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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE EVALUATION of the European Union Agency for Criminal Justice Cooperation

Delegations will find attached document SWD(2025) 183 final.

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COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE EVALUATION

of the European Union Agency for Criminal Justice Cooperation

{SWD(2025) 182 final}

Background

Eurojust, established originally as a “unit” in 2002, is the European Union Agency for Criminal Justice Cooperation. Following its integration from the former third pillar, its transformation into an EU agency under the 2018 Eurojust Regulation (“EJR” or “the Regulation”) formalised and strengthened its operational role, with the objective to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime which Eurojust is competent to deal with in accordance with the Regulation, where that crime affects two or more Member States, or requires prosecution on common bases, on the basis of operations conducted and information supplied by the Member States’ authorities, by Europol, by the EPPO and by OLAF. Eurojust operates on referrals from Member States, on its own initiative, or via requests from the European Public Prosecutor’s Office (EPPO). The Agency’s aims are to support national investigations and prosecutions, enhance cooperation with EU institutions, agencies, bodies and networks like the European Judicial Network (EJN), Europol and the EPPO, and improve judicial cooperation with third countries.

Purpose and scope of the evaluation

The evaluation assesses the implementation and impact of the Eurojust Regulation (Regulation (EU) 2018/1727 - EJR), as well as the effectiveness and efficiency of Eurojust and its working practices, in accordance with Article 69(1) of the Regulation. It covers the period from 12 December 2019, the date of application of the Regulation, until 1 May 2024. Geographically, it covers all Eurojust activities, including cooperation with EU Member States, Denmark, third countries (e.g. Switzerland, USA, UK, Ukraine, Western Balkans), and international organisations, with particular attention to project-supported neighbourhood countries.

The main objectives of the evaluation are:

- assessing the extent to which the Regulation has been implemented by both Eurojust and the Member States;
- evaluating the performance of Eurojust and the effectiveness of its working practices, in line with the Commission’s Better Regulation Guidelines (effectiveness, efficiency, relevance, coherence, EU added value);
- and examining the potential need to revise the Regulation to better reflect Eurojust’s role under Article 85 TFEU.

Key findings

Over the evaluation period, Eurojust grew significantly: The number of cases referred to Eurojust rose from 3 317 cases in 2018 to 13 164 cases in 2023. Eurojust's targeted operational support via coordination meetings, coordination centres, and joint investigation teams grew as well (for coordination meetings from 359 to 577, for coordination centres from 17 to 21, and for supported joint investigation teams from 235 to 288) – although not proportionate to the case numbers. The Agency's staff increased from 317 to 366 and its general budget from 36.6 to 55.23 million EUR (in addition to 14 million EUR via projects).

Overall, Eurojust implemented the changes deriving from the implementation of the Eurojust Regulation well. However, it has taken insufficient action to shift administrative tasks from the College to the Executive Board as intended by the Eurojust Regulation. Member States have also taken action to implement the necessary changes at national level, although the implementation varies between Member States. Challenges remain regarding how Member States have implemented the Eurojust National Coordination System (ENCS) and the sharing of information on serious cross-border crimes in accordance with Article 21 EJR.

Eurojust has been very effective in fulfilling its core mandate of supporting Member States' national competent authorities in complex cross-border investigations and prosecutions. The effectiveness of Eurojust's support is limited by the failure to make Eurojust's organisational structure and decision making more efficient, in particular due to the lack of an adequate division of responsibilities between the College and the Executive Board. The lack of definition and overly broad interpretation of the term "operational" also hampers Eurojust's focus on its core business. While cooperation with partners is overall effective, too many simple cases end up being dealt with by Eurojust instead of by the EJN. Eurojust's cooperation with Europol on a case-by-case basis is overall satisfactory. However, the structural cooperation between the two agencies could be significantly more effective. Eurojust's cooperation with third countries is very effective, and the main challenge remains that expanding the cooperation with international partners requires a lengthy and complex procedure to conclude new cooperation agreements.

Eurojust clearly provides significant EU added value. The EU added value of Eurojust lies in its facilitation of judicial cooperation across Member States, providing a neutral and multilingual platform that enhances coordination, trust, and operational support, allowing Member States to prosecute jointly cases they could not solve in a similar way without Eurojust's support. Similarly, Eurojust also provides EU added value in relation to cooperation with third countries, in particular through the integration of Liaison Prosecutors at Eurojust's premises.

Eurojust's core activities are highly relevant to the investigating and prosecuting authorities in Member States involved in cross-border cases. With the increase in the number and complexity of cases, as well as developments in the types of crime with a cross-border dimension, the relevance of the Agency's operational work is ever increasing.

While the Agency produces notable operational results, significant inefficiencies have been identified, which lead to the conclusion that the Agency could achieve more with the same resources. The inefficiencies identified stem mainly from unclear competences, an overly complex governance structure, laborious decision-making, repetitive working practices, and inconsistent priority setting. By clarifying competences and simplifying procedures, clear efficiency gains could be achieved.

Eurojust's work demonstrates strong coherence with EU and international efforts, aligning with major security and justice strategies and enhancing cooperation through its integration with EU-wide networks and institutions. While there are some smaller internal incoherences within the Eurojust Regulation, its internal coherence is overall satisfactory. Eurojust's role as an Agency is consistent with the overarching policies in the area of internal security but there's room to enhance its cooperation with Europol. While Eurojust's role is also overall consistent with those of other JHA agencies and bodies, the coherence of their interaction could be further strengthened.

Lessons learned

In order to further enhance Eurojust's effectiveness and EU added value, its ability to proactively and efficiently support national competent authorities and the EPPO in the fight against serious cross border crime should be further strengthened.

As regards efficiency, significant possibilities for simplification and cost reduction have been identified in the evaluation. Addressing Eurojust's governance, working practices, decision-making, and leadership challenges outlined in the analysis would result in significant efficiency gains that would allow Eurojust to effectively and efficiently fulfil its role, achieving better operational results with the same resources.

However, the Agency's effectiveness also depends on the measures which Member States take to implement the Eurojust Regulation at national level. It is important that the Member States share information with Eurojust where required by the Eurojust Regulation to allow a more proactive follow-up. In addition, they need to ensure that they have a system in place to ensure that only those cases which require Eurojust's sophisticated support are channelled to Eurojust.

Regarding cooperation with third countries and international organisations, it seems that cooperation agreements, although complex and time consuming to negotiate, are the most successful form of cooperation as they provide a legal basis for the posting of a Liaison Prosecutor to Eurojust and the exchange of operational personal data. However, the Agency will need to be prepared to respond to the growing demands from other EU actors and is expected to deliver on the international responsibility towards the EU.

The Agency's unique role in the EU's security and justice architecture will need to be continuously aligned with the developments in other JHA agencies and bodies, in particular Europol and the EPPO. On balance, a more cooperative, coherent approach should be explored, envisaging closer mechanisms of cooperation and ensuring better information exchange between the JHA agencies and bodies.