Minutes of the meeting between Eurojust and IberRed
Madrid, 9 July 2012

PARTICIPANTS:
- **Eurojust:**
  - Ms Michèle Coninsx, President of Eurojust and National Member for Belgium
  - Mr Juan Antonio García Jabaloy, Member of the External Relations Team and National Member for Spain
  - Ms Malči Gabrijelčič, Chair of the External Relations Team and National Member for Slovenia
  - Mr Jose Castillo, Senior Legal Officer, Eurojust’s Legal Service

- **IberRed:**
  - Victor Moreno: Secretary General
  - Marisa Ramos: General Coordinator
  - Andrea Murillo: Project Coordinator

I. **Strengthening the MoU between Eurojust and IberRed**

- Collaboration of Eurojust with the “Study on Judicial cooperation, Mutual Legal Assistance and Extradition of drugs traffickers and other drugs-related crimes offenders, between the EU and its Member States and Latin American and Caribbean (LAC) countries”

EU Project Number: JUST/2011/ISEC/PR/0058/A4 (Based on the MoU and letter of support to IberRed for the execution of the project)

The Secretary General of IberRed explains the Study and thanks Eurojust for its support and valuable collaboration in the data collection task with their National Members. Regarding the data collection questionnaires, it is agreed:

- The Eurojust Presidency requests an extension of time to deliver the information: It is agreed that the legal information can be sent on 1 August and the statistics can be sent at the beginning of September. The
President of Eurojust explained that the delay in gathering the information is because the National Members must first request the information from their own competent authorities.

- Eurojust requests that any future collaboration in connection with this Study shall be communicated as soon as possible to be able to comply with sufficient time to request the information and for its timely delivery.

- **Communication of the new contact point of IberRed for the implementation of the IberRed-Eurojust MoU**

  The Secretary General of IberRed informed the Presidency of Eurojust that the new IberRed contact point for the implementation of the MoU with Eurojust is the project coordinator Ms Andrea Murillo (Letter SGIberRed/029/2012 was delivered by hand). The President of Eurojust welcomed her in this new task.

- **Joint Strategy to integrate legal cooperation in the EU-CELAC agenda. Actions towards the Conference in Santiago Chile, January 2013**

  In relation to the Meeting of Heads of State of Europe and Latin American countries, to be held in Chile in January 2013, a joint strategy was agreed in order to support the participation of both organisations, particularly with regard to drug trafficking, international legal cooperation, and the above-mentioned Study that is currently being carried out. The following actions were agreed:

  - Eurojust will provide the name of the person representing Eurojust at the meeting, as well as any information obtained in connection with this event.
  - IberRed will share information on the meeting provided by the Ministries of Justice of Chile and Spain.

- **Exploration of possible actions to be carried out in the fight against transnational organised crime: Joint Strategy to request funds of the European Commission in order to carry out a working plan on Joint Investigation Teams**

  Eurojust, as with other EU institutions, has had its subsidy frozen and is unable to assist IberRed in searching for funding from the European Commission. Eurojust explained that the funding from the European Commission to encourage the integration of the joint investigation teams is only available until October, 2013. Therefore, Eurojust sees no possibility to collaborate with
IberRed in obtaining financing, since they themselves have to look for financing for the coming years.

- **Explore possible actions to be carried out together in the fight against organised transnational crimes**
  It was agreed that each of the parties will send a calendar of activities with its justification (Road Map). Eurojust requests a rigorous definition of key events in which their presence is essential. From this first selection they will make a decision. It was agreed that both parties shall submit their road map of activities as soon as possible together with its justification, without prejudice to any update that may be made to the road map for the rest of the year if new activities are scheduled.

  It is important that each invitation shall indicate whether participation is only on the basis of representation of the organisation and/or whether the activity will include the participation of contact points or National Members. The purpose being to allow members of each party to exchange experiences in those activities.

- **Definition of joint actions for the promotion both of Eurojust and Iberred in international fora**
  Both Parties consider the promotion of each other’s activities and the nature of their partnership as important when attending meetings. For this purpose, the Parties agreed to communicate with each other on the activities in which they participate with the aim of seeking a joint strategy.

- **Improvement of cooperation in common investigations**
  The MoU signed by IberRed and Eurojust does not yet allow National Members of Eurojust to exchange personal data, but it was acknowledged that National Members of Eurojust can exchange general information on cases which does not include personal data. It is important that both Eurojust and IberRed serve as facilitators of judicial cooperation vis-à-vis their national authorities and enable national authorities to carry out the coordination they deem appropriate. In this regard, IberRed and Eurojust could facilitate coordination meetings between the countries involved.
II. Iber@

- **Incorporation of the National Member for Portugal to Iber@**
  Eurojust agreed to include in the Iber@ the National Member for Portugal, as the two official languages of IberRed are Spanish and Portuguese. It was also agreed to include those Eurojust officials considered necessary. For such purpose, Eurojust will notify IberRed of such appointment(s).

- **Steps to follow for the incorporation of all National Members of Eurojust into Iber@** (Act of Plenary of Contact Points and Liaisons of IberRed, Costa Rica, November 2011)

- **Signing of the agreement on the use of Iber@**
  Eurojust is committed to present the proposal to incorporate their National Members to the Iber@ during the next plenary meeting, which will be held before the summer holidays. In the same way it is proposed that the technicians of Iber@ and the new contact point for the implementation of the MoU will travel to The Hague to present the system from a technical point of view and present the security of the system to the Team External Relations of Eurojust. The General Secretariat of IberRed agrees. The date for this meeting will be scheduled in September.

With respect to the agreement on the use of Iber@, some changes were preliminary agreed between the Parties. New comments, suggestions or proposals could be provided during the plenary meetings of the College of Eurojust and during the technical meeting about Iber@ in September. Attached to these minutes is the second version of this agreement with the suggestions made during the meeting.

In addition, it was agreed that an announcement would be sent to all contact points of IberRed, to inform them that the National Members of Eurojust are not entitled to receive copies of MLA or extradition requests via Iber@, although National Members of Eurojust may exchange general information on cases that do not contain this type of data, with the aim of facilitating coordination between the competent authorities of their countries and the contact points of IberRed.
III. Exploring ways to improve the framework of our common cooperation

- **Cooperation agreement?**
  In principle, Eurojust's current legislative framework does not allow Eurojust to exchange operational information, including personal data, with competent national authorities of third States. The latter is only possible with third States with which Eurojust has concluded a cooperation agreement in accordance with Article 26a of the Eurojust Decision. It is uncertain whether upcoming reforms of Eurojust will change the current legislative framework and will pave the way towards a future cooperation agreement with IberRed.

Taking that into account, the Parties should continue encouraging their function of facilitators among their respective national competent authorities, strengthen the promotion of their respective activities, and exchange their list of contact points.

IV. Miscellaneous

In order to maintain an up-to-date list of contact points of both networks, the Parties agreed to exchange quarterly (March, June, September, and December) the list of contact points.

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