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'I' ITEM NOTE

From:	Presidency/General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 as regards the extension of the timeframe for the establishment of the Eurojust case management system - Confirmation of the final compromise text with a view to agreement

Introduction

1. On 2 April 2025, the Commission submitted to the Council and the European Parliament a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1727 as regards the extension of the timeframe for the establishment of the Eurojust case management system.[1]

2. The aim of the proposal is to extend the statutory deadline set out in Article 80(9) of Regulation (EU) 2018/1727 on the European Union Agency for Criminal Justice Cooperation (Eurojust), as amended by Regulation 2022/838 and Regulation 2023/2131[2]. Through the extension of the deadline for maintaining the 'old' case management system (CMS) of Eurojust and for establishing the 'new' CMS from 1 December 2025 to 1 December 2027, Eurojust would get two additional years to ensure a successful transition to the 'new' CMS.

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1 7638/25.
2 A consolidated version can be found in http://data.europa.eu/eli/reg/2018/1727/2023-10-31.

3. The draft Regulation is based on Article 85 of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

4. The European Data Protection Supervisor (EDPS) delivered its opinion on 22 April 2025.[3]

5. The Working Party on judicial cooperation in criminal matters (COPEN) discussed the proposal at its meetings on 9 April and 5 May 2025. All Member States indicated that they could agree with the text of the Commission proposal set out in 7638/25.[4]

6. In accordance with Article 3 and Article 4a(1) of Protocol (No.21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice annexed to the Treaty on European Union (TEU) and to the TFEU, Ireland has not expressed its wish to take part in the adoption of the Regulation. Therefore, in accordance with Articles 1, 2 and 4a(1) of the said Protocol, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

7. In accordance with Articles 1, 2 and 2a of Protocol (No.22) on the position of Denmark annexed to the TEU and TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

8. The text as thus agreed by the COPEN Working Party is set out in the Annex to this note.

9. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) has the lead responsibility. Mr. Javier Zarzalejos, Chair of the Committee, was appointed rapporteur.

10. On 15 July 2025, the LIBE Committee agreed to apply the simplified procedure for the adoption of the proposal and to adopt the Commission's proposal without amendments.

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[3] Opinion 6/2025, 8176/25.
[4] 8552/25.

Conclusion

11. The Permanent Representatives Committee is therefore invited to:

– confirm its agreement on the final text, as set out in the Annex to this note, with a view to reaching an agreement at first reading with the European Parliament;

– authorise the Chair of the Permanent Representatives Committee to send a letter to inform the Chair of the LIBE Committee that, should the European Parliament adopt its position at first reading in the form of the Commission's proposal set out in the Annex to this note, and subject to revision of that text by the lawyer-linguists of both institutions, the Council will approve the European Parliament's position and the act will be adopted with the wording which corresponds to the European Parliament's position.

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ANNEX

2025/0074 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2018/1727 as regards the extension of the timeframe for the establishment of the Eurojust case management system

PUBLIC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 85 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) Regulation (EU) 2018/1727 of the European Parliament and of the Council[5] establishes the European Union Agency for Criminal Justice Cooperation (Eurojust) and sets out its tasks, competence and functions.

[5] Regulation (EU) 2018/1727 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for Criminal Justice Cooperation (Eurojust), and replacing and repealing Council Decision 2002/187/JHA (OJ L 295, 21.11.2018, p. 138, ELI: http://data.europa.eu/eli/reg/2018/1727/oj).

(2) To store all operational personal data securely, Eurojust established a case management system composed of temporary work files and an index. Through the case management system, national members of Eurojust exchange all case related information securely and in full compliance with the data protection rules. Eurojust may not establish any other automated data file to process operational personal data.

(3) Regulation (EU) 2023/2131 of the European Parliament and the Council[6] amended Regulation (EU) 2018/1727 to provide the legal framework for a modernised case management system. That new case management system is to integrate and enable the functionalities of the European Judicial Counter-Terrorism Register and improve Eurojust's ability to identify links between cross-border judicial proceedings against suspects of terrorist offences and information processed at Eurojust relating to other cases of serious crimes while taking, as a rule, full advantage of existing national and Union mechanisms for comparing biometric data.

(4) The deadline for setting up the new case management system is 1 December 2025. However, due to external factors and the complexity of the migration, Eurojust will not be able to set up the new case management system within that deadline. Therefore, until the new case management system is set up, it is necessary to provide that Eurojust may continue to use the case management system composed of temporary work files and an index.

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[6] Regulation (EU) 2023/2131 of the European Parliament and of the Council of 4 October 2023 amending Regulation (EU) 2018/1727 of the European Parliament and of the Council and Council Decision 2005/671/JHA, as regards digital information exchange in terrorism cases (OJ L, 2023/2131, 11.10.2023, ELI: http://data.europa.eu/eli/reg/2023/2131/oj).

(5) To allow Eurojust to test and ensure the operationality and interoperability of the new case management system in accordance with Regulation (EU) 2024/903 of the European Parliament and of the Council[7], and to migrate the data from the case management system composed of temporary work files and an index to the new case management system, it is necessary to extend the deadline.

(6) Eurojust should be able to maintain the case management system composed of temporary work files and an index after the new case management system has taken up operations to migrate the data from the case management system composed of temporary work files and an index to the new case management system and verify the correctness of the migrated data, but not beyond the 1 December 2027. The extension of the current timeframe for the establishment of the new case management system by two years should give Eurojust sufficient time to finalise the set-up of the new case management system, while limiting the period within which the duplication of operational personal data is exceptionally permitted.

(7) ~~[~~In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.~~] OR [In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of …,] its wish to take part in the adoption and application of this Regulation.]

[7] Regulation (EU) 2024/903 of the European Parliament and of the Council of 13 March 2024 laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) (OJ L, 2024/903, 22.3.2024, ELI: http://data.europa.eu/eli/reg/2024/903/oj).

(8) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(9) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 and delivered an opinion on [...],

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2018/1727

In Article 80 of Regulation (EU) 2018/1727, paragraph 9 is replaced by the following:

‘9. Eurojust may continue to use the case management system composed of temporary work files and an index until 1 December 2027, unless the new case management system is already in place, and the migration of the data from the case management system composed of temporary work files and an index, and verification of their accuracy have been completed before.’

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

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