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From:	Presidency
To:	Permanent Representatives Committee/Council
Subject:	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 - Policy debate

I. Introduction

On 24 June 2026, the Commission submitted a 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 ('the proposal').[1]

[1] 11145/26 + ADD 1 to ADD 7.

The Commission presented the proposal, together with the accompanying impact assessment, at the meeting of the relevant Council Working Party (COPEN) on 23 July 2026.[2] The Commission explained that the main aim of the proposal was to address the shortcomings identified by the 2025 evaluation of the (current) Eurojust Regulation, (EU) 2018/1727.[3] While the evaluation acknowledged the considerable success of the Agency and the significant added value it brings to Member States, it also highlighted structural and operational constraints that impede its ability to fully realise its potential.

At the same meeting on 23 July, the President of Eurojust presented observations on the proposal[4], and Member States held a first exchange of views on the basis of a Presidency paper.[5] Subsequent to that meeting, many Member States also submitted written comments.[6]

At the Working Party meeting on 16 September 2026, Member States continued the discussions on the basis of two Presidency papers[7] and a non-paper by the Commission.[8] That Working Party meeting also marked the beginning of the article-by-article examination of the text.[9]

II. Issues discussed at the meetings of the Working Party

During the discussions on the proposal at the initial meetings of the Working Party, several issues have been considered:

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2 The slides used by the Commission for presenting the impact assessment at the meeting of the COPEN Working Party are set out in WK 10914/26.
3 11285/25 + ADD 1.
4 The slides used by the President of Eurojust for presenting Eurojust's observations on the Commission proposal are set out in WK 10916/26.
5 WK 9842/26.
6 WK 13064/3/26 REV 3.
7 WK 13147/26 and WK 13149/26.
8 WK 13269/26.
9 Articles 1 to 5, paragraph 2, were discussed.

a) Governance structure

The issue of the governance structure has been the subject of the most intensive discussions within the Working Party, notwithstanding the fact that the article-by-article examination of the relevant chapter on governance has yet to begin.[10]

- Current organisation

Under the current Regulation, Eurojust has one structure with a College, an Executive Board and an Administrative Director.

The College is composed of National Members, one from each of the EU Member States[11]; National Members are judges, prosecutors or other judicial professionals of equivalent competence. The College is responsible for the organisation and operation of Eurojust; it holds regular meetings to discuss and vote on Eurojust's activities, as well as other issues of relevance. When exercising its management functions, the College also comprises a representative of the European Commission.

The Executive Board assists the College in its management functions. It oversees the necessary preparatory work of the Administrative Director on administrative matters for adoption by the College, and it takes administrative decisions that are set out in Article 16 of the Eurojust Regulation. The Executive Board is chaired by the President of Eurojust and comprises the Vice-Presidents of Eurojust as well as a representative of the European Commission. Two other Members of the College are appointed to the Board under a two-year rotation system.

The Administrative Director manages the administration of Eurojust, which in turn supports the Eurojust College. The Administrative Director is a temporary agent appointed by the College to implement day-to-day administrative tasks assigned to Eurojust. He or she is appointed for a term of four years, with a term limit of two terms. The Administrative Director functions as the legal representative of Eurojust.

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10 For more information, see WK 13147/26.

11 With the exception of Denmark, by virtue of Protocol No 22 to the Treaties.

- Organisation under the proposal

Chapter II of the proposal envisages a dual framework made up of a management structure comprising the Management Board, the Executive Board and the Administrative Director, and an operational structure comprising the National Members and the College. According to the Commission, such a framework would allow the College to focus on operational tasks by having less involvement in the day-to-day administration of the Agency – something which, it is argued, would lead to efficiency gains. It is suggested that such gains are necessary in the light of the evolving challenges for the EU in the field of criminal justice and the anticipated institutional developments in the JHA field, particularly the strengthening of its relationship with Europol.

While Member States generally welcomed the proposal, they also voiced concerns with regard to the proposed new rules on governance, most notably the introduction of a Management Board. Although Member States recognise the objective of simplifying Eurojust's governance structure and reducing the administrative burden placed on National Members, they expressed reservations as to whether the creation of an additional governing body would contribute to that objective in practice.

The majority of Member States have concerns that the creation of a Management Board risks increasing the complexity of Eurojust's governance framework and creating an additional layer of decision-making and administration. It was also argued that the creation of a Management Board risks compromising Eurojust's judicial independence.

Various Member States stated that simplification should be achieved through a clearer allocation of responsibilities among Eurojust's existing bodies, in particular by allowing more decisions to be taken by the Executive Board.

- Commission non-paper

In the light of the comments made by Member States, the Commission presented a non-paper[12], setting out the rationale for the proposed governance structure. It aims to address the concerns raised by Member States regarding the risk of any added complexity, explains the relationship between the bodies making up the management and operational structures, and sets out the Commission's assessment that the reform would simply reallocate existing functions rather than adding a new governance body.

The non-paper also addresses the potential impact on Eurojust's judicial independence, describing the arrangements under which operational decision-making on the handling and coordination of and support for cases would continue to be reserved for the College and National Members. This would include the role of the President of Eurojust as the institutional link between the two structures.

It further addresses the efficiency implications of establishing a Management Board, presenting the range of scenarios examined in the underlying impact assessment and their respective effects on the administrative workload currently borne by National Members.

b) Other issues examined in the Working Party

The Member States also considered several other issues regarding the proposed new Regulation, with input being given mostly in writing. Those issues concern *inter alia* the following topics:

- Own initiatives by Eurojust

  This issue concerns Section II of Chapter III of the proposal. It relates to Eurojust's ability to carry out operational activities on its own initiative in the absence of any request from the national authorities or the EPPO.

  This proposal was generally welcomed by Member States. Some concerns were expressed by Member States as regards the need for the Regulation to maintain the correct balance between the prerogatives of the national judicial and prosecutorial authorities on the one hand, and any expansion of Eurojust's autonomy on the other.

12 WK 13269/26.

- Relationship with the European Judicial Network and other networks

  This issue concerns certain proposed provisions in Section II of Chapter V of the proposal.

  Several Member States indicated that they would seek clarification in relation to the role and mandate of the networks working in parallel to the Agency. In particular, Member States asked whether the proposal provides sufficient clarity regarding the division of responsibilities between Eurojust and the European Judicial Network (EJN). Specific questions were also raised with regard to resourcing, and clarification was requested on the mandate and autonomy of the EJN.

- Cooperation with third countries

  This issue relates to Section III of Chapter V of the proposal, governing international cooperation between Eurojust and third-country authorities and international organisations. The provisions proposed allow for the adoption of a four-year cooperation strategy that lays out various cooperation mechanisms. These include Eurojust liaison officers being posted to third countries, third-country liaison prosecutors being posted to Eurojust, third-country contact points at Eurojust and Eurojust contact points in third countries and international organisations.

  Member States have raised points in relation to the proposed provisions concerning Eurojust's cooperation with third countries. The Presidency has provisionally concluded that this issue requires greater consideration, specifically as regards the operational mechanisms proposed[13], including their synergies, scope and intended added value.

Eurojust plays a key role in the Union's criminal justice infrastructure. Each element of the proposal requires careful consideration, including the aspects noted above. Work has commenced relatively recently and further meetings will take place to further examine the proposal over the course of the Irish Presidency.

[13] Articles 61-64.

III. Question for Ministers

Ministers are invited to indicate which elements of the proposal are of the greatest importance to their Member States and should accordingly be prioritised as the proposal as a whole is examined in greater detail in the Council preparatory bodies.