with international partners.<sup>65</sup>

### *2.2.2. What are the problem drivers?*

**Problem driver #6** relates to **uncertainties in the application of the data protection framework and constraints stemming from the data ownership principle.**

This driver stems from a mix of legal and implementation problems.

Differences in the understanding of data protection requirements across Member States, Eurojust and EU partners may result in delays and under-sharing of data for investigations. Data Protection Officers apply varying levels of caution when assessing whether the conditions for the transfer of operational data are met, with such assessments often proving complex and burdensome.<sup>66</sup>

In addition, the flow of information is constrained by the data ownership principle. The checks to ensure that Member States retain control over the use of the data they provide may slow down exchanges between partner agencies, which must verify conditions or seek the data owner's consent before onward sharing relevant data.<sup>67</sup>

Regarding international cooperation, the absence of a data protection framework in third countries and international organisations – or its misalignment with the EU requirements – may delay or prevent the conclusion of international agreements enabling a structured transfer of information.<sup>68</sup>

Transfers subject to appropriate safeguards – or based on derogations for specific situations – may remain unused due to divergent interpretation of the provisions or over-compliance.<sup>69</sup>

**Problem driver #7** concerns the **still-developing institutionalisation of cooperation among partners at EU level.**

This driver stems from legal and implementation problems, driven especially by the lack of formalised frameworks for cooperation.

Eurojust cooperates with IBOAs within and beyond the Justice and Home Affairs (JHA) area, as well as with networks and other actors at EU level. However, the arrangements in place vary widely, reflecting the degree to which cooperation is institutionalised within each actor's framework, ranging from ad hoc to more structured forms of cooperation. A share of the engagement may rely on informal contacts or personal networks rather than stable, predictable mechanisms.<sup>70</sup>

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<sup>64</sup> Agreements have been concluded with [Armenia](#) and [Bosnia and Herzegovina](#); agreements with Lebanon and Algeria are in the interinstitutional process; others are being negotiated.

<sup>65</sup> Eurojust Evaluation, pp. 23, 30.

<sup>66</sup> Eurojust Evaluation, pp. 17-18, 28-29.

<sup>67</sup> Eurojust Evaluation, pp. 28-29.

<sup>68</sup> Eurojust Evaluation, pp. 18, 30; Support study p. 32.

<sup>69</sup> In the absence of adequacy decisions, data transfers must rely on these alternative legal bases.

<sup>70</sup> Support study, pp. 30-32.

Where roles and responsibilities are not defined in detail in the legal framework, gaps may arise in the identification of opportunities for mutual support, increasing coordination costs and administrative burden for both Eurojust and its partners.<sup>71</sup>

Cooperation among EU agencies and bodies is structurally constrained by the existence of separate data repositories between Eurojust, Europol, the EPPO, OLAF, AMLA, EUCA and Frontex. While the separation of data storage reflects differing mandates and reinforces data protection safeguards, it may slow down the timely identification of links between cases handled by different actors, potentially generating missed opportunities for uncovering criminal activity and supporting case-building.

The exchange of information currently takes place through a system of indirect mutual access to databases – the so-called “hit/no-hit” system – which at present is codified and exists only in bilateral relations between Eurojust, Europol, the EPPO and OLAF.<sup>72</sup> The functioning of this system remains cumbersome<sup>73</sup>. Even where a “hit” is identified, the operational added value is often limited due to the time-consuming nature of the procedures involved.<sup>74</sup>

While cooperation with Europol and the EPPO is central (and is therefore addressed under separate problem drivers #8 and #9) cooperation with other actors remains comparatively limited.

Cooperation between Eurojust and OLAF concerns a relatively small number of cases, given the administrative nature of OLAF’s investigations, from which indications of serious cross-border crime may occasionally arise.<sup>75</sup> Nonetheless, there may be some uncertainty as to whether Eurojust is expected to take on a coordinating role.

Engagement with agencies such as FRA and CEPOL remains largely ad hoc, often limited to training or seminars and dependent on informal contacts rather than structured workflows. Most partnerships are based on long-standing, non-binding memoranda of understanding (e.g. with CEPOL, FRA and eu-LISA), which lack the legal weight and operational detail of formal working arrangements.<sup>76</sup>

Finally, the distribution of work between Eurojust and judicial networks is not fully codified nor consistent, making it less straightforward for practitioners to identify the appropriate channel for their cooperation needs. As a result, referrals, requests for support and information exchanges may not always follow the most streamlined approach.

**Problem driver #8 concerns the insufficiently institutionalised cooperation between Europol and Eurojust.**

This driver stems from legal and implementation problems.

While the mandates of the two agencies are closely linked, ensuring a “continuum” between law enforcement operations and judicial follow-up, criminal intelligence and analytical datasets produced by Europol do not systematically feed into Eurojust’s

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<sup>71</sup> Eurojust Evaluation, pp. 29-30.

<sup>72</sup> Articles 49-51 EJR.

<sup>73</sup> One actor must submit a request to another regarding a case or suspect; the receiving party then manually verifies whether relevant information is held in its database and communicates a “hit” or “no hit”. In the event of a hit, a further request is required for disclosure, followed by additional manual follow-up.

<sup>74</sup> Support study, p. 33.

<sup>75</sup> Support study, pp. 29-30.

<sup>76</sup> Renewing cooperation arrangements is a lengthy process that may face challenges. For instance, discussions between Eurojust and Frontex on a new working arrangement were halted in 2022 due to data protection concerns raised by the EDPS.

casework.<sup>77</sup> This reduces opportunities for early alignment between investigative and judicial action and the consistent translation of analytical insights into operational action, particularly in priority domains such as organised crime.<sup>78</sup>

Such constraints are further compounded by the fact that the existing working arrangement between the two agencies, concluded in 2010, may no longer fully reflect their current mandates and evolving operational realities, limiting the scope for integrated cooperation.<sup>79</sup>

In key areas of common interest, the boundaries between respective competences may not always be clear, reflecting the often-blurred distinction between the gathering of criminal intelligence and collection of evidence in the course of criminal investigations. This gives rise to grey areas affecting the allocation of responsibilities and the timing of engagement. This gives rise to grey areas affecting the allocation of responsibilities and the timing of engagement, and in some cases resulting in duplication of work.

Further issues related to information flow and link detection stem from the time-consuming procedures associated with the hit/no-hit system described under problem driver #7.<sup>80</sup>

**Problem driver #9** relates to **constrained cooperation with the EPPO**.

This driver stems from legal constraints and implementation problems.

The EPPO is the EU prosecution service competent for the investigation and prosecution of crimes affecting the Union's financial interests; cooperation with Eurojust is therefore, in principle, confined to such offences. Nonetheless, EPPO cases may lead to the discovery of serious cross-border crime falling outside the EPPO's competence, in which case Eurojust may take on a role in coordinating national authorities.

Information held by the EPPO is processed for the purposes of investigation and prosecution and is therefore subject to high standards of confidentiality. Limited disclosure of investigation-related information may lead to the under-involvement of Eurojust, even where multilateral coordination would add value for case-building and follow-up on offences beyond the EPPO's competence.<sup>81</sup>

This is particularly relevant in organised crime. EPPO investigations may uncover criminal organisations engaged in offences beyond the Union's financial interests. However, limited or delayed transmission of such information may hinder efforts to address broader criminal networks.<sup>82</sup> As above, the time-consuming procedures of the hit/no-hit system give rise to delays in follow-up (#7).

**Problem driver #10** relates to the **cumbersome process for establishing formal relations with third countries and international justice actors**.

The obstacles are mainly of a legal nature stemming from the non-compliance of partners outside the EU with EU standards, particularly in the area of data protection.

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<sup>77</sup> Eurojust Evaluation, pp. 31-32.

<sup>78</sup> Improvements in the operation cooperation between Europol and Eurojust are also addressed in the context of the ongoing revision of Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation (Europol).

<sup>79</sup> Support study, p. 27.

<sup>80</sup> Eurojust Evaluation, pp. 28-29, 41; Support study, p. 28.

<sup>81</sup> When the EPPO started its operations (1 June 2021), 22 Member States participated in the enhanced cooperation on the establishment of the EPPO. Two more Member States joined the enhanced cooperation in 2024 and another one is expected to join it in 2027. Eurojust Evaluation, p. 29.

<sup>82</sup> Eurojust Evaluation support study, p. 92; Support study, p. 29.

Eurojust's coordination role increasingly extends to cases involving third countries, either because they concern transnational crimes involving one or more Member States and third countries, or where there is a clear EU interest in engagement beyond the Union's territory.<sup>83</sup>

For example, a significant share of proceeds of crime generated within the EU is transferred to third countries with less stringent financial controls, particularly in the Gulf region. Another relevant area concerns drug trafficking from Latin America, the tackling of which requires a coordinated approach at EU and Member States level.<sup>84</sup>

The need to establish cooperation relationships and receive timely feedback from third countries may face challenges in light of the procedure for concluding international agreements, which involves complex negotiations and approval procedures.<sup>85</sup> Moreover, such agreements require a degree of convergence with EU standards, particularly on data protection, which may entail legislative changes in the third country and prolong the process.

Even in the absence of an international agreement, Eurojust may conclude working arrangements with a third country or international organisation.<sup>86</sup> However, such instruments do not carry the same legal weight as international agreements and may lead to a misalignment with the EU's external action priorities as defined by the EU institutions.

This risk of misalignment is also linked to capacity-building activities in which Eurojust engages in third countries through dedicated projects. As these are largely carried out informally, without a legal basis in the EJR, they lack defined requirements and boundaries.

Finally, the functions of Liaison Magistrates (LMs) (Eurojust officials posted in third countries) and Liaison Prosecutors (LPs) (third country officials posted at Eurojust on the basis of an international agreement) appear to be underutilised.<sup>87</sup>

### **2.3. How likely are the problems to persist (in absence of external intervention)?**

Following the publication of the Evaluation, Eurojust has drawn up an action plan aimed at addressing the main findings. The action plan covers 44 identified issues, half of which, according to Eurojust's assessment, would require legislative amendments to the EJR. The remaining issues can be addressed through internal reorganisation, procedural review and awareness-raising measures.<sup>88</sup>

**Changes to the Eurojust Regulation since 2022 were targeted amendments** (CTR, CICED and new CMS) aimed to add competences to the agency, in particular in reaction to situations of crisis that **did not and could not constitute a comprehensive reform** of the agency which would respond to **broader structural deficiencies**. These circumscribed and contextual modifications of the legal framework did not constitute a global revision and as such they were not intended to address systemic issues of the agency.

Therefore, **without external intervention several problem drivers are likely to persist**, as they are associated with Eurojust's legal framework, governance design, legacy organisational culture, dependence on Member States, and the broader dynamics in the EU

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<sup>83</sup> Eurojust Evaluation, p. 46.

<sup>84</sup> EB discussions on the establishment of a UAE Resident Contact Point; Eurojust [Annual Report 2024](#).

<sup>85</sup> Eurojust Evaluation, pp. 23, 30; Support study, p. 308.

<sup>86</sup> Article 47 EJR.

<sup>87</sup> Eurojust Evaluation, pp. 221, 315.

<sup>88</sup> The Action Plan is a Eurojust internal document that was also shared with the Commission.

justice architecture. It appears unlikely that long-established practices will change spontaneously without amending the legal framework.

### *2.3.1. Internal structural and governance limitations*

Regarding **operational work and operational prioritisation**, the absence of a clear prioritisation model and defined case intake thresholds are unlikely to be remedied under the current framework nor through changes introduced by Eurojust's action plan, which rely largely on internal guidance and voluntary alignment. Such measures may not overcome structural incentives for NMs to prioritise national interests or informal relationships with the respective national authorities.

Equally, while the Agency's **Action Plan for 2026 – 2027** intends to strengthen proactive activities, it cannot address the lack of a clear legal framework. A new KPI to measure the number of complex cases supported by Eurojust could prove useful, but it will not correct long-standing referral practices. Since Eurojust itself lacks the authority to impose harmonised referral standards or systematically filter cases, its caseload will remain shaped primarily by national demand rather than strategic agency-wide planning and operational steering.

**Limitations in Eurojust's operational tools** are also unlikely to be overcome without external intervention. To gain full competence in new crime areas, these need to be included in Annex I to the EJR. Without greater legal clarity, Eurojust will not step up action in fields such as asset recovery and engagement with service providers (electronic evidence), resulting in missed opportunities for judicial follow-up. Moreover, without an explicit mandate to translate operational experience into systematic EU-level policy input and threat analysis, Eurojust's strategic contribution will remain ad hoc and minimal.

The EJR contains ambiguities – and to some respect discretion – regarding key matters such as the **status and powers of NMs**, the organisation of the ENCS, and information sharing by Member States. **Under-implementation of the ENCS** or the **on-call coordination mechanism (OCC)** – seen as burdensome<sup>89</sup> – persist. In absence of external intervention, meaningful progress is unlikely; these matters fall under national or legal obligations and Eurojust currently has no enforcement competence to harmonise these divergences which also impact the Agency's governance and operational functioning.

In response to the **administrative and governance issues**, Eurojust plans to streamline decision-making and improve managerial skills and leadership.<sup>90</sup> Steps will be taken to rationalise the functioning of Working Groups to avoid task overlap and a long-term **Eurojust Vision 2035** will be prepared. While these proposed measures seek to mitigate inefficiencies, the current structure inherently limits strong and more centralised leadership and oversight and are likely only to result in incremental improvements. They will not address the blurred distinction between operational and administrative responsibilities, which is rooted in legacy practices.<sup>91</sup> NMs will retain extensive collective decision-making powers, and the EB's role will remain comparatively limited. As a result, the current practices e.g. escalation of decisions to collective bodies, sustains lengthy deliberative processes are likely to continue, diverting NMs' time from operations.

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<sup>89</sup> Evaluation study, page 30.

<sup>90</sup> I.a., by delegating certain decisions to the EB or AD, and revising working practices in the College; and implementing training programmes.

<sup>91</sup> Article 5(1) EJR.

### 2.3.2. External interaction and cooperation

The external problems are also likely to persist without external intervention, as they stem from structural and legal factors across the EU justice architecture. While “**hit/no-hit**” **mechanisms** exist between certain agencies and bodies, their effectiveness is constrained by technical, procedural, and legal limitations. Without significant improvement towards a more automated and interoperable system, administrative burdens will remain high and operational returns can only be improved incrementally.

**Constraints on data-sharing with international partners and associated delays in cases will likely also persist in the absence of external intervention.** These are expected to be addressed in the context of the revised EUDPR. Where necessary, the Commission, together with Eurojust and the European Data Protection Service (EDPS), may develop explanatory guidance to clarify the application of the new provisions.

**The current cooperation with Eurojust’s closest JHA partners – particularly Europol and the EPPO – will also continue to be underused without external intervention.** Cooperation with Europol is unlikely to improve fundamentally without mutually binding obligations to better share information or otherwise cooperate, and without a revised and modernised working arrangement. Eurojust’s planned actions e.g. to establish a single point of contact at Eurojust for all non-case related information coming from Europol, and to enhance joint initiatives such as the Joint Operational Platform (JOP), should improve cooperation. However, they are unlikely to bring about a true law enforcement-judicial continuum at EU-level as foreseen in the Treaties. In the absence of clearer institutionalised operational sequencing, intelligence products may continue to feed into judicial coordination only at a late stage.

Likewise, cooperation with the EPPO is challenging due to the high confidentiality of the information it processes for the purpose of investigation and prosecution, which may restrict flexible information exchange and operational collaboration with Eurojust. The structural constraints facing **Eurojust and its cooperation with other actors, including in the JHA domain have also emerged in the parallel review of the EU’s anti-fraud architecture (AFA).** Without legislative fixes to streamline inter-agency collaboration and enhance data sharing, the AFA review’s goal of strengthening the fight against cross-border fraud risks being undermined by persisting gaps.

**On the international dimension,** Eurojust proposes to introduce a monitoring tool for the implementation of the Eurojust strategy on cooperation with international partners, and to investigate further any need to use LMs. While useful for performance evaluation purposes, this alone does not address cooperation gaps. New international agreements will be concluded, but always at a slow pace.

## 3. WHY SHOULD THE EU ACT?

### 3.1. Legal basis

The legal basis of the initiative is **Article 85 TFEU**, which stipulates that Eurojust’s mission is 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 prosecution on a common basis, relying on operations conducted and information supplied by the Member States’ authorities and Europol. It sets out that Eurojust shall be governed by a regulation adopted under the **ordinary legislative procedure**.

### 3.2. Subsidiarity: Necessity of EU action

**Eurojust's functions (coordination, cooperation facilitation, and operational support) are transnational by nature** and cannot be performed effectively by any single Member State. Its EU-level structure enables it to adopt an EU-level perspective across jurisdictions, facilitate multilateral cooperation in parallel, and ensure that no Member State is placed at a disadvantage. Scale and complexity of cross-border crime investigations render EU-level coordination indispensable. Eurojust is acting strictly where **EU-level action delivers superior results.**

Under the EU legal order, **criminal law and criminal procedure remain to a large extent within national competence.** Member States are primarily responsible for conducting investigations and criminal prosecutions for which they have jurisdiction.

The **transnational nature of serious cross-border crime** demands EU-level cooperation, as **national measures alone are insufficient.** Member States thus coordinate judicial responses, share procedural solutions, and pool EU resources.

Evolving criminal threats, fuelled by digital transformation, demand effective EU-level support for national judicial authorities. Given Member States' varied approaches to combating crime, their judicial authorities can strategically leverage Eurojust's assistance and select joint initiatives tailored to their needs.

To counter these evolving criminal threats and keep pace with law enforcement needs, the **EU must strengthen support for Member States in tackling serious and cross-border crime.**

### 3.3. Subsidiarity: Added value of EU action

The problems outlined above call for **EU-level support** for Member States to be dealt with effectively.

As the EU agency for supporting and strengthening coordination and cooperation between national authorities in the field of criminal justice, **Eurojust is well positioned to provide this EU-level support.**

The recent support study for the **evaluation of the implementation and impact of the EJR** highlighted very high satisfaction scores regarding support for Member States: for 2020-2023, the average level of satisfaction of Consultative Forum participants on logistical support and content set by Eurojust was above the 80% target, i.e. 3.2 out of 4 (self-reported on a scale of 1-4 following the meeting).

**Action by Eurojust does not replace that of national authorities but enhances it.** EU-level action and Eurojust's services support and reinforce the work of national investigating and prosecuting authorities (such as public prosecutors' offices and, depending on national systems, investigation judges), helping them in cross-border criminal investigations and prosecutions. Differences in the legal systems and traditions of the Member States, as acknowledged by the Treaties,<sup>92</sup> are unaffected by this EU-level support.

There are **clear economies of scale and efficiency gains** from having a structurally improved and more efficient executive agency at EU level rather than relying solely on individual national systems or bilateral cooperation.

In addition, **Eurojust contributes to the functioning of the internal market and the EU as a whole.** By strengthening trust, ensuring consistent enforcement of criminal law, and

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<sup>92</sup> Article 67(1) TFEU.

reducing the risk of cross-border criminal exploitation of jurisdictional fragmentation, Eurojust contributes to the Union's internal security and helps underpin the internal market and general rule of law foundations on which European integration depends<sup>93</sup>.

Overall, Eurojust provides **clear EU-level added value** by combating cross-border crime and thereby reinforcing the rule of law and mutual trust that sustain the single market and free movement. Without Eurojust (or a similar EU-level mechanism), national efforts, despite the presence of bilateral cooperation and the efficiency of EU judicial cooperation instruments (such as the EAW, EIO, etc.), would struggle to address the scale, complexity and transnational nature of serious organised crime.

#### 4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

##### 4.1. General objective

The revision of Eurojust seeks to better attain the **goals set out in the Treaties**:

- for Eurojust 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;<sup>94</sup>
- to ensure a **high level of security** through measures aimed at preventing and combating crime by fostering coordination and cooperation between competent national authorities of Member States.<sup>95</sup>

This general objective but also converges with the existing framework of **European public policies, strategies and roadmaps in the area of criminal justice and the fight against serious, cross-border and organised crime**.

##### 4.2. Specific objectives

The general objective is articulated into two interrelated specific objectives, addressing the structural and functional limitations that currently hinder Eurojust's capacity to maximise quantity and quality of its output.

The first objective seeks to remove **internal structural and operational constraints**, while the second addresses **cooperation challenges**, focusing on Eurojust's interaction with EU bodies, agencies, and international partners. These two objectives are mutually reinforcing and derive directly from the general objective, providing a structured and balanced response to the problems identified.

- Specific Objective 1 – To make Eurojust's support and coordination action more efficient, timely, and strategically focused across the full lifecycle of serious cross-border criminal cases.

This first specific objective aims to make Eurojust's internal procedures and decision-making processes more streamlined, so that fewer resources are absorbed by administrative work and more capacity can be redirected towards operational casework. Over the implementation period, this should translate into a measurable reduction in the share of

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<sup>93</sup> Eurojust plays a notable role in the following actions: the loss of "safe havens" for criminals, the building of confidence for individuals and businesses to operate across borders, the improvement of judicial cooperation for crimes affecting EU financial interests or cross-border economic crime, the facilitation of movement and social/economic integration.

<sup>94</sup> Article 85(1) TFEU.

<sup>95</sup> Article 67(3) TFEU.

time that National Members and operational staff spend on administrative tasks, as well as faster and clearer internal decision-making.

The objective also aims to focus Eurojust's operational support on cases where EU-level judicial coordination brings the greatest added value. This should be reflected in an increase in own-initiative cases opened by Eurojust, earlier involvement in complex cross-border investigations, and a reduction in bilateral and lower-complexity cases handled directly by Eurojust where they can be effectively redirected to other cooperation channels.

Finally, the objective is to keep Eurojust's support and coordination fit for purpose in light of evolving forms of serious cross-border crime and new areas of judicial cooperation. This requires Eurojust to be able to support national authorities and judicial practitioners across the full lifecycle of serious cross-border criminal cases, from investigation through prosecution and trial, including by collecting, structuring and analysing judicial data to identify links between cases and support judicial follow-up.

**Success indicators for SO1:** Indicators of success for this objective would be a reduction in the share of time spent by National Members on administrative tasks, an increase in the number of own-initiative cases, and a reduction in the share of bilateral and lower-complexity cases handled by Eurojust (see chapter 9 for further details on these success indicators and targets proposed).

- **Specific Objective 2 – To achieve more institutionalised cooperation and more timely information exchanges between Eurojust and EU and international partners.**

This specific objective aims to make cooperation between Eurojust and EU and international partners more structured, efficient and timely. Over the implementation period, this should translate into a measurable increase in operational information exchanges with partners, meaningful interactions with third-country authorities, and Eurojust cases involving third countries. It should also reduce delays between requests for information, replies and operational follow-up, ensuring that relevant information reaches Eurojust and its partners early enough to identify links between cases and opportunities for cross-border investigation or prosecution.

To this end, the objective seeks to ensure that Eurojust has stable, well-defined and responsive cooperation channels with EU bodies, offices and agencies, international partners and third-country authorities, including through liaison officers and established cooperation frameworks. These channels should support more predictable exchanges, clearer responsibilities and more consistent operational follow-up in cases involving several jurisdictions.

**Success indicators for SO2:** While improvements in cooperation with third countries are difficult to assess on the basis of quantitative data alone, as they depend on a range of external factors and political contingencies, one indicator of stronger cooperation with partners would be a higher number of follow-ups to system "hits", pointing to more effective, timely and operational information exchanges. A follow-up to a "hit" means that, once relevant information has been identified in a partner's database, that information is extracted and transmitted to the requester (cf chapter 9 on further indicator details/target).

## **5. WHAT ARE THE AVAILABLE POLICY OPTIONS?**

This chapter sets out the available policy options, which include the baseline as well as several options requiring regulatory or non-regulatory interventions. A number of policy options, which were discarded at an early stage, are also described.

### 5.1. What is the baseline from which the options are assessed?

The baseline scenario projects how the situation is expected to evolve **from 2026 to 2035 in the absence of further EU intervention**, without amendments to the EJR and no additional resources allocated. Eurojust would continue operating under its current mandate, implementing only incremental adaptations. This scenario accounts for endogenous factors (existing legislation, ongoing initiatives) and exogenous drivers (geopolitical instability, technological developments, crime trends), assuming no structural reforms.

The **rapid evolution of criminal threats and technological change** is expected to **outpace Eurojust's ability to adapt** within its existing framework.<sup>96</sup> Without intervention, the challenges identified in the evaluation are likely to persist or worsen over time.

Serious and organised crime is becoming increasingly **digital, poly-criminal, international, and geopolitically entangled**. While recent estimates imply that levels of organised crime remain relatively stable in continental Europe, the ratings for different EU Member states vary and Europe is noted as a “*global hotspot for cyber-dependent crimes*”. Also financial crimes, presented as “*inherently transregional*”, appear to “*pose the greatest threat to the security and integrity of the continent's economic market*”.<sup>97</sup> Nearly all major crime areas now have a digital component, while the use of AI will further enhance criminal sophistication.

The economic cost of crime is difficult to quantify, but recent estimates place the value in the range between EUR 139-200 + billion annually in the EU. Other sources estimate the value of laundered money at 3-5% of global GDP, which in Europe would equate to EUR 359-EUR 897 billion, with regional variations.<sup>98</sup> Both these estimates demonstrate very clearly that the economic cost alone of such crime is significant, with broader additional societal and fundamental rights impacts that are harder to quantify. For example, according to the support study, in 2024 Eurojust contributed to the arrest of over 1,200 suspects and an estimated EUR 20 billion of seized drugs.<sup>99</sup> Given the impact of serious organised crime, any initiatives that can improve Eurojust ability to contribute to the fight against serious and organised crime will bring substantial benefits to European citizens and businesses.

Based on Eurojust estimates, case growth is predicted to be moderate, at around 8% annually (down from 14-17,5%). This reduction reflects the expected prioritisation of complex investigations. Expanded third country cooperation through new contact points and LPs will further increase caseloads. The **EU institutional landscape** will evolve with new bodies (AMLA, EU Customs Authority), Europol's expanded operational role, and digital tools such as JUDEX. However, challenges in inter-agency data exchange, particularly with Europol, would persist. If Eurojust's mandate does not evolve accordingly, this would risk aggravating its **capacity strain without corresponding legal empowerment or resource stabilisation**.

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<sup>96</sup> The Agency has already recognised this imbalance in its programming documents, where it has consistently requested additional resources, and discussed ways of improving efficiency in two “Eurojust 2035” workshops, held in Autumn 2025, for internal reflection. The Eurojust Vision 2035 was also discussed at the [20<sup>th</sup> CF](#), and will be included in the next MAS.

<sup>97</sup> Global Organized Crime Index 2025, Crime at a crossroads, Europe, pp. 1-4, 7.

<sup>98</sup> Support study, p. 39, based on EU reports.

<sup>99</sup> Support study, pp. 46.

Internally, the new CMS planned for 2026 should improve link detection, user experience, and operational efficiency, but additional responsibilities (e.g. ECRIS-TCN requests from third countries, potentially around 20 000 annually from the UK alone,<sup>100</sup> and CICED) will generate workload pressures. The **budget** is projected to **remain stable and only keep pace with inflation**, reaching approximately EUR 87 million/year by 2035.

The baseline scenario acknowledges that economic metrics alone fail to capture crime's **societal and fundamental rights implications**. This risks a widening gap between expectations placed on the Agency and the resources available to fulfil them. A relevant illustration would be the hosting of new judicial networks created by the Council in the forthcoming considered period.

Eurojust's **data protection framework** will remain robust and rights-protective but increasingly resource-intensive, as a higher volume of data is expected to be processed in compliance with the EJR and the EUDPR, under the supervision of the EDPS. Meanwhile, existing but underused mechanisms for international transfers of personal data (notably self-assessments and derogations) are expected to be utilised more widely, helping to broaden and diversify international cooperation.

Without rearrangement and delineation of roles, **governance inefficiencies** and high **administrative burdens** will likely persist, preventing NMs from focusing on operational casework and effectively addressing the aforementioned developments in the criminal threat.

**Challenges in EU inter-agency cooperation are likely to remain unresolved**, despite deeper cooperation with EU agencies and bodies like Europol, OLAF and the EPPO, which would remain limited by fragmented mandates, uneven data access and procedural complexity. As other agencies' mandates expand, Eurojust will face growing demands for networks hosting, analytical and coordination support without a corresponding increase in its own resources.

**Data-exchange constraints with Europol** – including asymmetries in access, handling code restrictions, – will continue under the current framework. Without regulatory clarification, structural or institutional issues between judicial and law enforcement actors may continue to impede timely and balanced information sharing.

Eurojust's **operational and analytical support** will stay essential but face increasing strain from **uneven Member State participation, mandate limitations and legal fragmentation**. In particular, engagement in JITs is expected to remain uneven, resulting in a two-speed operational landscape and limiting Eurojust's ability to provide cohesive cross-border judicial support.

In terms of capacities and skills, Eurojust is recognised for its high-quality investigative and MLA support. Under the baseline, however, the **College's national desks will remain structurally constrained**: rising volumes and complexity of support requests, ICT limitations and staff shortages will further require difficult prioritisation choices, leaving some operational needs unmet. Legal and procedural requirements will slow the deployment of automation, AI tools, and innovative techniques, leaving many solutions confined to pilot stages.

**Eurojust would continue to deliver significant societal value** – enhancing public safety, protecting victims' rights, supporting economic stability, and combating impunity for

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<sup>100</sup> Support Study, p. 44.

international crimes. Yet, without mandate reform, escalating operational and capacity pressures would go unaddressed.

In case the EJR will not be revised, these cumulative pressures risk gradually eroding Eurojust's operational effectiveness, strategic positioning within the EU security architecture, and the Agency's ability to respond effectively to an increasingly complex criminal threat environment and keep pace with digitalised information exchanges.

## **5.2. Description of the policy options per specific objective**

This impact assessment evaluates policy options spanning from non-legislative to regulatory interventions. Each policy option consists of a set of measures (numbered i, ii, iii, etc.), selected based on their ability to address a given problem (or its driver), and screened for effectiveness, efficiency and coherence. Some options and measures were discarded at an early stage (see chapter 5.3).

For each of the six intervention areas (A-F), three policy options have been developed, structured according to their degree of intervention:

- **Policy Option 1 (PO1)** presents the lightest set of measures, which can be adopted and implemented with relative ease and at limited cost. However, their structural impact is expected to be limited.
- **Policy Option 2 (PO2)** introduces moderately more incisive measures, which may require legislative amendments, seeking to balance stronger impact with manageable implementation costs.
- **Policy Option 3 (PO3)** proposes the most far-reaching set of measures, necessitating more substantive legislative changes. While this option may deliver the greatest impact, it may raise more complex institutional and political considerations.

The policy options to address Specific Objective 1 (areas A-C) are summarised in Table 2 and those to address Specific Objective 2 (areas D-F) are in Table 4. A twostep process was then followed. First a comparison of policy options was conducted within each area of intervention and the 'winning' option for each area was then combined to identify the preferred package. This combination is further analysed and tested in a second and final step to confirm the preferred option.

While most of the proposed measures are expected to be implemented through legislative actions some can be implemented by non-legislative action. In these cases, the measure is labelled with 'a' to indicate non-legislative means, or 'b' if the proposed amendment has a legislative nature. For example, option A.PO1 is made up of non-legislative measures i.a, ii.a, iii.a; option A.PO2 transforms measures i, ii and iii into legislative measures (i.b, ii.b, iii.b) and then includes an additional legislative measures, iv.

In addition to these six sets of policy options, targeted amendments may be needed to **update the EJR in terms of links to other legal instruments, without affecting their substantive content.**<sup>101</sup>

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<sup>101</sup> Accordingly, in line with **Regulation (EU) 2023/969 on the JITs Collaboration Platform** (particularly Article 9), Eurojust is entrusted with ensuring platform connectivity and supporting practitioners. Its mandate must therefore duly reflect this role in facilitating secure, structured data exchange and communication with JIT members and participants. The Regulation may also: Amend provisions relating to the new CMS, in alignment with CISED; cover Eurojust's role in the context of **JUDEX, the JUstice Digital EXchange System**, which connects national authorities for secure operational data exchange (cf Regulation 2023/2844/EU); designate Eurojust as the ECRIS-TCN "contact point" for third countries and international organisations (as required by **Article 17 of Regulation (EU) 2019/816 on ECRIS-TCN**, see Annex, including reference to the EDPS supervisory opinion).

One such measure addresses the need to **update the framework for the processing and protection of personal data**. In view of the parallel revision of the overall EU legislative framework applicable in this area (EUDPR), the measures envisaged concerning Eurojust are limited. The need for derogations from the EUDPR has not been demonstrated and was discarded at an early stage. The measures addressing problem driver #6 – from the EJRC angle – are therefore limited, involving either a streamlining of the EJRC (retaining only the most important provisions, with the other rules being referred to the EUDPR) or a more detailed clarification of the rules, in full compliance with the general framework.

5.2.1. *Specific Objective 1: Strengthen Eurojust’s Internal Functioning, Governance and Operational Performance*

Table 2: Policy options and measures under Specific Objective 1

SPECIFIC OBJECTIVE 1 (INTERNAL): STRENGTHEN EUROJUST’S INTERNAL FUNCTIONING, GOVERNANCE AND OPERATIONAL PERFORMANCE	Options		
	Light change	Moderate change	Substantial change
<b>A. Extending the scope of material competences to face the new judicial landscape</b>			
<i>Addressing problem driver(s):</i> #2 Insufficient competences and associated toolset	<b>A.PO1</b>	<b>A.PO2</b>	<b>A.PO3</b>
<u>i.</u> Enhancing Eurojust’s support in EU policy-making and strategic cycles – through working arrangements with IBOAs (i.a) or by introducing a dedicated provision in the EJRC (i.b)	i.a	i.b	i.b
<u>ii.</u> Entrusting Eurojust with new operational functions (in the areas of e-evidence, victims’ rights support to asset recovery) – through non-binding guidelines (ii.a) or by introducing a dedicated provision in the EJRC (ii.b)	ii.a	ii.b	ii.b
<u>iii.</u> Introducing semi-permanent operational platforms to support JITs – through operational arrangements (iii.a) or by introducing a reference in the EJRC (iii.b)	iii.a	iii.b	iii.b
<u>iv.</u> Extending Eurojust’s material competence to new crimes (VURM, cybercrime, GBV)		iv	iv
<u>v.</u> Expanding Eurojust’s analytical function to key crime areas (organised crime and accessory crimes)			v
<b>B. Harmonising Member State implementation of the EJRC, including on allocation of cases</b>			
<i>Addressing problem driver(s):</i> #1 Inadequate model to select and prioritise cases; #3 Divergent Member State engagement and implementation of the EJRC	<b>B.PO1</b>	<b>B.PO2</b>	<b>B.PO3</b>
<u>i.</u> Introduce a Eurojust-EJN case-allocation system – through non-binding guidelines (i.a) or by introducing a EJRC provision defining a ‘Eurojust case’ (i.b)	i.a	i.b	i.b
<u>ii.</u> Reinforce the status of National Members to give them full operational powers – through advocacy and political push (ii.a) or by amending the relevant EJRC provisions (ii.b)	ii.a	ii.b	ii.b
<u>iii.</u> Entrusting National Members with new competences (subject to their attributions under national law): issuing freezing orders (or immediate action), European Production and Preservation Orders (e-evidence), and signing JIT agreements		iii	iii
<u>iv.</u> Grant National Members the authority to open Eurojust cases			iv
<b>C. Establishing a streamlined, coherent and role-clear governance system that accelerates decision-making</b>			
<i>Addressing problem driver(s):</i> #4 Lack of clear separation between operational and administrative responsibilities #5 Complex governance structure and outdated legacy organisational culture	<b>C.PO1</b>	<b>C.PO2</b>	<b>C.PO3</b>
<u>i.</u> Revision of the allocation of responsibilities between governance bodies	i	i	i
<u>ii.</u> Reform of the Executive Board		ii	ii
<u>iii.</u> Introduction of a Management Board			iii

### 5.2.1.1 Area of intervention A. Extending the scope of material competences to face the new judicial landscape

Eurojust must evolve to face new criminal threats and preserve its key role in the field of European judicial cooperation. The policy options presented aim at updating the Eurojust tasks and competences to face new judicial challenges (#2).

**A.PO1:** Under this option, Eurojust would not be formally given new competences or attributions, but arrangements at technical and operational level would reinforce Eurojust's action in areas where its contribution would provide added value. Such measures would include:

(i.a) Concluding working arrangements with IBOAs, or updating them when already concluded, providing for a more structured involvement of Eurojust in policymaking and strategic cycles related to the administration of EU criminal justice and judicial cooperation, allowing policymakers to draw from Eurojust's expertise.

(ii.a) Setting up guidelines and operational arrangements to: make Eurojust more effective in assisting Member States in handling e-evidence (further supporting the SIRIUS project<sup>102</sup>), provide services and assistance to victims of serious and cross-border crime support the actions of the national AROs.

(iii.a) Strengthening Eurojust's support to JITs by establishing, at operational level, semi-permanent platforms enabling the temporary secondment of JIT members to Eurojust, who would provide logistical and coordination support.

**A.PO2:** This option would introduce targeted amendments to the EJR in order to formally attribute new tasks and competences to the Agency, entrusting it with the connected powers. Such measures would include:

(i.b), (ii.b), (iii.b) Implementing the measures outlined under A.PO1, but giving them a legal basis within the Regulation.

(iv) In addition, extending Eurojust's material competence to new or emerging crimes, such as violating EU restrictive measures,<sup>103</sup> cybercrime (beyond the currently envisaged computer crimes) and gender-based violence. This extension requires amending Annex I to the EJR which lists crimes for which Eurojust is competent.

**A.PO3:** This policy option includes a bundle of legislative measures which, as a whole, would fundamentally shift the scope of the Eurojust activities, structurally embedding in its legal framework not only its contribution to policymaking, but also a broadened and enhanced analytical capacity. Measures would include:

(i.b), (ii.b), (iii.b), (iv) Implementing the measures outlined under A.PO2 by introducing specific amendments to the EJR.

(v) In addition, expanding Eurojust's analytical competence and capacity. Building on the success of Ciced (Regulation (EU) 2022/838) and CTR (Regulation (EU) 2023/2131), Eurojust would receive the mandate to collect, store and analyse judicial data related to

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<sup>102</sup> Created in 2017, the SIRIUS project is co-implemented by Europol and Eurojust. the SIRIUS Project has emerged as a central hub for knowledge sharing on cross-border access to electronic evidence in the EU and became the first-ranked source of information for EU law enforcement seeking assistance to prepare direct requests for data from foreign-based service providers. In this framework, the two agencies provide a knowledge base, training, a collaborative platform and an operational support.

<sup>103</sup> To align with Directive (EU) 2024/1226 of the European Parliament and of the Council of 24 April 2024 on the definition of criminal offences and penalties for the violation of Union restrictive measures.

organised crime – with the aim to provide consistent sets of evidence to national authorities, contributing to case-building and facilitating cross-border cooperation.

#### 5.2.1.2 Area of intervention B. Harmonising Member State implementation of the EJR, including on allocation of cases

Eurojust faces challenges in distributing and prioritising the intake of requests received from Member States, with the consequence that resources are diverted to deal with lower-complexity cases, which could be handled through different channels. Uneven implementation of the EJR across Member States amplifies this issue and constrains Eurojust’s capacity to deploy its full potential. The presented policy options aim to harmonise implementation of the EJR and streamline the allocation of cases (#1, #3).

**B.PO1:** Under this policy option, the objective of improving the allocation of cases and aligning powers of NMs would be pursued through the adoption of guidelines and political incentive addressed to Member States. The envisaged measures would include:

(i.a) Adopting non-binding guidelines providing for the definition of a “Eurojust case”, which must be dealt with by the Agency. Cases which do not fall within the scope of the definition would have to be dealt with by the EJM or through bilateral cooperation. Such requests addressed at Eurojust should therefore be declined or redirected as appropriate.

(ii.a) Under the current framework, NMs must have the status of a prosecutor, a judge or a representative of a judicial authority with equivalent competences under national law, and Member States must grant them at least the powers laid down in the Regulation.

Through advocacy and political incentives, Member States could be encouraged to ensure that NMs are vested, under national law, with additional powers and competences allowing them to fully exercise the operational possibilities provided for in the EJR.

**B.PO2:** Under this policy option, allocation of cases and NMs’ powers, competences, and eligibility requirements would be codified into the EJR, leaving no legal margin for diverging practices. Proposed measures would include:

(i.b), (ii.b) Introducing amendments to the EJR defining the concept of “Eurojust case” and laying down strict eligibility criteria for the appointment of NMs – requiring that they be endowed with specific judicial powers under national law.

(iii) In addition, NMs will be, under their national law, empowered to act as issuing (or, where relevant, as executing) authorities for the purposes of EU judicial cooperation instruments based on mutual recognition, including freezing orders (or immediate action preserving the property until a freezing order has been issued), relevant orders on evidence<sup>104</sup>, and to sign JIT agreements. This would help address the current uneven landscape across Member States by establishing a common minimum level of operational powers for all NMs, while respecting the relevant requirements of the judicial cooperation instrument concerned.

**B.PO3:** This policy option entails the most far-reaching changes to the powers and competences of NMs, exploiting to the full extent the legal basis set out in Article 85 TFEU, boosting the Agency’s proactivity. Envisaged measures include:

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<sup>104</sup> European Production Order under Article 4(1) and European Preservation Order under Article 4(3) of Regulation (EU) 2023/1543.

(i.b), (ii.b), (iii) Introducing all the amendments to the EJR outlined above, codifying the definition of a “Eurojust case”, eligibility requirements and harmonising the powers and competences of NMs.

(iv) In addition, NMs would be endowed with the authority to open cases on serious cross-border crimes, subject to follow up by national authorities. While the competent national authorities would remain in charge of the investigations (retaining the power to close the case opened by Eurojust if they do not find grounds to pursue it), this would enable Eurojust to trigger a file and flag situations of particular relevance.

### 5.2.1.3 Area of intervention C. Establishing a streamlined, coherent and role-clear governance system that accelerates decision-making

Table 3: Governance reforms

<p style="text-align: center;"><b>College</b></p> <p><b>C.PO1:</b> Guidelines to reduce the administrative aspect; encourage Member States to improve the selection of NMs in terms of managerial skills; abolish Working Groups</p> <p><b>C.PO2:</b> <i>Composition:</i> NMs and deputies; <i>Competences:</i> operational tasks, adopt strategic priorities, adopt multiannual and annual programmes, approve the Agency’s budget and oversee financial governance, approve the annual activity report; consultative forum of PGOs could be associated for the definition of the strategic priorities; abolish Working Groups</p> <p><b>C.PO3:</b> <i>Composition:</i> NMs and deputies; <i>Competences:</i> operational tasks only; the President of the College represents Eurojust; abolish Working Groups.</p>	<p style="text-align: center;"><b>Administrative Director (AD)</b></p> <p><b>C.PO1:</b> status quo</p> <p><b>C.PO2:</b> <i>Status:</i> status quo; <i>Competences:</i> day to day management, implementation of decisions; advisory role on administrative matters and interpretive questions relating to the EJR</p> <p><b>C.PO3:</b> <i>Status:</i> individual selected by the Management Board and accountable to it; <i>Competences:</i> executive functions, day to day management, implementation of decisions; advisory role on administrative matters and interpretive questions relating to the EJR.</p>
<p style="text-align: center;"><b>Executive Board (EB)</b></p> <p><b>C.PO1:</b> Ensure that its agenda does not overlap with that of the College</p> <p><b>C.PO2:</b> <i>Composition:</i> 1 COM representative, President of the College, 2 Vice Presidents, 2 NMs, AD (without voting right); <i>Competences:</i> adoption of highest-level administrative decisions and day to day decisions management; <i>Voting rules:</i> simple majority; clear definitions of administrative and operational matters and clear divisions between competences of EB and College</p> <p><b>C.PO3:</b> <i>Composition:</i> 1 COM representative, President of the College, 2 Vice Presidents, 3 MB representatives, AD (without voting right); <i>Competences:</i> prepare the work of MB, take its own administrative decisions within the framework of autonomous or delegated authority, oversee financial governance, ensure coherence between operational needs and administrative priorities; <i>Voting rules:</i> simple majority.</p>	<p style="text-align: center;"><b>Management Board (MB)</b></p> <p><b>C.PO1:</b> non-existent</p> <p><b>C.PO2:</b> non-existent</p> <p><b>C.PO3:</b> <i>Composition:</i> Member States representatives, 2 COM representatives, President of the College, AD (without voting right); <i>Competences:</i> adopt Eurojust’s strategic priorities, adopt multiannual and annual programmes, approve the agency’s budget, approve the annual activity report; <i>Voting rules:</i> simple majority or qualified majority (alert mechanism from the COM)- Possibly veto for COM on budget and HR questions</p>

While Eurojust carries out operational work effectively, its overall efficiency could be improved. The promptness of Eurojust’s response to new phenomena and emerging threats is constrained by unclear processes resulting in duplication of work and slow decision-making. These policy options propose different levels of reshaping of the Eurojust’s governance aimed at distributing responsibilities more clearly and enhancing efficient strategic steering (#4, #5).

Each policy option describes a different governance model. Under C.PO1, the existing governance remains unchanged, while measures are taken to facilitate swift processes and steering, C.PO2 and C.PO3 describe two degrees of changes to the governance models,

also entailing a degree of review of the allocation of responsibilities (i) and the change of composition of the EB (ii).

**C.PO1:** (i) The governance structure remains unchanged, based on the assumption that it is only concrete implementation which needs to be improved. This option comprises soft-law measures aimed at improving the governance of the agency by focusing on three main areas:

- reducing the administrative aspect of the College's work by focusing its non-operational activities more on major managerial decisions, leaving less important managerial decisions to the EB;
- similarly, ensuring that the agendas of the College and the EB do not overlap, in order to avoid wasting time and unnecessary duplication;
- finally, encouraging, by guidelines or recommendations, the competent authorities of the Member States to improve the selection of NMs in terms of managerial skills (in addition to operational skills) so that they can fully play their role when administrative decisions need to be taken in the EB and in the College.

The abolition of the working groups in the College is also a measure to be considered, as they can duplicate the work of the Administration, with negative repercussions on the alignment with objectives, overall planning and efficiency.<sup>105</sup>

**C.PO2:** (i) (ii) This option changes the composition, competences and responsibilities of the EB and the College, leaving the overarching architecture of the governance model unchanged.

The **College** would be maintained as the main body responsible for the operational support and coordination tasks that are at the heart of Eurojust's activities. The College would retain managerial powers when it comes to strategic decisions: selecting priorities, determining multiannual and annual programmes, approving the agency's budget and overseeing financial governance, and approving the annual activity report.

Alternatively, decisions on annual and multiannual strategy, budget and work programme could be entrusted to the **Consultative Forum of Prosecutors General and Directors of Public Prosecutions** (CF) of the Member States, hosted yearly by Eurojust.

The **EB** would be in charge of all administrative decision, encompassing both day-to-day administration and high-level administrative decisions (with the College remaining involved only on strategic decisions bearing an impact on operations). The composition of the EB would remain unchanged: Eurojust President, two Vice-Presidents, the Commission representative and two NMs. However, a system of appointment would replace the current rotation mechanism. The College would be required to choose and appoint the two NMs.

The **Administrative Director** (AD) would remain responsible for preparing and implementing the decisions taken by the College and the EB (in addition to powers of day-to-day management of the agency, oversight of staff, finances, internal procedures, and service delivery, legal representation of the agency). The AD would be given the right to participate to the EB in an advisory capacity, remaining an observer without voting rights, in line with the Common Approach.

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<sup>105</sup> Eurojust Evaluation, p. 31; Support study, p. 59.

**C.PO3:** This option entails an institutional paradigm shift, moving towards a new governance model aligning with the Common Approach applicable to decentralised agencies.<sup>106</sup>

The **College** would be focused on operational tasks only and thus excluded from management and administrative decision making.

A **Management Board** (MB) would be introduced as the top decision-making body – composed of representatives of Member States, the Eurojust President, a Commission representative and Eurojust’s AD. It would decide on budget, strategic priorities, annual and multiannual programmes, and the annual activity report.

The MB would be vested with appointing authority powers, part of which it may delegate to the AD, and entrusted with decisions liable to impact staff and the organisation of the Agency, including the organisation of judicial networks’ secretariats. While the current EJR provides that the secretariats of all networks involved in judicial cooperation in criminal matters, including newly established ones, operate as separate units, decisions concerning their organisation would be entrusted to the MB.

The **EB** would be retained for the day-to-day management and administrative decision of the Agency, and as a lighter collegial body to prepare and inform the meetings of the MB. It would be composed of the Eurojust President, a Commission representative, and three members of the MB (chair-person and deputies).

The **AD** would be appointed by, and be accountable to, the MB, with more autonomy in making executive decisions and retaining responsibility for the implementation of management decisions and administrative oversight. The AD would participate as observer and adviser to the EB and MB meetings.

The AD would remain the legal representative of the Agency, while it would be the President to formally participate on behalf of Eurojust in political and institutional fora.

The **Commission**’s relevance in the governance would be increased through a veto right on some specific matters or an early warning mechanism.<sup>107</sup> In this second case, the Commission representative would be entitled to reject a deliberation requesting a second vote with a qualified majority (two thirds) in the event of decisions raising serious concerns of compliance with the Agency’s mandate. A veto power would be introduced for certain decisions on budget and human resources.

Finally, the role and responsibilities of National Desks Assistants would be revised, streamlined and rationalised, providing them a clear definition of their role and competences.

### 5.2.2. *Specific Objective 2: Achieve optimal operational integration with Member States, EU partners and third countries*

A critical challenge for Eurojust lies in optimising operational integration with its key partners at EU level, in particular Europol and the EPPO, but also OLAF, as well as with third countries and other international actors.

At present, fragmented data-sharing mechanisms hinder a more efficient cooperation. For the purpose of this impact assessment, focus is being laid on the interaction with Europol

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<sup>106</sup> Common approach on decentralised agencies decided by the 19 July 2012 Joint Statement of the European Parliament, the Council of the EU and the European Commission.

<sup>107</sup> Article 102(4) of European Union Aviation Safety Agency Regulation (2018/1139/EU).

and EPPO, however, improvements in this area, and in particular regarding the hit/no-hit system, could also be useful for other actors, for example OLAF. Indeed, the new cooperation frameworks designed to combat certain forms of serious crime make it necessary to strengthen inter-institutional relations. The incoming review of the AFA highlights this imperative need.

Table 4: Policy options and measures under Specific Objective 2

SPECIFIC OBJECTIVE 2 (EXTERNAL): ACHIEVE OPTIMAL ALIGNMENT AND OPERATIONAL INTEGRATION WITH EU PARTNERS AND THIRD COUNTRIES	Options		
	Light changes	Moderate changes	Substantive changes
<b>D. Fostering and strengthening structured operational cooperation with Europol</b>			
<i>Addressing problem driver(s):</i> #8 Absence of a structurally embedded cooperation with Europol	<b>D.PO1</b>	<b>D.PO2</b>	<b>D.PO3</b>
<u>i.</u> Automating and optimising Eurojust-Europol's system for indirect access to the respective databases (interagency hit/no-hit system) – through technical measures only (i.a) or through technical measures linked to new legal obligations (i.b)	i.a	i.b	i.b
<u>ii.</u> Revising the 2010 Eurojust-Europol Working Arrangements – through a political push for its renegotiation (ii.a) or by introducing in the EJR a legal obligation of periodic review in consultation with the Commission (ii.b)	ii.a	ii.b	ii.b
<u>iii.</u> Creating a dedicated cooperation channel for systematic follow up on SIRIUS referrals		iii	iii
<u>iv.</u> Granting participation in College meetings to Europol representatives		iv	iv
<u>v.</u> Codifying cooperation modalities between Eurojust and Europol (e.g., notification to Eurojust upon reaching of “judicial threshold”, creation of JOPs or task forces)			v
<b>E. Promoting fully developed cooperation with the EPPO</b>			
<i>Addressing problem driver(s):</i> #9 Constrained cooperation with the EPPO	<b>E.PO1</b>	<b>E.PO2</b>	<b>E.PO3</b>
<u>i.</u> Automating and optimising Eurojust-EPPO's system for indirect access to the respective databases (interagency hit/no-hit system) – through technical measures only (i.a) or through technical measures linked to new legal obligations (i.b)	i.a	i.b	i.b
<u>ii.</u> Establishing an explicit mandate for Eurojust to provide reinforced support in EPPO cases (JITs, CMs, Action Days)		ii	ii
<u>iii.</u> Granting participation in College meetings to EPPO representatives		iii	iii
<u>iv.</u> Setting up a Eurojust-EPPO clearing-house mechanism for case allocation			iv
<b>F. Consolidating cooperation with third countries and international organisations</b>			
<i>Addressing problem driver(s):</i> #10 Cumbersome process for establishing relations with international actors	<b>F.PO1</b>	<b>F.PO2</b>	<b>F.PO3</b>
<u>i.</u> Introducing cooperation obligations in agreements with third countries with financial implications – as a cross cutting non-legislative measure	i	i	i
<u>ii.</u> Clarifying the legal framework governing Liaison Magistrates		ii	ii
<u>iii.</u> Institutionalising Resident Contact Points for priority countries		iii	iii
<u>iv.</u> Granting participation in College meetings to Liaison Prosecutors		iv	iv
<u>v.</u> Entrusting Eurojust with an explicit capacity building mandate in external action			v

#### 5.2.2.1 Area of intervention D. Fostering and strengthening structured operational cooperation with Europol

Eurojust's cooperation with partners is presently assessed as overall effective, on a case-by-case basis, but it lacks a structural dimension, resulting in suboptimal coordination and

missed opportunities. While pursuing the broader objective of strengthening cross-agency cooperation, these options focus specifically on Eurojust's relationship with Europol, its key partner and counterpart along the investigative continuum between law enforcement action and judicial follow-up. They aim to address the current lack of sufficiently structured cooperation with Europol (#8).

**D.PO1:** This option seeks to improve relations, information exchange, and operational cooperation through working arrangements, common guidelines, and shared practices. The objective is to promote a common operational culture and a shared understanding of needs, challenges, and opportunities for synergy. It would include the following combined measures:

(i.a) Automating and optimising the Eurojust-Europol hit/no-hit system to facilitate link detection. Under the current system, Eurojust must submit a request to Europol regarding a suspect or case; Europol then manually verifies the information in its database, communicates the "hit", and subsequently follows up manually to provide the information requested. An automated system would instead allow Eurojust to determine immediately – through automated matching – whether relevant information exists in Europol's databases.

(ii.b) Revising the 2010 Eurojust-Europol Working Arrangement through political incentives. The Commission and the Council would encourage both agencies to update their cooperation framework so that it reflects current operational realities, expertise and needs as well as emerging tools such as JOPs bringing together law enforcement and judicial expertise.

**D.PO2:** This option aims at structuring and institutionalising cooperation with Europol through targeted legislative amendments. While maintaining the operational flexibility that characterises current cooperation, this option reduces reliance on informal practice and voluntary coordination by embedding key cooperation modalities within the legal framework governing the two agencies, creating greater predictability and ensuring continuity of cooperation across operational contexts. Proposed measures would include:

(i.b) Automating and optimising the system of information exchange with the establishment of an improved cross-checking systems across JHA agencies and bodies (automated hit/no-hit system) paired with the introduction of legal obligations to cooperate and share, where appropriate, specific categories of relevant data, taking into account the specific mandates of each agency in compliance with data protection requirements.

(ii.b) Revising the 2010 Eurojust-Europol Working Arrangement, along with the introduction in the EJR of a **legal obligation** to periodically review the revised arrangement, in consultation with the Commission. Embedding revision cycles in the founding Regulations of both agencies would ensure that the cooperation framework remains aligned with evolving crime patterns and incorporates the most up-to-date operational practices.

(iii) In addition, establishing a dedicated cooperation channel for systematic SIRIUS follow-up. This mechanism would integrate judicial coordination into digital evidence workflows, ensuring continuity between the law-enforcement identification of electronic evidence and subsequent cross-border judicial action. Rather than relying on *ad hoc* escalation once jurisdictional or admissibility issues arise, the channel would facilitate structured interaction between Europol and Eurojust throughout the process.

(iv) Enhancing mutual involvement in partners' activities through the introduction of a legal obligation requiring that Europol liaison officers participate in meetings of the Eurojust College when matters of common interest are discussed.

**D.PO3:** This option represents a qualitative step beyond structured cooperation by integrating operational processes between Eurojust and Europol in a more systematic and legally codified manner. Cooperation would move from structured interaction to partially integrated operational processes (“*continuum*”), supported by clearly defined reciprocal rights and duties regarding expertise, information sharing, and respective operational activities. The package would include the following measures:

(i.b), (ii.b), (iii), (iv) Implementing an automated hit/no-hit system, revise the 2010 Eurojust-Europol Working Arrangement along with a legal obligation to periodically review the revised arrangement, creating a dedicated cooperation channel for SIRIUS referrals and granting participation in College meeting to Europol representatives as outlined under D.PO2.

(v) In addition, further codifying cooperation modalities in the Europol and EJR. This would include modalities for sharing information when Europol-supported Operational Task Forces reach a defined “*judicial threshold*”.<sup>108</sup> Reference would be made to the possibility of creating JOPs, which could be exploited as a tool for enhanced cooperation. Analytical support to Eurojust would also be further defined.

#### 5.2.2.2 Area of intervention E. Promoting fully developed cooperation with the EPPO

Cooperation between Eurojust and the EPPO has remained largely underdeveloped due to legal and structural constraints. This results in a missed opportunity to fully exploit Eurojust's support in the area of crimes affecting the financial interests of the Union, often linked with the most serious manifestations of cross-border crime, such as organised crime. These options, within the broader objective of strengthening cooperation with partner agencies and bodies, focus specifically on relations with the EPPO (#9).

**E.PO1:** Under this option, cooperation with the EPPO would be strengthened primarily through structured practice, working arrangements, political encouragement, and building operational practices. Envisaged measures include:

(i.a) Automatising and optimising the Eurojust-EPPO hit/no-hit system to facilitate link detection (as for Europol, under D.PO1, i.a).

**E.PO2:** This option seeks to reinforce and structure cooperation between Eurojust and the EPPO through targeted legislative clarification. Rather than relying on practice alone, this option would provide a clearer legal basis for Eurojust's supportive role in EPPO-related cases, ensuring greater predictability and operational continuity while fully preserving the EPPO's prosecutorial independence. The proposed measures include:

(i.b) Automating and optimising the system of information exchange with the establishment of an improved cross-checking system across JHA agencies and bodies paired with the introduction of legal obligations to cooperate and share specific categories of relevant data taking into account the specific mandates of each agency in compliance with data protection requirements.

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<sup>108</sup> When a situation becomes of judicial interest because sufficient evidence has been collected to open a judicial investigation or based on the need for a judicial follow-up, i.e. the adoption of a coercive measure. In particular, Eurojust shall be proactively notified in case of identified opportunity for asset-freezing.

(ii) Introducing an explicit mandate for reinforced Eurojust support in EPPO cases. This provision would clarify Eurojust's role in facilitating JITs, CMs, and Action Days in EPPO cases presenting a judicial interest beyond the EPPO's territorial or material competence. The measure would strengthen operational interaction while maintaining the EPPO's autonomy in prosecutorial decision-making.

(iii) Enhancing mutual involvement in partners' activities through the introduction of a legal obligation requiring that EPPO liaison officers are regularly invited to meetings of the Eurojust College when matters of common interest are discussed.

**E.PO3:** This option represents a further step towards a more integrated framework for Eurojust-EPPO cooperation, moving beyond structured interaction to establish more systematic operational linkages supported by clearly defined reciprocal rights and duties regarding information exchange and coordination. The following cumulative measures are envisaged:

(i.b), (ii), (iii) Implementing an automated hit/no-hit system, entrusting Eurojust with a specific mandate for reinforced support to the EPPO in the area of judicial cooperation and granting participation in College meetings to the EPPO representatives as outlined under E.PO2.

(iv) In addition, establishing an EPPO-Eurojust clearing-house mechanism, providing a structured platform to identify overlaps, allocate coordination roles, and manage spill-over effects. This mechanism would help reduce duplication, clarify responsibilities, and address legal or procedural uncertainties arising in complex cross-border cases.

#### 5.2.2.3 Area of intervention F. Consolidating cooperation with third countries and international organisations

The negotiation and conclusion of international agreements between the EU and third countries or international organisations on the judicial cooperation with Eurojust is inherently complex and time-consuming. By its nature, this process may struggle to keep pace with the evolving dynamics of transnational criminal phenomena (#10). The proposed measures therefore aim to enable Eurojust to cooperate as effectively as possible with priority partner countries pending the conclusion of formal international agreements.

**F.PO1:** This option aims at fostering stronger and more reliable cooperation through non-legislative means, encouraging operational interaction with third country partners. It would promote convergence in legal frameworks, institutional practices, and operational standards, thereby reducing practical barriers to cooperation. This option includes the following measure – which constitutes a minimum measure common to F.PO2 and F.PO3:

(i) Mainstreaming the inclusion of cooperation commitments in international agreements and other relevant instruments with third countries. Third countries would be encouraged to engage more actively with Eurojust, align their practices with EU standards, and make effective use of available cooperation tools by means of political and economic incentives.

**F.PO2:** Under this option, the range of cooperation tools available to Eurojust would be expanded through amendments to the EJR. These would clarify and streamline existing provisions while codifying operational practices that have already proven effective but currently lack a clear legislative basis. The package would include the following measures:

(i) Introducing cooperation commitments in international agreements as outlined under F.PO1.

(ii) in addition, clarifying the legal framework governing LMs. The EJR provides for the posting of LMs to third countries in order to facilitate judicial cooperation with local

authorities. However, their tasks and powers are defined only in broad terms. In practice, uncertainty regarding the interpretation and scope of this provision has contributed to the underutilisation of LMs. A clearer definition of their role, competences, and operational scope would enhance their effectiveness and practical added value.

(iii) Institutionalising the role of resident contact points for priority third countries. Resident contact points are third country magistrates or officials seconded to Eurojust to facilitate contacts with national authorities and assist the Agency in navigating domestic procedural frameworks. Unlike LPs, they do not have access to Eurojust's CMS and operate under a more limited mandate. Nonetheless, the presence of a resident contact point at Eurojust could have tangible benefits, in particular when cooperation is hampered by procedural or coordination issues with the partner country. Their role is currently based on working arrangements with the relevant third country rather than on a legislative basis. Introducing an explicit reference to resident contact points in the Regulation would provide legal clarity and establish clear rules concerning their appointment, functions, and operational limitations.

(iv) Providing for the formal participation of LPs in the Eurojust College. Structured participation of LPs posted from third countries would allow them to contribute to the strategic discussions of the College, bringing operational insight into developments in key partner jurisdictions. Their involvement would support better-informed strategic prioritisation of Eurojust's external engagement, ensuring that the Agency's operational and cooperation strategies adequately reflect the evolving needs, risks, and priorities associated with third country cooperation.

**F.PO3:** This option would strengthen Eurojust's external dimension through more far-reaching legislative amendments, expanding the Agency's capacity to engage with third country partners in a structured and strategic manner. The proposed measures include:

(i), (ii), (iii), (iv) Introducing cooperation commitments in international agreements, clarifying the legal framework for LMs, institutionalising resident contact points and granting participation in College to LPs as outlined under F.PO2.

(v) In addition, granting Eurojust an explicit capacity-building mandate vis-à-vis third countries. This mandate would allow Eurojust to design and implement capacity-building initiatives aimed at strengthening the judicial cooperation capabilities of partner countries. Such activities would contribute to promote best practices in judicial cooperation, foster mutual trust, and enhance the effectiveness of operational collaboration.

### 5.3. Measures discarded at an early stage

Several options and measures that might have seemed interesting to address drivers and to achieve certain budget savings were discarded at an early stage, taking into account **in particular operational views expressed by stakeholders** as well as **political and legal considerations**. The **multi-criteria analysis** (developed in chapter 7) based on effectiveness, efficiency, and coherence also underlined that these policy measures were not worth considering any further.

- **Removing the College and replacing it with national units (Europol model)**

While it could have created efficiencies, this measure was discarded for reasons of political feasibility in light of clear feedback from stakeholders who underlined that Eurojust's added value lies precisely in its collegial structure, which ensures judicial coordination based on equality between Member States' judicial authorities.

Unlike Europol, which is a police cooperation body, Eurojust operates in a judicial context where mutual trust, national sovereignty, and procedural autonomy are paramount.

Replacing the College with national units would have risked fragmenting operational decision-making, weakening collective ownership of cases, and undermining Eurojust's role as a neutral EU-level coordination platform: the effectiveness and (both internal and external) efficiency would be very low. Such a shift may also risk blurring the institutional distinction between police and judicial cooperation enshrined in the Treaties.

- **Fully integrating the networks currently hosted by Eurojust into the agency's structure**

The judicial networks hosted by Eurojust (e.g. EJM, Genocide Network, etc.) are designed to remain flexible, practitioner-driven, and relatively autonomous. Full integration into Eurojust's structure could compromise their informal, peer-to-peer nature and reduce Member States' sense of ownership. It could also create governance and accountability complexities, as these networks often serve broader or different mandates than Eurojust itself. The efficiency would be low. Maintaining a hosting model preserves operational flexibility while avoiding institutional overreach and the external coherence of the agency

In addition, legal reasons may prevent substantive changes to the EJM (provided by Article 85 TFEU)

- **Enabling Eurojust to provide a binding decision in case of conflict of jurisdiction**

Although Article 85(1) TFEU allows for the creation of binding decision-making powers for Eurojust in relation to the resolution of conflicts of jurisdiction (going beyond the sole opinion provided for in Article 4(4) of the EJM), there seems to be no pressing need to entrust such power to the Agency.

Several EU instruments already regulate the matter. Council Framework Decision 2009/948/JHA provides a mechanism for consultation aimed at preventing parallel proceedings, with most cases resolved by cooperation between authorities and via the application of the *ne bis in idem* principle, as interpreted by the caselaw. In situations where the competent authorities cannot reach agreement, the matter is, where appropriate, referred to Eurojust.<sup>109</sup> Regulation (EU) 2024/3011 on the transfer of proceedings in criminal matters pursues similar objectives.<sup>110</sup> Furthermore, Eurojust has always been conceived as a coordinating actor and not as a binding arbiter of national competences.<sup>111</sup> When information relating to these conflicts of jurisdiction is brought to the attention of Eurojust, it can exert influence at the level of the national desks concerned to ensure that a solution is found.<sup>112</sup> There is thus no need to enhance the effectiveness in this area.

Ultimately, the procedural and legal consequences of such binding powers would be significant, particularly in terms of legal remedies,<sup>113</sup> and could unnecessarily complicate the current system. The efficiency score would be low.

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<sup>109</sup> Article 12 Council Framework Decision 2009/948/JHA of 30 November 2009.

<sup>110</sup> Recital 19.

<sup>111</sup> HLF report, p. 12.

<sup>112</sup> Article 21(6) of the Eurojust Regulation: "The competent national authorities shall inform their national members of: (a) cases in which conflicts of jurisdiction have arisen or are likely to arise".

<sup>113</sup> Such a measure would have considerable consequences on fundamental rights. As a legally binding measure, it would affect procedural rules at national level that are applied by national prosecutors, thereby indirectly impacting the right to liberty (Article 6 of the Charter), the right to fair trial and the principle of legality and proportionality of penalties (Articles 47 and 48 of the Charter). Vesting Eurojust with a binding legal power on conflict of jurisdiction would need to be mirrored by a corresponding expansion of the relevant judicial remedies, for example with regard to the possibility of individuals to challenge such a decision.

- **Provide for specific rules (*lex specialis*) regarding data processing, transfer and protection**

The revision of Chapter IX of the EUDPR, in parallel with that of the Eurojust mandate, is intended to establish comprehensive, up-to-date, and directly applicable rules on data transfers for all EU JHA bodies and agencies. It provides an opportunity to bring all rules on the processing of personal data under the same umbrella, addressing the current fragmentation where part of the rules is included in the individual founding Regulations and with some differences between them.

The EUDPR constitutes the “*lex generalis*” making additional Eurojust-specific rules only justified by an imperative need to deviate from this global framework. This necessity to go beyond these horizontal rules, in compliance with the key principles laid down by the EUDPR, has not been identified from an operational perspective. In addition, creating a “*lex specialis*” in the EJR could reinforce the fragmentation and the legal uncertainty of data processing and protection rules.

## **6. WHAT IS THE IMPACT OF THE POLICY OPTIONS?**

This chapter assesses all policy options identified in chapter 5.2. against the baseline presented in chapter 5.1. Given that the baseline scenario is unsuited to address the problems identified, this impact assessment will not assess the baseline scenario any further.

Given Eurojust’s mission is to support national authorities in the fight against serious and organised crime, the (general) effectiveness of the policy options assessed in this chapter is assessed by their expected impact on the fight against crime and the wider implications for EU citizens’ security and well-being as well as against the specific objectives.

### **6.1. Specific Objective 1**

The following policy options would contribute to delivering Specific Objective 1, which aims to strengthen the internal functioning and the operational performance of the agency. They should address problem drivers #1 to #5.

- **Options in intervention area A**

**A.PO1:** This bundle of non-legislative measures would have only a limited impact to Eurojust’s overall effectiveness and coherence. Although the Agency’s mandate would remain unchanged, certain tasks and tools would be reinforced. In terms of EU policymaking involvement (i.a), the policy option would build on Eurojust’s existing contributions to various studies and reports. Regarding new operational functions (ii.a), the limits would be the clear mandate of the College and national desks: working groups already deal with some of these issues but without any truly effective legal levers. Lastly, a push to create a semi-permanent operational platform to support JITs (iii.a), based on the ICPA model, would only have a moderate positive impact due to the lack of a legal basis and would be subject to the prioritisation of other projects. Overall, the effectiveness of this option to improve the support to national authorities will deliver small benefits, with associated small costs related to supporting actions.

**A.PO2:** This package entails the adoption of legislative amendments to clearly set the competence for Eurojust to contribute to EU policy and legislation (i.b). In practice, its impacts would depend on the evolution of the number of requests for Eurojust’s input, with the expectation that increased contributions increase stakeholders’ awareness of the agency’s role and expertise, and a subsequent increase in requests (a virtuous circle). To deliver more evidence-based strategic contributions, additional resources would be

required for tools (including AI-based) and staff to select, analyse and compare large amounts of information.<sup>114</sup>

The exact impact of adding new material competences (Annex I) on violation of restrictive measures, cybercrime related to cryptocurrencies and artificial intelligence, and finally, gender-based violence, particularly online (iv), depends on the future development of these crime types and also varies according to the nature of each area of crime (seriousness and volume of committed offences). For example, an explicit competence for victims' rights in the EJR may help better define Eurojust's role in exceptional cases of mass crime or disasters involving multiple casualties of different nationalities (e.g., terrorist attacks, online fraud).<sup>115</sup> Coordinated support to victims would also be coherent with the new EU strategy (and the recently provisionally agreed revision of the Victims' Rights Directive). Additional staff would be needed but their costs should be minor/moderate compared to the potential positive impact.

The introduction of semi-operational platforms through a legislative measure (iii.b) would establishing a clear mandate for Eurojust to support JITs in a structured way. JITs are already one of the Agency's most effective tools,<sup>116</sup> so further improvements are expected to have a positive impact firstly on operations, and hence on the overall fight against crime. The expected benefits are expected to at least cover the associated staff and IT costs.

Lastly, the uniform conferral by Member States, under national law, of powers relating to the issuance of European Orders addressed to service providers in accordance with the e-evidence framework, is likely to generate operational added value. Ensuring that NMs are empowered to act as issuing or executing authorities for freezing orders (or immediate action preserving the property until a freezing order has been issued) could be of added value in time-critical and high-value cases, where swift cross-border coordination and action is paramount. Further impacts of this measure would depend on whether such role would entail any other supporting duties of NMs, as it is likely to increase the workload of national desks in issuing the orders. The positive reduction of fragmentation of competences, would also help reducing reliance on bilateral follow-up.

**A.PO3:** The most far-reaching option builds on A.PO2. It includes an additional measure (iv) to transform Eurojust into a fully-fledged analytical hub for judicial case-building. The extension the Ciced and CTR models to cover information and evidence related to organised crime would require the addition of a new competence under Article 21 of the EJR. This new role would be consistent with the current trends of EU public policies in this area (e.g. SOCTA, road map on organised crime etc.). With regard to Eurojust's material competence<sup>117</sup> and considering the evolving nature of cross-border serious and organised crime, the impact would be very high because in practice the main material scope of Eurojust's mandate would be covered. Nevertheless, the efficiency could be limited due to high costs, including to deal with the increased volume of operational data to be processed, and constraints related to data entry capacity. This individual measure is potentially one of the highest cost measures proposed, reflecting the need for additional resources such as the recruitment of analysts and lawyers with experience in organised crime.<sup>118</sup> However, this is more than offset by the expected high positive long-term

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<sup>114</sup> Support study, p. 48.

<sup>115</sup> Support Study, p. 79.

<sup>116</sup> Eurojust Evaluation, p. 35.

<sup>117</sup> Art. 85 TFEU and Annex I to the EJR.

<sup>118</sup> Estimated at 16 FTEs and a further EUR 2 million in system costs p.a., Annex III.

impact. Overall, this measure is judged to be very efficient and should also deliver moderate internal and high external coherence benefits.

The efficiency could be impacted by the risk of duplication of work with Europol, which already perform analytical tasks. To mitigate this risk, clear separation must be established between the analytical work of Europol, which deals with operational intelligence, and Eurojust, which works with judicial evidence. In addition, Member States would continue to submit the data. Therefore, the impact on national authorities would not be neutral in terms of administrative burden. Taken together, these constraints suggest that while the option is a promising idea that would positively add value for combatting serious and organised crime, its impact could be limited without substantial investment and careful coordination.

**Table 5: Impacts of policy option in intervention area A**

A. Extending the scope of material competences to face the new judicial landscape  <i>Addresses problem driver(s):#2 Insufficient competences and associated toolset</i>	Effectiveness			Efficiency	Coherence			Total criteria score
	SO1	GO	Effectiveness score = average SO1+GO		Internal	External	Coherence score = average Internal+ External	Effectiveness = 0.5 Efficiency = 0.3 Coherence = 0.2
A.PO1 (i.a, ii.a, iii.a)	0.50	0.17	0.33	0.33	0.50	0.67	0.58	0.38
A.PO2 (i.b, ii.b, iii.b, iv)	1.25	0.75	1.00	1.25	1.00	1.13	1.06	1.09
A.PO 3 (i.b, ii.b, iii.b, iv, v)	1.20	0.80	1.00	1.60	1.00	1.30	1.15	1.21

• **Options in intervention area B**

**B.PO1:** This policy option includes (i.a) the introduction of a case allocation system based on non-binding guidelines; and (ii.a) a political encouragement and guidelines to Member States to appoint NMs with ‘full operational powers’.

Since internal guidance on case allocation already exists within Eurojust but is not consistently followed in practice (refer to study/problem analysis), the introduction of additional guidance (i.a), even if formulated in a clearer and more authoritative manner, is therefore expected to generate at best a **small positive impact on operations**.<sup>119</sup>

The impact of measure ii.a, encouraging Member States to appoint NMs with full operational powers would depend entirely on voluntary compliance and the willingness of Member States to adjust existing national practices.<sup>120</sup> This measure could lead to a small improvement in internal coherence, although the impact is likely to be limited as several Member States have already expressed reservations regarding the feasibility of such adjustments in light of their national legal frameworks.<sup>121</sup>

Overall, the two measures in this policy option would have only a **small positive impact on Eurojust operations** (including on the time taken to process cases), **the impact on Eurojust’s capacity to support national authorities** and **on the overall fight against crime and on the protection of citizens** (depending on the extent to which Member States follow the proposed guidance). The related costs of this option are minor, involving possibly some one-off costs related to advocacy.

<sup>119</sup> Support study, pp. 84-85.

<sup>120</sup> Support study, p. 87.

<sup>121</sup> Interviews with Member State authorities and practitioners, Annex II, p. 13.

**B.PO2:** The legislative measures envisaged under (i.b) and (ii.b), together with the capacity for NMs to issue judicial cooperation instruments (iii), are expected to generate a **moderate positive impact on Eurojust operations**.

Establishing a legislative framework for the allocation of cases would contribute to greater consistency and predictability in determining which cases should be handled by the Agency. However, introducing a legally defined notion of a “Eurojust case” may result in some rigidity. As a result, the assessment of whether its impact would ultimately be positive or negative remains to be confirmed in practice.

Aligning the powers of NMs and granting them uniform operational capabilities would generate a **higher positive impact on operations**, particularly in the context of time-sensitive serious crime cases. NMs would be able to act more promptly by issuing the necessary judicial instruments directly, without relying exclusively on national authorities.

These improvements would generate a **stronger positive impact on Eurojust’s capacity to support national authorities and on the fight against crime**. Expanding the range of operational tools available to NMs would increase the added value of Eurojust interventions by broadening the set of responses available in complex cross-border investigations.

Reducing the fragmentation in the powers and competences of NMs across Member States would also generate a **moderate positive impact on simplification** by creating a more consistent operational framework.

These measures should be achievable at limited costs, although the increased operational role of NMs may entail a **limited impact on Eurojust resources**, as broader powers and responsibilities could generate additional workload for the Agency and for the respective national desks.<sup>122</sup> No impact is expected in other areas. The expected improvements in consistency and reduction of fragmentation should also have a positive impact on coherence both within the Agency and to a certain extent externally.

**B.PO3:** This policy option would build on the measures and associated impacts envisaged under B.PO2. In addition to measures (i.b), (ii.b) and (iii), it would empower NMs to open cases on their own initiative (iv).

By granting NMs the authority to open cases where appropriate, this option would further strengthen Eurojust’s operational role in identifying and addressing cross-border criminal activities. The measure is expected to generate a **moderate positive impact on operations**, particularly with regard to the time taken to process cases, and a **small to moderate positive impact on the number of cases initiated on Eurojust’s own initiative**.

The possibility for NMs to initiate investigations would also generate a **moderate positive impact on Eurojust’s capacity to support national authorities**, enabling more consistent and proactive coordination between Member States.

This option would generate a **moderate positive impact on the fight against crime**, as it would reduce the risk that opportunities to initiate relevant cross-border investigations are missed. By enabling more proactive identification and handling of cases, the measure would also generate a **positive impact on the protection of citizens**.

At the same time, the greater operational proactivity associated with this option would entail a **minor to moderate negative impact on Eurojust resources**, as NMs would need

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<sup>122</sup> Support study, pp. 84-88.

to balance their time between responding to requests from Member States and acting on their own initiative.

The increase in cases resulting from investigations opened on Eurojust’s initiative could also generate a **small to moderate negative impact on Member States’ resources**, particularly in terms of the workload of national prosecution services responsible for pursuing such cases.<sup>123</sup> No impact is expected in other areas.

Balancing all these impacts, the overall efficiency and of this option is expected to be slightly better than for B.PO2 with similar coherency improvements.

**Table 6: Impacts of policy option in intervention area B**

B. Harmonising Member State implementation of the EJR, including on allocation of cases  Addressing problem driver(s): #1 Inadequate model to select and prioritise cases; #3 Divergent Member State engagement and implementation of the EJR	Effectiveness			Efficiency	Coherence			Total criteria score Sensitivity 2
	SO1	GO	Effectiveness score = average SO1+GO		Internal	External	Coherence score = average Internal+ External	Effectiveness = 0.5 Efficiency = 0.3 Coherence = 0.2
B.PO1 (i.a, ii.a)	0.25	0.25	0.25	0.25	0.50	0.25	0.38	0.28
B.PO2 (i.b, ii.b, iii)	1.00	0.67	0.83	1.17	1.67	0.83	1.25	1.02
B.PO3 (i.b, ii.b, iii, iv)	1.13	0.88	1.00	1.38	1.63	0.88	1.25	1.16

• **Options in intervention area C**

**C.PO1:** The scale of the impacts of this non legislative option to revise the allocation of responsibilities between governance bodies would not notably differ from those already being taken under the baseline scenario. The institutional framework would remain the same and the focus would mainly be to encourage the reduction of the College’s administrative work and to select NMs with better managerial skills. The positive impact on the effectiveness of the Agency would consequently be rather low. The working culture of the agency, especially members of national desks coming from national judiciary, is unlikely to change significantly with soft rules and guidelines, but again a minor improvement to coherence could be anticipated.<sup>124</sup>

Nevertheless, some targeted measures would lead to positive effects, i.e. the deletion of the College working groups – which create redundancies and duplication with the work of the Eurojust staff – would impact positively the agency’s efficiency.

**C.PO2:** This option would not introduce any new governance bodies, but would clarify and rebalance the roles and responsibilities of the College and the EB, as well as the position of the AD.

By ensuring that the tasks taken on by each body are clear and adequately reflect the respective purposes of each body and the skills, knowledge and experience of their members, repetitive discussions between bodies should be reduced and the effectiveness and efficiency of decision-making should improve. The AD should take on responsibilities for which they are best placed. The new role of the EB should lead to reductions in the time spent by NMs dealing with administrative matters in the College, thereby allowing them to reallocate their time to higher-value operational activities.

<sup>123</sup> Support study, pp. 87-88.

<sup>124</sup> Support study, p. 87.

By removing overlaps in administrative tasks between the College and the EB through the definition of a clear division of responsibilities in this area, it is estimated that the FTE per NM associated with preparing for and participating in College meetings will reduce by 30%. This time saving for operational matters and the reduction of overlaps in activities is expected to provide a positive impact on efficiency. More broadly, the global effectiveness of the governance model will be improved.<sup>125</sup>

Regarding the composition of the EB, abolishing the rotation system<sup>126</sup> for the selection of NMs should lead to the selection of NMs with appropriate skills and higher level of engagement, resulting in a more effective and efficient EB. Lastly, the shifting of responsibilities, related to defining strategic priorities, from the CF would increase the NMs working time devoted to operational tasks. With a moderate cost impact, the efficiency and coherence of this mechanism will be positive.

**C.PO3:** The significant change in the governance and decision-making structures of Eurojust is expected to have a major impact. This paradigm shift will increase alignment with the governance models of other EU agencies, leading to stronger coherence. The working time that the College will be able to devote to operational task will increase substantially (around +40%) and will consequently have a significant impact on the effectiveness in terms of the contribution to activities at the heart of the mandate of the agency: supporting national authorities to combat serious and cross-border crime. In addition, the two vice-presidents and the two NMs (appointed by a rotation system) currently sitting in the EB would fully work on operational matters.

The introduction of a MB would introduce new moderate costs and time commitments and a new layer in the institutional framework could create a burden: nevertheless, the associated efficiency gain expected (1.46 FTE p.a.) is high due to the time saved for the EB and the College. In addition, the better involvement of Member States, with specific supervisory skills from representatives, will improve oversight and the qualitative functioning of the agency.<sup>127</sup>

**Table 7: Impacts of policy option in intervention area C**

C. Establishing a streamlined, coherent and role-clear governance system that accelerates decision-making  <i>Addressing problem driver(s): #4 Lack of clear separation between operational and administrative responsibilities #5 Complex governance structure and outdated legacy organisational culture</i>	Effectiveness			Efficiency	Coherence			Total criteria score Sensitivity 2
	SO1	GO	Effectiveness score = average SO1+GO		Internal	External	Coherence score = average Internal+ External	Effectiveness = 0.5 Efficiency = 0.3 Coherence = 0.2
C.PO1 (i)	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50
C.PO2 (i and ii)	1.50	1.00	1.25	1.00	1.00	1.00	1.00	1.13
C.PO3 (i, ii and iii)	3.00	2.50	2.75	2.50	2.00	2.00	2.00	2.53

## 6.2. Specific Objective 2

The following policy options would contribute to Specific Objective 2 which aims at an optimal alignment, implementation and operational integration with Member States, EU partners and third countries, and would address the problem drivers #8 to #10.

<sup>125</sup> Support study, p. 94.

<sup>126</sup> Article 16(4) EJR.

<sup>127</sup> Support study, p. 96.

- **Options in intervention area D**

**D.PO1:** This package of technical measures and working arrangements represents the minimum option proposed to strengthen cooperation between Eurojust and Europol. It could be implemented at low cost, although it would still require a certain commitment of material, human and time resources, notably to update the hit/no-hit system and negotiate the revision of the existing working arrangements.

The automation of the hit/no-hit system (i.a) would reduce the risk of human error and accelerate follow-up actions. Moreover, the effectiveness of revised working arrangements (ii.a) would largely depend on the substance of the changes introduced and on their effective implementation, with a risk that they remain largely ineffective in practice.<sup>128</sup>

Overall, this option is expected to generate only a very limited impact on the support provided to national authorities. At the same time, its implementation could constitute a first step towards the development of a more integrated digital cooperation framework.<sup>129</sup>

**D.PO2:** This option introduces legal obligations for the two agencies to step up their cooperation (i.b, ii.b), producing effects similar but higher to those envisaged under D.PO1 as there is a greater likelihood of higher level of reciprocal engagement and cooperation. It also provides for more structured coordination in relation to SIRIUS referrals (iii), which would have a positive impact on the support provided to national authorities, and further coordination and improved coherence through involvement of Europol liaison officers in the College (iv).

The increased level of coordination would improve operational output, notably by enabling the identification of a higher number of connected cases. At the same time, the larger number of identified cases may generate additional resource needs for Member States, both at the level of national desks and within prosecution authorities.<sup>130</sup>

The effectiveness of this option would depend on adequate inter-agency coordination, such as introducing corresponding provisions in the Europol Regulation.

Overall, this option is expected to have a moderately positive impact on the fight against crime and on digitalisation, while entailing moderately higher transactional costs.<sup>131</sup>

**D.PO3:** This option envisages the highest level of structured working arrangements between Europol and Eurojust. In addition to the measures under D.PO2, it introduces the codification of a series of operational modalities governing their cooperation (v).

These measures would structure the early involvement of Eurojust in investigations and are expected to further strengthen cooperation and coherence by fostering greater mutual understanding and more systematic institutional coordination. They would also clarify the respective roles of the two agencies, helping to avoid duplication of work while increasing the number of operational links detected and potential connected cases identified, ultimately ensuring operational continuity between their actions.

As a result, this option would have a positive impact on the fight against crime and on the protection of citizens. At the same time, the increased number of identified cases may

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<sup>128</sup> Support study, p. 9.

<sup>129</sup> Support study, p. 99.

<sup>130</sup> Support study, p. 100.

<sup>131</sup> Support study, p. 101.

create additional resource needs for Member States, particularly in relation to investigations and prosecutions.<sup>132</sup>

Overall, this option is expected to generate the strongest positive impact among the available policy options. However, it would entail higher feasibility costs, as it would require amendments to the Europol and Eurojust Regulations, as well as sustained operational engagement from Europol and Eurojust and the mobilisation of additional resources.<sup>133</sup>

**Table 8: Impacts of policy option in intervention area D**

D. Fostering and strengthening structured operational cooperation with Europol  <i>Addressing problem driver(s): #8 Absence of a structurally embedded cooperation with Europol</i>	Effectiveness			Efficiency	Coherence			Total criteria score Sensitivity 2
	SO2	GO	Effectiveness score = average SO2+GO		Internal	External	Coherence score = average Internal+ External	Effectiveness = 0.5 Efficiency = 0.3 Coherence = 0.2
D.PO1 (i.a, ii.a)	0.50	0.00	0.25	0.50	0.75	0.75	0.75	0.43
D.PO2 (i.b, ii.b, iii, iv)	1.13	0.88	1.00	1.38	1.25	1.88	1.56	1.23
D.PO3 (i.b, ii.b, iii, iv, v)	1.50	1.30	1.40	1.50	1.40	1.90	1.65	1.48

- **Options in intervention area E**

**E.PO1:** This option introduces a minimum set of measures, notably the further automation of the hit/no-hit system (i.a), mirroring the approach envisaged for Europol under D.PO1. These technical adjustments could be implemented at relatively low cost and would streamline existing processes.

While the automation of the system would reduce the risk of human error and improve the efficiency of follow-up actions, it is not expected to significantly increase the number of queries or hits. Nevertheless, the optimisation of the current system could represent an important building block for the future development of a more integrated digital cooperation tool.

Overall, this option is expected to generate a limited impact on digitalisation and a very limited impact on operational effectiveness, while entailing relatively low implementation costs.

**E.PO2:** In addition to the measures envisaged under E.PO1, this option introduces a cross-agency information exchange and link detection mechanism (inter-agency hit/no hit mechanism) (i.b). It also envisages granting Eurojust an explicit mandate to provide reinforced support to the EPPO (ii) and enabling EPPO liaison officers to participate in the Eurojust College (iii).

These measures would enhance operational cooperation between Eurojust and the EPPO, notably by strengthening digital information exchange and fostering greater mutual engagement, understanding and operational alignment between the two bodies. The reinforced mandate for Eurojust to support EPPO cases would also contribute positively to the fight against cross-border crime, particularly by increasing the capacity to detect offences affecting the financial interests of the Union and related criminal activities, such as organised crime, thereby potentially leading to the opening of additional cases at Eurojust. While the material competence of the EPPO remains limited to crimes affecting

<sup>132</sup> Support study, pp. 101-102.

<sup>133</sup> Support study, p. 102.

the Union’s financial interests, Eurojust’s involvement in EPPO cases could facilitate the identification of additional linked criminal conduct beyond the EPPO’s core mandate, in particular in the area of organised crime. At the same time, deeper engagement with the EPPO would require the allocation of additional human, financial and time resources.

Overall, this option is expected to generate a significantly positive impact on the fight against crime and on operational cooperation, with costs primarily linked to the additional resources that Eurojust would need to mobilise to fulfil these tasks.

**E.PO3:** Building on the measures under E.PO2, this option introduces the establishment of a Eurojust-EPPO clearing-house mechanism for case allocation (iv).

In addition to the impacts described above, this mechanism would be expected to improve operational efficiency by providing greater clarity on the respective spheres of competence of Eurojust and the EPPO. A more structured allocation of cases would facilitate coordination between the two bodies and help ensure that cases are handled by the authority best placed to act. At the same time, the establishment and maintenance of a clearing-house mechanism would entail comparatively higher costs, notably in terms of the human and financial resources required to operate and sustain the mechanism. It would also require the adoption of mirroring provision in the EPPO Regulation.

This option would generate a strong positive impact on operational coordination and efficiency, while involving higher implementation and resource costs.

**Table 9: Impacts of policy option in intervention area E**

E. Promoting fully developed cooperation with the EPPO  <i>Addressing problem driver(s): #9 Constrained cooperation with the EPPO</i>	Effectiveness			Efficiency	Coherence			Total criteria score Sensitivity 2  Effectiveness = 0.5 Efficiency = 0.3 Coherence = 0.2
	SO2	GO	Effectiveness score = average SO2+GO		Internal	External	Coherence score = average Internal+ External	
E.PO1 (i.a)	0.50	0.00	0.25	0.75	1.00	0.50	0.75	0.50
E.PO2 (i.b, ii, iii)	1.33	0.83	1.08	1.50	1.67	1.00	1.33	1.26
E.PO3 (i.b, ii, iii, iv)	1.38	0.75	1.06	1.31	1.63	1.00	1.31	1.19

• **Options in intervention area F**

**F.PO1:** Options presented are expected to facilitate the process for establishing relations with international actors (#10). F.PO1 aims to mitigate this driver by introducing cooperation commitments in agreements with third countries with political and economic implications as a cross-cutting non-legislative measure. The impact of this measure is difficult to assess: it could potentially incentivise third countries towards a stronger convergence with EU standards but would depend on the interests at stake, as well as political willingness, assuming that EU data protection standards, and fundamental rights, are respected.<sup>134</sup> Despite these limitations, the inclusion of obligations related to judicial cooperation could especially facilitate specific cases where third countries have a keen interest in financial support from the EU and would thus have a positive impact compared to the current situation.<sup>135</sup> This is confirmed by a survey conducted by the contractor and included in the Support study, in which respondents were of the opinion that the inclusion of these conditionalities would contribute to expand third country engagement to at least a

<sup>134</sup> Support Study, p. 105.

<sup>135</sup> Support Study, pp. 106-107.

moderate extent (54.3%, n=101 out of 186). Ultimately, this measure would contribute to improving the investigation of crimes, also in cooperation with third countries, and would therefore have a positive impact.

**F.PO2:** This policy option includes the first non-legislative measure on the cooperation obligations but adds further substantive measures: clarifying the legal framework governing LMs (ii), institutionalising Resident Contact Points for priority countries (iii) and granting participation in College meetings to LPs (iv).

The expected impact of the first of these additional measures (ii) would be a strengthened cooperation with third countries that would increase exchanges and case numbers.<sup>136</sup> Together with the measure of institutionalising resident Contact Points (iii) this policy option would present significant administrative, financial and operational burdens for Eurojust.<sup>137</sup> Moreover, there is the risk that LMs would function merely as contact points due to limited expertise in diverse national legal systems.

Despite the challenges, the LMs and resident Contact Points are a strategic and necessary evolution in Eurojust's capacity to strengthen judicial cooperation with third countries. Their deployment in key regions (e.g., Africa, Middle East) would provide reliable channels for judicial cooperation, reducing delays for critical requests. This could be especially valuable for Member States with limited diplomatic networks and besides, enhance Eurojust's visibility and credibility as a central hub for international criminal justice cooperation. Similarly, Resident Contact Points would ease cooperation with countries where formal agreements are difficult to negotiate, offering a pragmatic and flexible alternative. Case volumes would increase.

Clear rules on LMs and Resident Contact points would also enhance overall coherence. With the formal participation of LPs in the College (iv) it would be ensured that discussions are grounded in up-to-date and field-based intelligence, improving the Agency's ability to anticipate and respond to evolving transnational trends and would have a positive impact on reaching Specific Objective 2. Member States' interests would be safeguarded by the fact that LPs retain their national practitioner status.

In terms of efficiency, it would be ensured the resources are allocated better since the direct involvement of the LPs would reduce redundant consultations with third country authorities. Moreover, since they are already deployed, their formal integration into the College would require only minor additional funding.

Coherence with the existing framework would be ensured.

**F.PO3:** The third policy option in that area builds on the previous by adding one additional measure: entrusting Eurojust with an explicit capacity building mandate in external action (v). This would further align with the specific objective and improve third countries' ability to align with EU standards and reaching trust and operational compatibility. However, effectiveness in that regard would depend on third countries' political will.

Funding would be streamlined (e.g., form ICPA-FPI, DG INTPA) under Eurojust's budget and reduce administrative fragmentation or duplication. On the cost side additional staff (FTEs) would be needed and there is a risk of overstretching, diverting resource from Eurojust's operational work.

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<sup>136</sup> Support Study, pp. 111-113.

<sup>137</sup> Quantitative assessments on this can be found in Annex II.

This policy option would be coherent with EU policies. As the policy option of highest intensity, particular legal clarity in the EJR amendment would be needed to avoid conflicts with other EU actors.

Table 10: Impacts of policy option in intervention area F

F. Consolidating cooperation with third countries and international organisations  <i>Addressing problem driver(s): #10 Cumbersome process for establishing relations with international actors</i>	Effectiveness			Efficiency	Coherence			Total criteria score Sensitivity 2
	SO2	GO	Effectiveness score = average SO2+GO		Internal	External	Coherence score = average Internal+External	Effectiveness = 0.5 Efficiency = 0.3 Coherence = 0.2
F.PO1(i)	0.50	0.50	0.50	0.50	0.00	1.00	0.50	0.50
F.PO2 (i, ii, iii, iv)	1.50	0.88	1.19	0.88	0.63	0.75	0.69	0.99
F.PO3 (i, ii, iii, iv, v)	1.40	0.80	1.10	0.80	0.60	0.80	0.70	0.93

## 7. HOW DO THE OPTIONS COMPARE?

To compare the policy options, a multi-criteria analysis (MCA) was used, which took into account the effectiveness, efficiency, and coherence of all policy options. This analysis is based on two components: the gradual assessment of each policy option and the weighting assigned to each impact representing its relative importance. A score was given to each policy option on a scale from -3 to +3 (as further explained in Annex IV) based on the analysis of quantitative and qualitative evidence. Effectiveness, efficiency, and coherence were each weighed at 50%, 30% and 20% respectively<sup>138</sup>.

The assessment was performed separately for the two specific objectives, each with its own set of policy options: **Specific Objective 1** (Internal) - Streamlining Eurojust's operational capacity, Member State implementation and internal governance; **Specific Objective 2** (External) - Achieve optimal alignment and operational integration with Member States, EU partners and third countries. The policy options under these two separate objectives are assessed independently of one another and have no mutual interdependencies (the objectives addressing clearly distinct themes and goals). Under each Specific Objective, **three thematic areas** (A, B, C for SO1; D, E, F for SO2) were examined. Within each thematic area, **three policy options** – differing in scope (PO1: light change, PO2: moderate change, PO3: substantial change) – were presented alongside their respective **impacts**. The resulting nine policy options under each Specific Objective were then compared against the criteria of effectiveness, efficiency, and coherence. **Effectiveness** was graded based on the extent to which each policy option achieved its respective specific objective and contributed to the general objective. **Efficiency** was assessed through a cost-benefit analysis, with the overall efficiency score reflecting the net effect of benefits minus costs (where 3 = highest benefit at lowest cost). **Coherence** was evaluated globally, taking into account internal coherence (alignment with the EJR) and external coherence (consistency with other EU legal acts and policies).

The results of the MCA show that policy options A.PO3, B.PO3, C.PO3, D.PO3, E.PO2, F.PO2 rank highest under all three criteria. The table below summarises the results of the assessment of all policy options described in chapter 6.

<sup>138</sup> Only this is presented above, but sensitivity analyses were also carried out with equal weights and with effectiveness and efficiency both at 40%, all of which produced the same ranking.

Table 11: Impacts of policy options in intervention areas A, B, C, D, E and F

Area of intervention	Policy options	Effectiveness	Efficiency	Coherence	Total = 0.5*Effectiveness + 0.3*Efficiency + 0.2*Coherence
A. Extending the scope of material competences to face the new judicial landscape	A.PO1	0.33	0.33	0.58	0.38
	A.PO2	1.00	1.25	1.06	1.09
	<b>A.PO3</b>	<b>1.00</b>	<b>1.60</b>	<b>1.15</b>	<b>1.21</b>
B. Harmonising Member State implementation of the EJR, including on allocation of cases	B.PO1	0.25	0.25	0.38	0.28
	B.PO2	0.83	1.17	1.25	1.02
	<b>B.PO3</b>	<b>1.00</b>	<b>1.38</b>	<b>1.25</b>	<b>1.16</b>
C. Establishing a streamlined, coherent and role-clear governance system that accelerates decision-making	C.PO1	0.50	0.50	0.50	0.50
	C.PO2	1.25	1.00	1.00	1.13
	<b>C.PO3</b>	<b>2.75</b>	<b>2.50</b>	<b>2.00</b>	<b>2.53</b>
D. Fostering and strengthening structured operational cooperation with Europol	D.PO1	0.25	0.50	0.75	0.43
	D.PO2	1.00	1.38	1.56	1.23
	<b>D.PO3</b>	<b>1.40</b>	<b>1.50</b>	<b>1.65</b>	<b>1.48</b>
E. Promoting fully developed cooperation with the EPPO	E.PO1	0.25	0.75	0.75	0.50
	<b>E.PO2</b>	<b>1.08</b>	<b>1.50</b>	<b>1.33</b>	<b>1.26</b>
	E.PO3	1.06	1.31	1.31	1.19
F. Consolidating cooperation with third countries and international organisations	F.PO1	0.50	0.50	0.50	0.50
	<b>F.PO2</b>	<b>1.19</b>	<b>0.88</b>	<b>0.69</b>	<b>0.99</b>
	F.PO3	1.10	0.80	0.70	0.93

## 8. PREFERRED OPTION

Based on the impacts assessed (chapter 6) and comparison of policy options (chapter 7), the preferred option is the package of preferred policy options under each intervention area.

All policy options retained are complementary and reflect the evidence collected (i.e. stakeholders' views). They scored highest in terms of their effectiveness (towards their specific objective and the general objective), efficiency and coherence mix:

Table 12: Preferred Option

<b>PREFERRED OPTION</b>	
<p style="text-align: center;"><b>A. Extending the scope of material competences to face the new judicial landscape</b>  <i>Addressing problem driver(s): #2 Insufficient competences and associated toolset</i></p>	<b>A.PO3</b>
<p><u>i.b</u> Enhancing Eurojust’s involvement in EU policy-making and strategic cycles by introducing a dedicated EJR provision</p>	
<p><u>ii.b</u> Formally entrusting Eurojust with new operational functions (e-evidence, victims’ rights)</p>	
<p><u>iii.b</u> Introducing semi-permanent operational platforms to support JITs by introducing a reference in the EJR</p>	
<p><u>iv.</u> Extending Eurojust’s material competence to new crimes (VURM, cybercrime, GBV)</p>	
<p><u>v.</u> Expanding Eurojust’s analytical function to key crime areas (organised crime and accessory crimes)</p>	
<p style="text-align: center;"><b>B. Harmonising Member State implementation of the EJR, including on allocation of cases</b>  <i>Addressing problem driver(s): #1 Inadequate model to select and prioritise cases; #3 Divergent Member State engagement and implementation of the EJR</i></p>	<b>B.PO3</b>
<p><u>i.b</u> Introducing a Eurojust-EJN case-allocation system by defining in EJR what’s a ‘Eurojust case’</p>	
<p><u>ii.b</u> Reinforce the status of National Members to give them full operational powers by amending EJR provisions</p>	
<p><u>iii.</u> Entrusting National Members with new capabilities (issuing freezing orders (or immediate action), e-evidence orders, signing JIT agreements)</p>	
<p><u>iv.</u> Granting National Members the authority to open cases</p>	
<p style="text-align: center;"><b>C. Establishing a streamlined governance system that accelerates decision-making</b>  <i>Addressing problem driver(s): #4 Lack of clear separation between operational and administrative responsibilities; #5 Complex governance structure and outdated legacy organisational culture</i></p>	<b>C.PO3</b>
<p><u>i.</u> Revision of the allocation of responsibilities between governance bodies</p>	
<p><u>ii.</u> Reform of the Executive Board</p>	
<p><u>iii.</u> Introduction of a Management Board</p>	
<p style="text-align: center;"><b>D. Fostering and strengthening structured operational cooperation with Europol</b>  <i>Addressing problem driver(s): #8 Absence of a structurally embedded cooperation with Europol</i></p>	<b>D.PO3</b>
<p><u>i.b</u> Optimising Eurojust-Europol’s hit/no-hit system through technical measures linked to new legal obligations</p>	
<p><u>ii.b</u> Revising the 2010 Eurojust-Europol Working Arrangement and introducing an obligation of periodic review</p>	
<p><u>iii.</u> Creating a dedicated cooperation channel for systematic follow up on SIRIUS referrals</p>	
<p><u>iv.</u> Granting participation in College meetings to Europol representatives</p>	
<p><u>v.</u> Codifying cooperation modalities between Eurojust and Europol</p>	
<p style="text-align: center;"><b>E. Promoting fully developed cooperation with the EPPO</b>  <i>Addressing problem driver(s): #9 Constrained cooperation with the EPPO</i></p>	<b>E.PO2</b>
<p><u>i.b</u> Optimising Eurojust-EPPO’s hit/no-hit system through technical measures linked to new legal obligations</p>	
<p><u>ii.</u> Establishing an explicit mandate for Eurojust to provide reinforced support in EPPO cases</p>	
<p><u>iii.</u> Granting participation in College meetings to EPPO representatives</p>	
<p style="text-align: center;"><b>F. Consolidating cooperation with third countries and international organisations</b>  <i>Addressing problem driver(s): #10 Complex process for establishing relations with international actors</i></p>	<b>F.PO2</b>
<p><u>i.</u> Introducing cooperation commitments in agreements with third countries with financial implications</p>	
<p><u>ii.</u> Clarifying the legal framework governing Liaison Magistrates</p>	
<p><u>iii.</u> Institutionalising Resident Contact Points for priority third countries</p>	
<p><u>iv.</u> Granting participation in the College meetings to LPs</p>	

### 8.1. Presentation of the cumulative impact of the preferred option

The preferred option is a package that generates cumulative impact by combining measures that address **different but interrelated drivers of the problem**. Taken together, these measures form a **coherent and mutually reinforcing revision of the Eurojust mandate**:

they strengthen Eurojust's ability to support Member States to combat serious and cross-border crime more effectively than any individual measure alone.

First, several mutually reinforcing legislative measures would formally **codify and expand Eurojust's mandate and operational competences**. The Regulation would provide the legal basis for operational practices already envisaged under earlier policy options, while extending Eurojust's material competence to emerging crime areas through amendments to Annex I. In parallel, Eurojust's analytical capacity would be strengthened by granting the Agency the mandate to collect, store and analyse judicial data related to organised crime, supporting national authorities in evidence-building and strategic case development.

Second, complementary measures would **reinforce operational coordination and legal certainty within Eurojust**. Once again, a legislative amendment is required. The concept of a "Eurojust case", and the eligibility requirements for NMs, would be better defined, ensuring consistent practices across Member States. NMs' operational powers would be enhanced, enabling them to issue or facilitate key judicial cooperation instruments (such as freezing and investigation orders, and e-evidence production or preservation orders) while remaining subject to a conferral of powers under national law. In the preferred option, NMs would be empowered to open cases concerning serious cross-border crime. These measures align Eurojust's operational tools with clearer institutional rules, strengthening the Agency's ability to act proactively while preserving national authorities' investigative primacy.

Third, the reform measures would **modernise Eurojust's governance and internal management structure** in line with the Common Approach for decentralised agencies. This governance reform complements the operational measures by ensuring that strengthened operational tasks and competences are supported by a more efficient and clearly structured decision-making framework. This will ensure that NMs can focus on operational work and that independent oversight is allocated to an external MB. As already explained in Chapter 2 regarding the presentation of the problem driver #5, Governance inefficiencies are rooted in a legacy culture but also due to legal uncertainties in the division of tasks and accountabilities. While Eurojust had been encouraged to evolve its working practices towards greater efficiency, the trend observed in practice has been the opposite, as highlighted in the evaluation study. The preferred option would reposition the College towards a more operationally focused function, while ensuring that management and administrative decisions are taken by the bodies best placed and competent to handle them efficiently. These structural changes require a legislative intervention (best score on C.PO3).

Fourth, certain measures would **enhance data protection and data management capabilities**, specifying the application of the EU data protection regime within the EJR and allowing longer retention of operational personal data for analytical and strategic purposes. These provisions are consistent with the expansion of Eurojust's analytical role and ensure that enhanced data processing capacities operate within a clear and robust legal framework. This new, more harmonised and improved legal framework will maintain a high level of data protection whilst supporting the operational needs for the transfer of information. Finally, the package would **strengthen cooperation with key partners**, at EU (in particular Europol and the EPPO) and external (third countries) level. Legislative amendments would structure information exchange, reinforce the relevance of dedicated cooperation channels, embed coordination obligations, and institutionalise operational practices such as JOPs or task forces and resident contact points.

Taken together, the different measures form a **consistent and mutually reinforcing reform package**: internal governance reforms support stronger operational competences;

expanded analytical and data capacities underpin the Agency’s broader mandate; and structured cooperation mechanisms ensure that Eurojust’s enhanced role is effectively integrated within the EU’s broader security and justice architecture and beyond.

## 8.2. Impact of the preferred option

### 8.2.1. Effectiveness<sup>139</sup>

The cumulative impact of the preferred package is highly effective because it satisfies the goals of the two specific objectives while also addressing the problem drivers. By combining legislative, governance, and operational measures, the package creates mutually reinforcing effects. Expanded material competences enable Eurojust to support national authorities in new crime areas, while harmonised Member State implementation ensures these competences are evenly applied. Streamlined governance reduces administrative bottlenecks, allowing Eurojust to focus on operational priorities, such as third country cooperation. The package aligns with stakeholders demands and EU strategic priorities, ensuring political feasibility and operational relevance. It enhances Eurojust’s proactivity, transforming it from a reactive coordination body to a strategic, agile and analytical hub for cross-border judicial cooperation.

#### ○ *Specific Objective 1*

In detail, using the criterion of effectiveness **A.PO3** (i.b, ii.b, iii.b, iv, v), **B.PO3** (i.b, ii.b, iii, iv) and **C.PO3** (i, ii, iii) are the most effective because they collectively strengthen the EU’s ability to detect, coordinate and prosecute serious and cross-border crime. Their effectiveness stems from reinforcing Eurojust’s role as a central hub for judicial cooperation while improving coordination between national authorities and enabling faster operational responses.

First, these options significantly enhance the EU’s capacity to respond to increasingly complex and transnational criminal activities. By reinforcing Eurojust’s operational role and expanding its capacity to support national authorities, the EU’s judicial cooperation framework becomes better equipped to address sophisticated criminal structures that exploit legal and procedural differences between Member States. New operational tasks, in particular related to electronic evidence and victims’ rights, improve coordination in key investigative areas. The establishment of semi-permanent operational platforms supporting JITs facilitates sustained cooperation in complex cases. **A.PO3** improves the prioritisation and management of cross-border criminal cases which allows Eurojust to focus more complex investigations. This ensures that judicial coordination tools are used where they generate the greatest added value. Extending Eurojust’s competence to emerging crime areas alongside expanded analytical capacity enables the Agency to detect patterns and better support prosecutions in cross-border cases.

Second, the preferred option increases the speed and relevance of operational coordination. Serious cross-border investigations often require rapid information exchange, swift judicial decisions and coordinated prosecutorial strategies across multiple jurisdictions. By reducing procedural fragmentation and improving coordination mechanisms, these options allow authorities to react more quickly and effectively to emerging criminal threats. **B.PO3** further improves effectiveness by harmonising how Member States implement the EJR. The introduction of a Eurojust–EJN case allocation system and a clearer definition of a “Eurojust case” helps focus the agency’s work on the most complex cross-border

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<sup>139</sup> On total effectiveness impacts, as measured by the success indicators and targets defined for the two sets of specific objectives, see chapter 9.

investigations. Granting NMs full operational powers reduces procedural delays and strengthens coordination between national authorities.

Third, the options improve organisational efficiency and strategic coordination, enabling Eurojust to support Member States more effectively in dismantling organised criminal networks. A clearer institutional framework facilitates faster decision-making and allows resources to be directed towards operational priorities in the fight against serious crime. **C.PO3** enhances effectiveness by simplifying Eurojust's governance structure. The creation of a MB separates administrative and operational responsibilities, streamlines decision-making and enables faster responses to complex investigations.

Together, these options reinforce Eurojust's role as a central hub for judicial cooperation, improve prioritisation of cross-border cases, accelerate operational coordination and strengthen the EU's ability to detect, coordinate and prosecute complex transnational criminal activities.

○ *Specific objective 2*

The package of preferred policy options appears the most effective because they directly reinforce the operational judicial ecosystem in which Eurojust supports complex transnational investigations and prosecutions. Indeed, **D.PO3** (i.b, ii.b, iii, iv, v), **E.PO2** (i.b, ii, iii) and **F.PO2** (i, ii, iii, iv) increase significantly the relationship between Eurojust and all its external partners, by improving information exchange, strengthening institutional cooperation and extending operational coordination at EU level and beyond EU borders (third countries and international organisations).

**D.PO3** significantly strengthens the EU's capacity to tackle serious crime by ensuring structured operational cooperation between Eurojust and Europol, in both terms of data exchange but also operational synergies, helping establish a police-justice continuum. Indeed, the combination of Europol's criminal intelligence and Eurojust's judicial coordination allows authorities to detect cross-border criminal patterns more quickly and to translate intelligence into timely and well-coordinated judicial investigations and prosecutions.

In the same way, **E.PO2** enhances the effectiveness of EU action against complex financial crime and other cross-border offences by ensuring closer cooperation between Eurojust and the EPPO. Stronger coordination between the two bodies helps avoid parallel proceedings, facilitates cooperation with non-participating Member States and third countries, and supports comprehensive case handling in investigations with a cross-border dimension.

Finally, **F.PO2** increases effectiveness by reinforcing operational cooperation with third countries and international partners, which is essential given the global dimension of many organised crime activities. Introducing cooperation obligations in agreements with third countries, clarifying the legal framework for LMs, institutionalising Resident Contact Points for priority partners, and enabling the participation of LPs in College meetings create more stable operational channels. All these measures proposed in this policy option enhance a more structured external cooperation, especially by the means of interpersonal contacts between practitioners.

### *8.2.2. Efficiency*

The preferred package of policy options includes a majority of options corresponding to the highest level of intervention (**PO3**). These introduce more significant changes to the current operational and institutional framework of Eurojust than the alternatives providing only minimal or moderate changes. As a result, the preferred package is expected to

generate substantial operational benefits, while also requiring a greater mobilisation of resources and organisational adjustments.

In particular, the implementation of the preferred package will require Eurojust, its partner agencies and bodies, and especially Member States, to adapt their working methods, cooperation practices and established operational routines. Such adjustments may entail transitional costs and require time and effort to be fully absorbed by the different actors involved. The transition to new working arrangements may therefore initially encounter certain practical difficulties, including the need to move away from well-established practices and cooperation patterns. In some cases, this may also require changes to national legal frameworks and institutional relations within Member States, as well as the gradual adoption of a new working culture within Eurojust.

Once these initial adjustments are absorbed, however, the new framework is expected to generate considerable efficiency gains in several areas. Most notably, the governance reform (**C.PO3**) will allow the College to focus fully on the handling of cases, which should improve both the speed and the quality of the operational support provided to Member States. At the same time, the new overall management reorganisation (creation of a MB and new tasks and composition for the EB) is expected to improve the allocation of time and responsibilities within the Agency.

Similarly, the strengthened involvement of liaison officers and representatives of partner bodies in the work of the College, including liaison officers from Europol and the EPPO, as well as LPs from third countries, is expected to add value to operational discussions by bringing additional expertise and information to case-related deliberations. At the same time, the participation of a broader range of actors may slightly increase the time required for discussions and coordination, as additional perspectives and institutional positions will need to be taken into account.

More broadly, the preferred package places strong emphasis on improving cooperation with other EU agencies and bodies (**D.PO3**, **E.PO2**). The streamlining of cooperation mechanisms and the clarification of respective roles are expected to reduce duplication of work and overlapping activities, thereby generating efficiency gains and improving the quality of operational outcomes through increased availability of information and expertise. However, closer cooperation also entails coordination costs, including the need for additional meetings, exchanges and increased operational engagement.

The preferred package also strengthens the operational role and proactivity of Eurojust and of NMs, while extending the range of tasks for which the Agency is competent (**A.PO3**, **B.PO3**). As a result, the number of cases handled by the Agency may increase. Assuming unchanged resource levels, this may initially place additional pressure on Eurojust's operational capacity and require adjustments in the prioritisation of activities. However, this effect is expected to be at least mitigated by the governance reforms. These will free up additional time for NMs to focus on operational work by reducing their involvement in administrative tasks, and by a clearer understanding of what constitutes a "Eurojust case". In addition, extending Eurojust's tasks with regard to the storage and analysis of evidence is expected to have a significant impact on data storage costs and will require additional resources to be devoted to strengthening the Agency's analytical capacity. Nevertheless, the positive impact of having evidence databases and analysed datasets readily available to support case-building is considered to far outweigh the costs associated with establishing and maintaining this function.

The increase in Eurojust's capacity to detect and open cases may also lead to a higher number of investigations and prosecutions at national level. National authorities may

therefore need to allocate additional resources to their prosecution services in order to handle the increased caseload generated by the strengthened operational role of the Agency.

Finally, the preferred package strengthens cooperation with international partners (**F.PO2**), including through the institutionalisation of mechanisms such as Resident Contact Points. These arrangements are expected to facilitate operational cooperation with third countries by providing reliable channels for judicial exchanges and reducing delays in handling requests. At the same time, the deployment and integration of such actors within Eurojust will require specific organisational arrangements; these include office space, IT infrastructure, and data protection and information security safeguards to prevent the disclosure of sensitive information in the absence of formal cooperation agreements. These requirements may therefore entail additional operational costs for the Agency.

The preferred package is expected to entail certain implementation and coordination costs, reflecting the more structural changes introduced by the reform. Nevertheless, these costs are considered proportionate in light of the substantial operational benefits expected from the strengthened role of Eurojust and the increased focus on case handling. The **one-off costs** are estimated between EUR 4.4 million – 5.6 million and the **recurrent costs p.a.** would amount to EUR 9.3 million – 9.4 million on average over the course of the Multiannual Financial Framework (MFF) 2028-2034 for the implementation of the revised mandate (additional staffing and set up/operating infrastructures). In addition, the progressive use of new capabilities is expected to generate operational expenditure for around EUR 1.7 million on average per year over the course of the next MFF. Overall, this will amount to estimated needs of extra EUR 83 million for Eurojust from 2028 to 2034. Detailed estimations of the financial needs of the reformed Agency are included in Annex III. Taken together, the measures included in the preferred package are therefore expected to generate a **positive overall impact on efficiency**, by enabling the Agency to operate in a more structured, coordinated and operationally focused manner.

### 8.2.3. Coherence

#### ○ *Internal coherence*

Overall, the preferred policy options are broadly consistent with the structure and objectives of the EJR (EU) 2018/1727, although some measures raise institutional balance considerations.

**A.PO3** (extension of competences) shows moderate-high internal coherence, as it builds on Eurojust’s coordination role, particularly regarding support to JITs and operational cooperation. However, expanding operational or analytical functions (e.g. in e-evidence, asset recovery or strategic analysis) may blur the boundary between coordination and operational powers. In addition, A.PO3 is fully coherent with other EU legislation (e.g., Directives on gender based violences, victims’ rights, etc.) and strategies (SOCTA etc.) regarding new material competences. Moreover, it strengthens alignment of Eurojust’s judicial role with EU strategic cycles. No issues are expected in terms of internal coherence concerning the new dedicated hub for organised crime in addition to the already established and valued CICED and CTR. On the contrary, an analytical competence in this crime area, which is the top priority of criminal justice policies at national and EU level (including organised drug trafficking) is therefore entirely consistent.

**B.PO3** (harmonising Member State implementation) demonstrates good internal coherence because clarifying the notion of a “Eurojust case”, strengthening the powers of NMs, and enabling them to open cases, directly address divergences in the application of

the EJR. However, in practice, the consistency and added value will depend on Member States' compliance and the practices of national desks with the requirement to appoint NMs; their reluctance to do so may significantly hinder the aimed reduction of fragmentation. Harmonisation of NMs' status increases the coherence of this policy option because it is inconsistent to have fragmented profiles, in particular in the case of an emergency. In the same way, conferring operational capabilities on each NM, in accordance with their national system, is highly coherent with the current EU judicial landscape (e.g. importance of JITs, mutual recognition tools, etc.) and recent developments such as the e-evidence framework. Lastly, the proactivity permitted by the possibility for NMs to trigger a case at Eurojust level is coherent with the operational support for national authorities in some specific circumstances, in accordance with the legal basis of the agency.

**C.PO3** (governance reform) presents a high degree of internal coherence due to the aim of enhancing the performance of decision making. The significant change in the governance and decision-making structures of Eurojust is expected to align with the need to clearly focus the College on operations and leave the administrative tasks to other bodies (EB and MB). The College itself is preserved for operational matters, in coherence with the singularity of this agency in dealing with judicial cases and interacting, with mutual trust, with national authorities.

**D.PO3, E.PO2, and F.PO2** (external cooperation) display high internal coherence, as strengthening cooperation with partner bodies, the EPPO, and third countries builds on existing cooperation mechanisms already foreseen in the EJR. In particular, all synergies proposed between Europol and Eurojust are totally coherent with the mission of this Agency, which must operate "*on the basis of operations conducted and information supplied (...) by Europol*":<sup>140</sup> option D.PO3 aims to enhance this continuum (in particular via this "*judicial threshold*"). Participation of Europol and EPPO representatives in the College is fully coherent with the current legal framework, which provides that members of the College can "*be assisted by advisers and experts*".<sup>141</sup>

○ *External coherence*

Externally, the options are largely consistent with the EU's broader framework for judicial and law enforcement cooperation as well as with the recent developments in the ongoing review of the AFA. The direct link with current reflections led at Council level, the ProtectEU Internal Security Strategy and the Commission White Paper that launched the review of the AFA reinforces this coherence.<sup>142</sup> **This coherence is high regarding ongoing legislative and policy initiatives in the fields of JHA and AFA.** Indeed, on the one hand, the integration of the agency's operational and analytical capabilities into a broader ecosystem designed to tackle new forms of crime in a cross-cutting manner, in collaboration with other active partners (notably Europol), is fully in line with current paradigm on how agencies and bodies specialising in the fight against crime should operate. On the other hand, the AFA review seeks to enhance effectiveness by, avoiding overlaps between EU agencies and bodies active in the fight against crimes affecting the Union's financial interests, including by enhancing the hit/no-hit system. The AFA review also aims to make better use of financial and human resources whilst addressing new

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<sup>140</sup> Article 85 TFEU.

<sup>141</sup> Article 10(4) EJR.

<sup>142</sup> Council Conclusions on strengthening judicial cooperation with third countries in the fight against organised crime (18 June 2024). Both ProtectEU and the White Paper acknowledge Eurojust's key role in facilitating the coordination among national judicial authorities and its contribution to the overall JHA architecture and EU's AFA, which could be further improved (White Paper for the Anti-fraud Architecture Review, COM(2025) 546 final, 16.7.2025).

challenges, such as the increased involvement of cross-border and organised crime groups targeting EU funds or the use of advanced technologies, including artificial intelligence tools. In this context, the Commission is finalising its evaluation of the EPPO and OLAF Regulations and, based on their findings, will propose a revision of both Regulations, which will also likely encompass proposals to revamp the relations between Eurojust and the EPPO and OLAF.

**A.PO3** highlights a moderate external coherence: extending competences to emerging crime areas (e.g. cybercrime) aligns with EU policy priorities, but expanding analytical or operational roles may risk overlap with the mandate of Europol. Concerning the new analytical competence of judicial data on the field of organised crime, overlaps and/or duplication of work may occur with Europol's role. Even if minor practical coherence issues could arise, depending on the implementation by Member States in terms of transfer of data, this analytical competence is fully consistent with the new tools to combat organised crime.

**B.PO3** underlines a consequent external coherence, as it reinforces EU judicial cooperation mechanisms.

**C.PO3** is also externally coherent because aligning governance with common EU agency models reflects broader administrative practice. In particular, the creation of a MB will strongly improve alignment with the common approach of decentralised agencies.

**D.PO3** (Europol) and **E.PO2** (EPPO) demonstrate superior external coherence, as codifying cooperation with Europol and strengthening operational coordination with the EPPO supports the integrated functioning of the EU criminal justice architecture and the AFA, and is consistent with the mission of the EPPO. Once again, the reinforcement of data exchange via IT connections and new automated systems is entirely coherent with new operational requirements to better fight against organised crime as well as with the needs already emerged in the ongoing review of the AFA<sup>143</sup>. Lastly, this option would increase transversal coherence by ensuring very high levels of alignment with other actors involved in the planned review of the AFA.

**F.PO2** also provides a correct external coherence, as clarifying the role of LMs and institutionalising contact points supports the EU's external judicial cooperation policy and partnerships with third countries and international organisations. Some possible challenges in the internal coherence between the role of contact points towards LMs and prosecutors might emerge, but these can be addressed by clarifying the differences between the roles, powers and responsibilities to avoid duplications and overlaps. This policy option has the potential to increase coherence by ensuring higher levels of alignment with other JHA and AFA actors in terms of international data transfer regime, while retaining the possibility for Eurojust-specific rules.

#### *8.2.4. Impacts on Fundamental Rights*

The preferred option complies with principles provided for in the Charter of Fundamental Rights of the European Union (the Charter) and the European Convention on Human Rights (ECHR), particularly in areas where Eurojust's expanded mandate would intersect with criminal procedural safeguards and data protection<sup>144</sup>.

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<sup>143</sup> '... a semi-automated hit/no-hit system tailored for the EPPO, Eurojust, Europol, and OLAF ... could improve early detection of cross-border criminal patterns and facilitate cooperation' (White Paper for the Anti-fraud Architecture Review, p. 12).

<sup>144</sup> See also Annex 7 to this Impact Assessment

### *Protection of personal data*

The preferred policy option, particularly the measures enhancing data exchange with **Europol, the EPPO, and third countries** (such as **D.PO3, E.PO2, and F.PO2**), will increase the volume and scope of personal data processing. While this strengthens operational cooperation, it also introduces risks that must be carefully managed.

To mitigate these risks, **strict legal bases** for data exchange will be established, ensuring that shared data is limited to what is **necessary and proportionate** for judicial cooperation. **Purpose limitation safeguards** will prevent the use of data for unintended objectives, while **oversight by the European Data Protection Supervisor (EDPS)** will ensure compliance with EU standards, particularly for transfers to third countries. A revision of the EJR will also align with the **parallel revision of Chapter IX of the EUDPR**, which will provide harmonised rules for all JHA agencies, further reinforcing data protection.

As previously explained, data protection rules and processing envisaged will not be “*lex specialis*” and will comply with the horizontal framework and the safeguards it provides for all JHA agencies and bodies of the EU. The explanatory memorandum of the draft proposal on the revision of Chapter IX of the EUDPR states that the targeted nature of the changes ensures that existing level of data protection is maintained, while providing improvements as regards consistency of applicable rules and further harmonisation. The proposal will thus target specific provisions of the EUDPR and will not alter the overall framework: the changes do not involve new policy options, and are expected to have minimal, non-quantifiable impact on fundamental rights. At the same time, no new legal obstacles are created with regard to the implementation of Eurojust’s tasks, which are streamlined by a more rationalised legal framework.

### *Procedural Safeguards in Criminal Proceedings*

The preferred option aims to **strengthen Eurojust’s operational role** (e.g., through **A.PO3 and B.PO3**) without compromising core principles of criminal justice such as the procedural safeguards of suspects and accused persons which depend **largely on national judicial systems**, which form the procedural framework upon which Eurojust relies in the context of its operational support. The impact of Eurojust’s intervention is therefore intended to be at least neutral or positive (e.g. preventing a breach of the *ne bis in idem* principle through enhanced coordination mechanisms).

Key safeguards will ensure that Eurojust’s role remains **supportive and coordinative**, avoiding any interference with national judicial independence. **Transparency and legal remedies** will be embedded in operational procedures, providing clear avenues for individuals to challenge data processing or operational decisions that might affect their rights.

### **8.3. REFIT (simplification and improved efficiency) and ‘one in, one out’ approach**

In line with the Commission’s Regulatory Fitness and Performance Programme (REFIT), revisions of EU legislation aim to simplify rules and reduce unnecessary administrative burden. The revision of the EJR complies with this approach as it seeks to streamline the Agency’s decision-making process and more generally to improve efficient cross-border coordination.

This initiative **does not impose administrative costs on businesses** and therefore does not trigger the ‘*one in, one out*’ adjustment mechanism. The measures concern an EU entity and public authorities involved in judicial cooperation and do not introduce new regulatory obligations for the private sector. The initiative is expected to generate significant public benefits by strengthening the Union’s capacity to combat serious cross-border crime,

thereby reinforcing public trust and supporting the proper functioning of the internal market.

## 9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

Putting in place a structured framework for monitoring and evaluation will help ensure that the strengthened mandate under the preferred policy option translates into measurable operational, strategic and systemic benefits. Monitoring arrangements will build on the mechanisms already established under **Article 69 of the EJR** (subject to potential renumbering without changing its substance), which foresees periodic evaluations of Eurojust's impact, effectiveness and efficiency. These mechanisms will be complemented by a refined indicator framework aligned with the specific and operational objectives of the preferred option.

### *9.1. Measurable indicators of success and proposed targets*

As regards the SMART<sup>145</sup> objectives specified in chapter 4.2, a successful implementation of the package is expected to deliver the following results, in terms of the following RACER<sup>146</sup> indicators (including baseline when known, quantified targets and milestones):

1. **Reduced administrative workload of NMs:** from a current baseline of ca 40% of their overall workload, this share is expected to decrease to around 20-25% within two years from the entry into application of the revised Regulation (taking into account a transitional adjustment period) and to reach a steady-state level of 10-15% within five years. Progress against this indicator will be monitored through the Commission's involvement in the EB and MB, and assessed in the context of the next evaluation of the Regulation and Agency.

2. **Increased Eurojust proactivity,** as reflected in a higher number of own-initiative cases opened and handled: following an initial adjustment phase, a gradual increase is expected, with the annual average number of own-initiative cases opened increasing by 10-15% within five years. To avoid distortions resulting from the normal year-on-year fluctuations in Eurojust casework, the baseline will be calculated on the basis of the average annual number of own-initiative cases opened during the five years preceding the entry into application of the revised Regulation. Progress will be assessed against that baseline by reference to the corresponding annual average over the five years following its entry into application, using the data reported in Eurojust's CAARs.<sup>147</sup>

3. A progressive **reduction in the share of 'simple' cases handled by Eurojust:** bilateral and lower-complexity cases are currently estimated at around 80% of Eurojust's total annual case intake. While a residual share of 20-25% is expected to remain, reflecting cases that initially appear complex or are escalated from the EJN, a gradual reduction is expected to reach around 60% within two years, down to 40% within five years, then 20-25% within ten years. The baseline will be determined by reference to the share of simple cases in the total number of cases opened in the year preceding the entry into application

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<sup>145</sup> SMART means that objectives are Specific, Measurable, Assignable, Realistic and Time-bound.

<sup>146</sup> RACER means that indicators are both Relevant, Accepted, Credible, Easy to monitor and Robust.

<sup>147</sup> Data on the number and type of cases handled by Eurojust are published annually in Eurojust's Annual Reports and CAARs. Between 2020 and 2025, Eurojust opened 64 own initiative cases, Eurojust Annual Report 2025, pp. 46-47.

of the revised Regulation. Progress will be monitored on the basis of the statistics and KPIs regularly reported by Eurojust in its CAARs.<sup>148</sup>

4. Finally, improving information exchange with EU partners, in particular Europol, is expected, notably through an **increase in follow-ups to “hits” identified in information systems**, reflecting enhanced timeliness and relevance. The baseline will be determined by reference to the number of follow-ups to hits recorded in the year preceding the entry into application of the revised Regulation. An increase of up to 50% may be expected within five years. Progress will be monitored on the basis of the data reported in Eurojust’s CAARs, cross-checked against corresponding data reported in Europol’s CAARs.

### *9.2. Operational objectives and related indicators proposed*

Further to the above **measurable success indicators**, the use of some operational objectives is also proposed, to facilitate closer monitoring and subsequent evaluation. This will focus on **outputs** (e.g. volume and quality of information exchange, operational support delivered, studies and reports produced, etc.), **concrete results** (e.g. number of JITs involving Eurojust and the new JOP, number of mutual recognition and judicial cooperation requests facilitated or issued, number of action days, of working and cooperation agreements signed, of contact points/LPs appointed, etc.), and **broader impacts** (e.g. strengthened EU-level situational awareness, reduced fragmentation in operational coordination). Attention will be given to monitoring data-protection compliance, proportionality and fundamental rights safeguards but also the proactivity of the agency.

Core indicators will be drawn from a **range of sources**, including Eurojust’s existing reporting instruments as the CAAR. The exploitation of the CMS will be used as well as the data based on Articles 21 and 21b (CTR) of the EJR reporting on Member State information contributions; also, Article 80 of the EJR regarding the volume of stored and analysed evidence (CICED); EDPS supervisory findings and data protection reporting; and EB/MB performance indicators.

The Commission will monitor implementation through its representation in the EB and MB, structured exchanges with Member States (including NMs) and Eurojust staff, and consultation with oversight bodies, including the EDPS. Data will also be drawn from SOCTA cycles, EMPACT performance reporting and, where appropriate, targeted stakeholder surveys.

Monitoring will begin from the entry into application of the revised Regulation. Overall progress will be checked some four years after entry into application, so as to allow for operational maturation before a fully-fledged evaluation can be launched (no earlier than 5 years after entry into application). Where relevant, interim reviews may assess implementation bottlenecks, including technical interoperability and compliance burdens.

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<sup>148</sup> In 2025, following discussions in the EB and the College in which the Commission was involved, Eurojust adopted dedicated KPIs on case-complexity. On this basis, simple cases are identified as bilateral cases which entail a single judicial cooperation instrument or two of the same instruments, and do not require the setting up of CMs/CCs or JITs, nor sustained coordination involving operational or legal complexities.