



EUROJUST

Annual Report 2002



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I am pleased to present the first Annual Report of the College of Eurojust. It is for the calendar year 2002. The report sets out casework activity and management, including budgetary management, during the past year and also our plans for the future.

The European Council meeting at Laeken in Belgium during December 2001 confirmed that Eurojust would be able to begin work in The Hague. This heralded 2002 as a year of change for Eurojust. This is the first report prepared since the Council Decision creating Eurojust was agreed on 28 February 2002 and published in the European Journal of the European Union on 6th March. As a consequence, Eurojust became a definitive unit with a legal personality and the College agreed its general rules of procedure to enable the Decision to be implemented.

One article of the Rules of Procedure outlines the framework for the College to appoint a President and two Vice-Presidents. In June 2002, the College elected the national member for the United Kingdom, Michael Kennedy, as its President with Olivier de Baynast (France) and Ignacio Pelaez Marquéz (Spain) as Vice-Presidents. Mr. Pelaez Marquéz resigned in December 2002 to take up a post in Spain and, following an election, he was replaced as a Vice-President by Björn Blomqvist (Sweden) in January 2003.

Operational casework continued throughout 2002, with 202 cases being referred to the College. Full details are contained in the Casework section of this report. During the year, a series of co-ordination and other operational meetings were held to handle specific cases on topics such as terrorism, child pornography on the Internet, fraud, money laundering, trafficking in human beings and drugs.

The extent of casework activity was restricted as it was necessary for the College to devote considerable time to administrative matters. The most significant of these was the establishment of Eurojust's new administrative infrastructure and the negotiations with the Dutch authorities to provide suitable accommodation with adequate facilities in The Hague. We are grateful for the efforts made by the Dutch government in this respect.

Eurojust was also able to prepare and submit a draft budget for € 3.5 million, which was approved by the Budget Committee of the European Parliament in May 2002, although € 0.7million was held in reserve. A draft budget for 2003 was also approved during the year.

On 10th December 2002, the College began work at its premises in The Hague. The first significant steps have been taken to achieve the ambitions visualized at the European Council in Tampere to establish an EU Judicial Co-operation Unit. Eurojust now provides an additional practical weapon for national prosecutors and investigators in the fight against serious, organised, cross-border crime.

There is much to do in the year ahead. We will prioritise the enhancement of our casework capacity. We look forward to the completion of our conference facilities in our premises in The Hague later in 2003 which will allow us to host meetings within our headquarters rather than continually searching elsewhere in Europe to find suitable facilities to hold co-ordination meetings. Progress has been made to prepare for the challenge of accession and this work will continue in 2003. Data protection will remain a leading topic in 2003. The 15 members of the Eurojust Joint Supervisory Body for Data Protection has yet to meet as not all Member States nominated their representatives in 2002.

The report is intended for The Council but it also provides information and an overview for all our working partners, especially the competent national investigating and prosecuting authorities in the Member States and in third states with whom we have regular contact in resolving cases. The College is happy for the Annual Report to be widely distributed.

The College would like to take this opportunity to express sincere thanks and gratitude to the Council Secretariat for allowing Eurojust to use its office in the Justus Lipsius building in Brussels. Without this support and assistance, Eurojust would have been unable to operate or hold co-ordination meetings during the period from March 2001 until December 2002, when we were able to move into our premises in The Hague.

MICHAEL G KENNEDY
President of the College of Eurojust

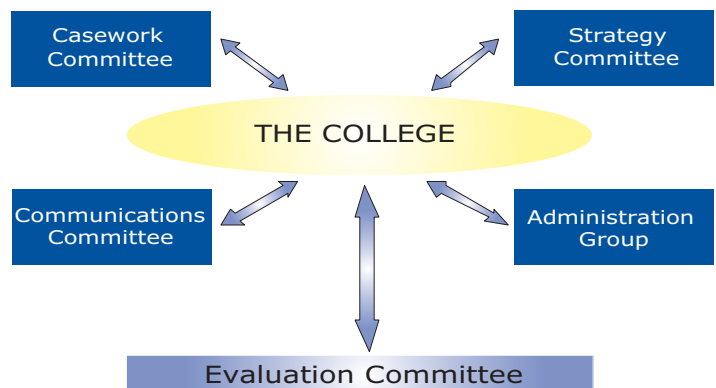
March 2003

Eurojust is composed of 15 national members, one seconded in accordance with its legal system being a prosecutor, judge or police officer of equivalent competence. Several Member States have appointed assistants to help their national member. Some of the assistants are based in The Hague with their national member; whilst other Member States have appointed assistants who are based in their home country. These assistants visit The Hague to substitute for their national member or when otherwise required to do so. Some Member States have not appointed any assistants and two Member States have appointed two assistants.

One of the key problems encountered by the College during 2002 was the wide variety and quantities of work which had to be dealt with, approved and progressed by the College. Despite enthusiasm and willingness, working together as a group of 15 proved too slow. Eurojust held a business planning event in September 2002 at which the College decided that new structures should be implemented, allowing small groups of national members to work on specific, related issues and to make proposals for final decision by the College as a whole. Chapter 8 of this report deals with this in more detail.

A number of committees were established as envisaged by Eurojust’s Rules of Procedure. The committees deal with Casework, Communications, Strategy and Evaluation. Whilst national members deal with individual cases, the Casework Committee works at a different level to establish good practice, policy and efficiency in the handling of cases, and to improve the effectiveness of co-operation and co-ordination meetings on cases and casework topics. Additionally, there is an Administration Group led by the Administrative Director who, in accordance with the Decision, reports to the College through the President. The new structure should permit the national members to make the best use of their time and resources and should expedite decision making and action.

Committees and the College



Eurojust's core-business is casework

Eurojust's objectives are to improve co-ordination and co-operation between investigators and prosecutors dealing with serious international crime and to offer them support to enable them to be more effective. Casework is at the heart of Eurojust's activities.

This section provides information about the co-operation and co-ordination facilitated by Eurojust accompanied by an overview of the casework statistics for the year 2002. The absence of resources and personnel has meant that the statistics have been gathered manually which has restricted our capacity to provide the amount of detail we would have wished. Nevertheless, the data gives a useful insight into the cases handled by the unit in 2002.

Casework is developing through confidence building and better communication between Eurojust and national authorities. Eurojust national members and their assistants offer a 'round the clock' problem-solving service to domestic investigating and prosecuting authorities. Successful results and effective co-operation and co-ordination help to market the facilities Eurojust has to offer and to raise the unit's profile in the Member States.

Most cases referred to the unit are resolved through meetings between national members representing those countries involved in the case. More difficult cases are tackled by arranging meetings, either in the temporary facilities in the new Eurojust premises or, as it is often more convenient, in one of the Member States concerned. This enables representatives of the national authorities, concerned to meet with Eurojust national members, to resolve problems and, if necessary, to decide on co-ordinated action. If needed, translation facilities can be provided.

Eurojust plays a role at both operational and strategic levels in the field of multi-lateral judicial co-ordination. Eurojust provides the facility for investigating and prosecuting authorities to exchange concrete information about on-going criminal investigations and prosecutions. Linkages between cases in different jurisdictions may be identified making it possible not only to tackle isolated criminal acts but also to combat criminal organisations operating within the European Union. Exchanging information between competent authorities is another important issue to be taken forward. Studies to develop Eurojust's access to information and the development of a Eurojust database are under consideration.

Strategically, Eurojust is able to develop action in an area of crime posing

problems for practitioners on an international scale due to its complexity or the need for co-ordination and/or legal expertise. Such issues include fraud, child pornography on the Internet, terrorism, counterfeiting of the Euro, drug trafficking and alcohol smuggling.

Eurojust offers judicial experts from the 15 EU countries a forum for constructive discussions. These strategic co-ordination meetings also provide a good opportunity to enhance practitioners' awareness and utilisation of new EU instruments and initiatives in the fight against organised crime.

During 2002, and in accordance with the conclusions of the JHA Council of 20th September 2001, Eurojust has continued to convene meetings on terrorism, following the initial meeting on this topic in June 2001. Where appropriate, key representatives from other interested countries, including the USA and other third states, were invited to attend these meetings.

The total number of cases referred to the unit has increased but not in proportion with the development of the unit. There are a number of reasons for this. The main factors are firstly, uncertainty surrounding the establishment of Eurojust in The Hague; and, secondly, the time spent agreeing on rules of procedure and establishing an administrative infrastructure which, although necessary, has undermined the unit's capacity to develop casework activity.

Equally, Eurojust has been able to develop a better understanding at both national and EU level of the European Judicial Network. It has also made efforts to encourage national authorities to make better use of existing arrangements and other avenues in judicial co-operation such as direct contact between judicial authorities and the network of liaison magistrates. National authorities are also beginning to have a fuller understanding of the appropriate type of case to refer to Eurojust. Although much more work needs to be done in this area, in many Member States improved appreciation of the facilities and services offered by Eurojust is beginning to have an effect on caseload. Competent authorities now recognize what Eurojust can do in the field of judicial co-operation and what can be achieved by other means.

In comparison with multi-lateral cases, the proportion of bi-lateral cases - 70% of all cases referred - is high. Eurojust's work in the future will focus more on multi-lateral cases as these types of cases represent a more important part of the unit's activity. The development of effective action and facilitation of multi-lateral cases will be an important objective in coming years.

Perhaps unsurprisingly, Eurojust received more requests for assistance by way of co-operation than for help to co-ordinate investigations and prosecutions. Many judicial authorities both within and outside the EU, consider that Eurojust's capacity to facilitate international judicial co-operation ensures the rapid execution of Letters of Request. Successes in this area in the past have resulted in some straightforward bi-lateral co-operation cases being referred to Eurojust, when in fact, they might have been better referred to other individuals or bodies who deal with international judicial co-operation, such as the European Judicial Network or liaison magistrates.

Eurojust's function to co-ordinate action against serious cross border crime is completely new in the EU. A lot of work is being done within each Member State to encourage authorities to refer cases which require a multi-lateral platform to Eurojust. Eurojust is keen to improve its capacity to co-ordinate action against serious cross border crime, supplemented when necessary by the execution of its powers. The development of this work is a high priority.

Cases referred covered a wide range of crimes, such as terrorism, trafficking in human beings, trafficking in drugs, money laundering, smuggling of alcohol, ram-raid theft, child pornography on the Internet, VAT carousel fraud and other forms of serious fraud, including fraud against the financial interests of the EU.

As a result of these meetings, co-ordinated actions have been agreed, a wide range of questions have been discussed, action-plans to address problems and monitor progress have been confirmed and how best to obtain evidence and differing legal procedures have been clarified.

A large majority of the meetings led to more efficient action and better bi-lateral or multi-lateral co-operation. A series of informal networks were established among those responsible for handling particular areas of crime within each Member State. Feedback from those who attended the meetings suggested that they added value and generally improved co-operation and co-ordination between the authorities involved. Table I sets out details of all the meetings which took place in 2002.

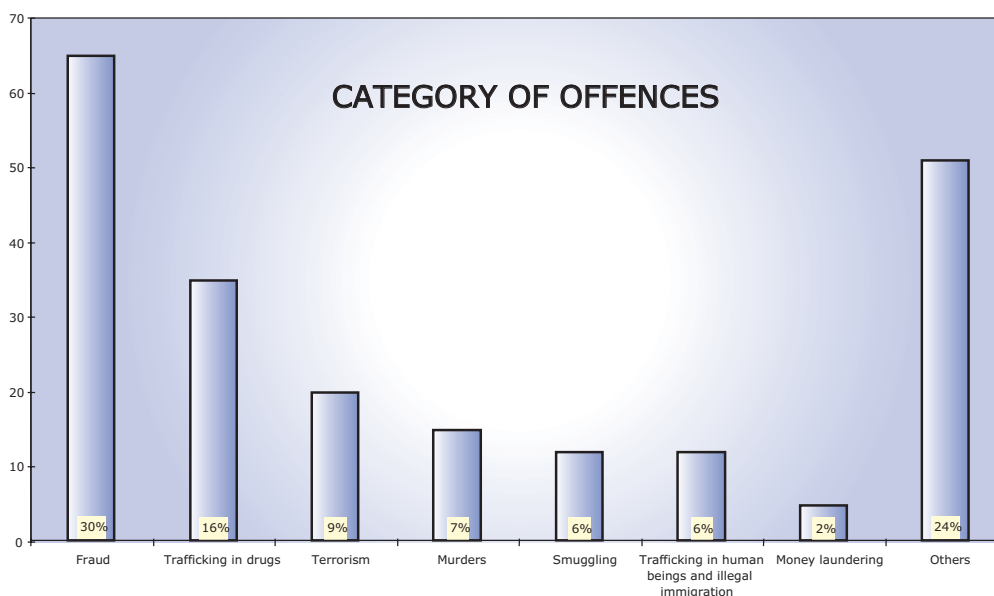
Table I

Name of meeting	Number of Participants	MEMBER STATES																OTHER COUNTRIES							
		Number of Member States in meetings	AT	BE	DE	DK	ES	FI	FR	GR	IE	IT	LU	NL	PT	SE	UK	USA	Switzerland	Monaco	Turkey	Peru	Norway	Poland	
1 Co-ordination meeting 1.2.2002	13	3					1			1															
2 Co-ordination meeting 12.3.2002	16	3	1		1																				
3 Co-ordination meeting 13.3.2002	11	3				1			1																
4 Co-ordination meeting 14.3.2002	46	14	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
5 Co-ordination meeting 19.3.2002	16	3	1					1																	
6 Co-ordination meeting 17.4.2002	18	3	1	1								1													1
7 Co-ordination meeting 7.5.2002	9	3				1																			1
8 Co-ordination meeting 18.5.2002	5	2				1				1															
9 Co-ordination meeting 14.5.2002	21	7	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
10 Co-ordination meeting 21.5.2002	8	4			1			1			1														
11 Co-ordination meeting 29.5.2002	54	15	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
12 Co-ordination meeting 5.6.2002	15	3					1																		
13 Co-ordination meeting 18.6.2002	43	15	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
14 Co-ordination meeting 9.7.2002	34	11			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
15 Co-ordination meeting 23.7.2002	19	4	1		1																				1
16 Co-ordination meeting 2.8.2002	12	3				1	1																		1
17 Co-ordination meeting 11.11.2002	10	2	1			1																			
18 Co-ordination meeting 18.11.2002	17	4			1				1																
19 Meeting with Peruvian Authorities 19.11.2002	14	7	1									1	1	1	1	1	1	1	1	1	1	1	1	1	1
20 Co-ordination meeting 5.12.2002	6	2																							
TOTAL	387	111																							
Number of meetings Member States have participated			6	7	10	4	16	4	8	6	3	13	7	8	5	8	7	2	2	1	1	1	1	2	1

Eurojust is a new organisation and accepts that it will take some time to build up its caseload and gain the confidence of the competent authorities in the Member States. The development of an increased, high quality caseload is a responsibility shared by the Member States and Eurojust.

Experience shows that support from a Member State to its Eurojust national member can have a significant impact on the numbers of cases referred to the unit. Support from senior prosecutors such as Directors of Public Prosecutions or “Procureurs Generaux” has been reflected by a high number of case referrals from that particular Member State. Equally, where such support has been lacking cases have been fewer. Support for a national marketing plan and presentations on Eurojust has had a similar impact as have the internal arrangements for the referral of cases to Eurojust national members, their working conditions and the attitude and support from domestic practitioners.

Table II



CATEGORY OF OFFENCES:

Table II sets out the categories of cases referred to Eurojust.

Fraud cases represent 30% of cases referred to Eurojust. The College suspects this is due in part to the high incidence of fraud investigations and prosecutions with a cross border aspect and also to differing definitions and broad concepts of fraud across the jurisdictions of the EU Member States. The fraud category

statistics include tax fraud, serious fraud, computer fraud, advanced fee fraud, misappropriation of corporate assets, offences against the financial interests of the Community and VAT fraud. At 16% of all referrals, drug trafficking cases are another type of crime, frequently handled by the unit.

Improving action against terrorism is one of Eurojust's main concerns even though the number of terrorist cases handled is not as high as cases concerning other types of serious crime. The complexity of some terrorist cases and the importance of establishing networks to help deal with this phenomenon, for which the collaboration of Eurojust has been sought, has made terrorism a top priority for the unit.

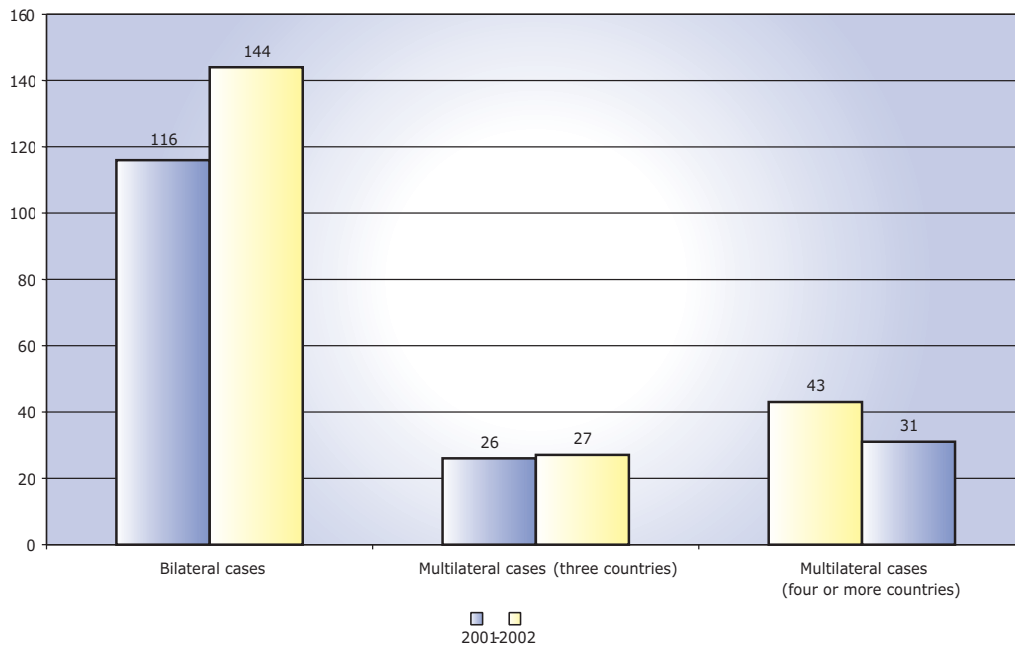
Similar considerations apply to trafficking in human beings and illegal immigration although only 6% of Eurojust's caseload in 2002 represents this type of crime. Since Eurojust was established in March 2001, experience has shown that this topic is of great importance and that it is given a high priority in many Member States. There are huge challenges for national investigators and prosecutors to co-ordinate investigations against networks engaged in trafficking for prostitution purposes operating in the Balkan states, in many of the candidate countries as well as in China, Kurdistan and elsewhere. Dealing with the resolution of these problems is a challenge for Eurojust and indeed for all law enforcement agencies operating within the EU.

The unit must work with others to establish methodologies and continue to be active in this field. It is an area where many investigators and prosecutors feel that practical difficulties block their continued efforts to resolve problems. This is also a potential danger to stability within the EU.

In the case load statistics, a number of cases are listed under the heading of money laundering. Care should be taken, however, as the College frequently found that cases referred to Eurojust as one type of criminality often included a money laundering element. This is most commonly encountered in cases concerning fraud against the financial interests of the EU, trafficking in drugs, trafficking in human beings and terrorism.

Table III

Bilateral - Multilateral cases



There has been an increase in the numbers of cases involving Candidate Countries and third states during 2002. This has resulted in increased activity for national members whose states border the EU and also for other national members whose frontiers are not on the border of the EU. For example, the national members from Austria and the Nordic countries have an increasing role in facilitating co-operation between their states and candidate countries or neighbouring countries. Other national members have also noticed augmented activity with non-EU states.

Below, tables IV and V illustrate the numbers of cases introduced by each Member State and also the Member States which were involved, or requested to assist, in those cases.

TABLE IV

Requesting Countries

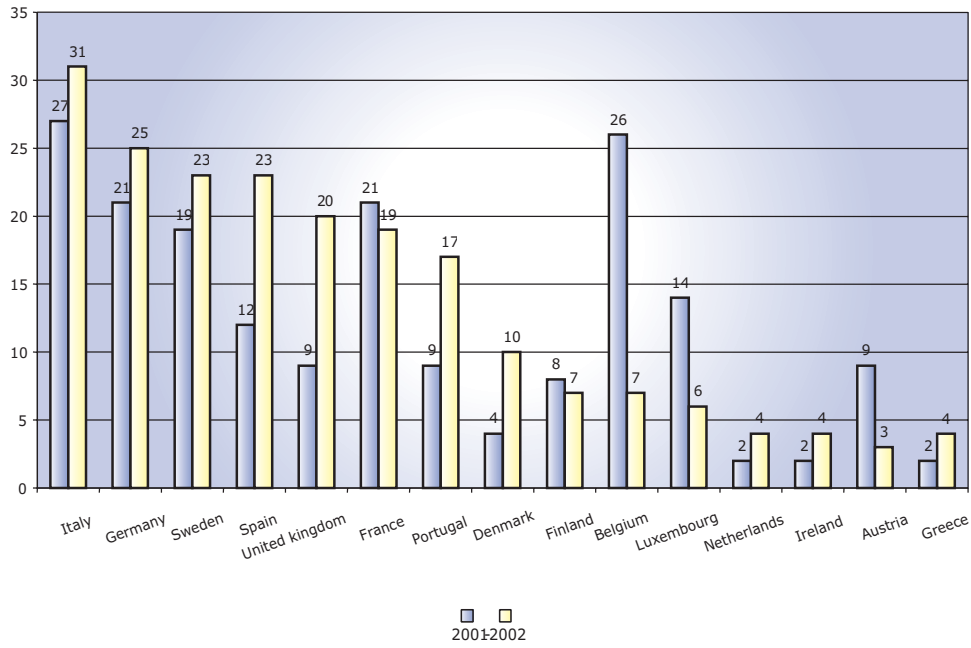
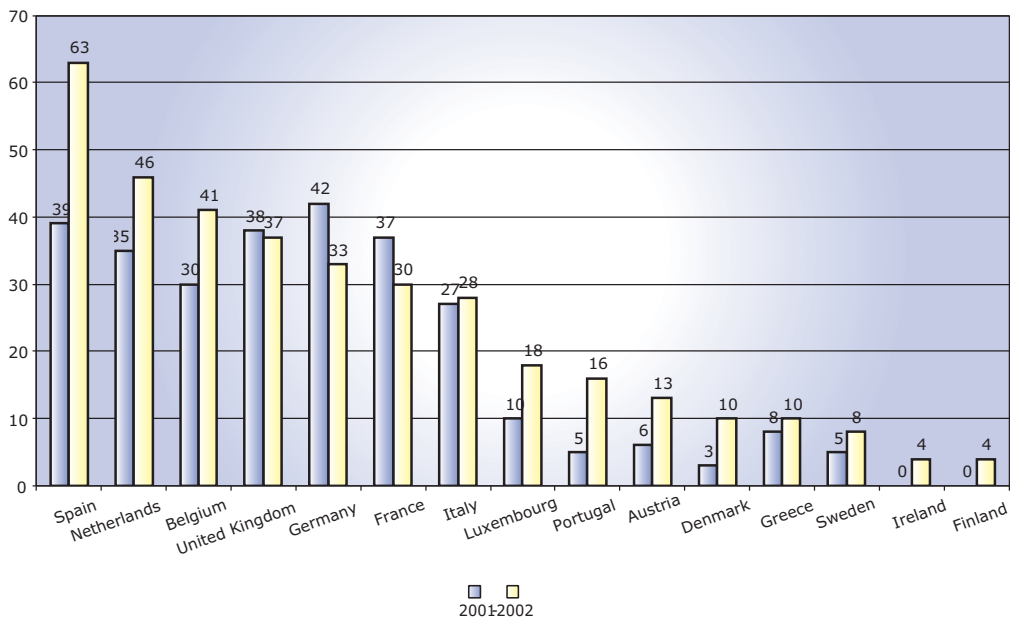


TABLE V

Requested Countries



Improved casework records and IT facilities will enable future Eurojust Annual Reports to contain more precise and detailed statistics to assist readers to appreciate the unit's workload. This will also enable the College to monitor, understand and evaluate its activities and to ensure that the information and conclusions to be drawn from the statistics are available.

Access to information

During 2002, it became clear that Eurojust national members require access to significant amounts of information to improve co-ordination of investigations and prosecutions of serious cross-border crime. In addition to other factors, access to information relies on the powers that individual national members are given by their domestic legislation. The availability of ICT facilities, and access to these facilities by national members, varies throughout the Member States. Much more needs to be done to ensure all national members have access to the domestic information they require so they can effectively perform their functions as national members of Eurojust.

A Database

Preliminary steps were taken in 2002 to provide Eurojust with an automated data file comprising an index of data on investigations, in which non-personal data and personal data can be stored. This is a task which may be achieved by a project, which the College hopes to explore, sponsored by Italy, France, Romania and Slovenia under the Grotius programme.

Mutual Legal Assistance Problems

Many of the obstacles to mutual legal assistance detailed in the Pro-Eurojust Report 2001 still exist and examples of these are given below. Additionally, Eurojust detected some new problems and obstacles during its activities in 2002.

One important difficulty is that some cases requiring co-ordination and involving several countries may initially require co-ordination within one of the individual Member States. Improved co-ordination is required within some states where there is regional division of investigating and prosecution responsibilities.

Decisions taken in one country can have a significant impact on investigations and prosecutions in another. When these linkages exist and in order to work more efficiently, there is a need for overview. There are significant benefits in these cases in arranging co-ordinated activity. Eurojust has helped to resolve some of these problems in a number of cases.

A blockage in one Member State can have a negative impact on co-ordination between the other countries concerned. For example, in one case involving three Member States and one Candidate Country, it was not possible to identify a competent authority in one state because of its federal structure. So far, efforts made to overcome this problem have not been successful.

Some of the more fundamental problems that still remain are:

- frequent and excessive delays in executing Letters of Request,
- a lack of co-ordination between competent authorities for investigations and prosecutions,
- cumbersome procedures for processing international Letters of Request,
- the linked problems of understanding the different legal systems within the EU which have different procedures to obtain evidence, and difficulties in using information and evidence collected by different police forces and judicial authorities, in proceedings in other countries,
- a lack of knowledge about criminal proceedings and criminal justice structures in other Member States. These matters are of real importance because a request must be executed according to the law in the requested country,
- rules of confidentiality and disclosure in some Member States which block the exchange of information, procedural differences in relation to house searches and other searches,
- differences in anti-terrorist legislation; for example being a member of a terrorist organisation is not an offence in all Member States,
- mutual legal assistance requests are not given a high priority when those who execute them have responsibilities for other domestic investigations and prosecutions. The execution of mutual legal requests is seen as an interference with normal day-to-day work.

Some measures to alleviate these problems could be taken without the need for new legislation but others will require the adaptation of national law, the implementation of international conventions or other means.

Eurojust suggests some possible improvements:

1. Early implementation of the EU Mutual Legal Assistance Convention of 2000 and encouraging direct transmission of requests for mutual legal assistance and/or Letters of Request, particularly in the Schengen area, and an evaluation to ensure that requests are executed rapidly and that answers are given quickly.
2. Member States should follow up existing projects on standard models for the handling of requests for mutual legal assistance. Eurojust is prepared to work with the EJM and the authorities in Member States to improve the effectiveness of co-operation and co-ordination of activity.
3. The quality of drafting and preparation of Letters of Request and the quality of translations could be improved by more effective monitoring within Member States; and,
4. As a unit of practitioners, the College feels that enhanced mutual recognition and approximation of legislation would help to facilitate better mutual legal assistance and co-operation between Member States.

Most large scale (transnational) cases referred to Eurojust highlighted the importance of early co-operation by judicial authorities and the relevant international bodies to develop common investigation strategies at the outset of a case. Below are some examples of cases referred to the unit and casework meetings held during 2002.

Child pornography on the Internet

Two co-ordination meetings on child pornography on the Internet were held under the auspices of Eurojust in 2002 to take stock of a judicial investigation which was under way in Italy with links to ten countries within and outside the EU. The objective was to pool experience gained by a number of countries in the course of investigations conducted at international level. The investigators and prosecutors involved in these enquiries gained valuable experience which they could share with colleagues from other states.

Following the co-ordination meeting, investigations were expedited in Spain, the "Fiscalia General del Estado" dismantled an international paedophilia network through the Internet in which nine persons were arrested and a considerable amount of pornographic material was seized.

The 23 public prosecutors and police officers representing 15 EU countries and the representative of Europol who attended one of the meetings are evaluating the possibility of setting up a European database, within Eurojust, allowing information on this type of crime to be centralised.

Trafficking of Human Beings

In December 2001, a serious incident of human trafficking resulted in the death of eight people whose remains were discovered, along with survivors, in a container in Wexford in Ireland. This was not the first such incident within the EU. The wide ranging investigation which followed involved several Member States with Ireland and Belgium having the central role.

Initially the national members of Eurojust were involved in facilitating the execution of requests for mutual assistance. They also had input in resolving issues relating to prosecution venue and finally, they were instrumental in facilitating the application of Article 21 of the 1959 European Convention on Mutual Assistance whereby conduct of the prosecution was handed over to competent authorities in Belgium by the competent authorities in Ireland.

Money Laundering by the Russian Mafia

For several years an important investigation into money laundering called "Tela di ragno" had been conducted in different countries principally Italy, France and the USA. It involved a trans-national network, believed to be based in Russia, and in operation throughout Europe and the USA, using tax havens or non co-operative entities.

In 2002, due to the extent of the investigations, the competent judicial authorities in a number of the Member States, together with Monaco, Switzerland and Liechtenstein, expressed an urgent need for co-ordination. The Eurojust representatives for France and Italy took the initiative to organise a co-ordination meeting in 2002, in which the judicial authorities from Italy, France, Germany, Luxembourg, Monaco and Switzerland participated. This meeting strengthened co-operation in particular by facilitating the investigation of various bank accounts used to launder black money and by seizing assets.

Fraud against Financial Interests of the Community

- 1- One of the cases brought to Eurojust concerned an investigation by a French examining magistrate into a huge VAT carousel in which entities were participating that had often been established on an ad hoc basis purely to commit this fraud. A co-ordination meeting organised by Eurojust at the request of a French judge brought together representatives of judicial and police authorities from France, Germany, Luxembourg and the UK. OLAF participated to offer further expertise. The UK and Belgium national authorities had already investigated the same network and were in possession of useful information requested by the French examining judge.

- 2- The following case illustrates the advantage of setting up a joint investigation where Eurojust has a key role to play. In Portugal, a judicial investigation had been undertaken, on the basis of information transmitted by OLAF, linked to a foreign company located in Belgium. The investigations were to be complex and co-ordination appeared to offer many advantages. At the very earliest stage, the Portuguese member of Eurojust assisted the prosecutor in Portugal to prepare the Letters of Request according to the law of Belgium. The work with the Eurojust national member from Belgium and the Belgium competent authorities was fruitful and a joint investigation was established, involving the participation of seven national judicial and police authorities, Eurojust and OLAF.

The outcome was that very important documents were seized, companies and individuals were identified, criminal activities in Belgium were detected and new investigations were undertaken in that country. Part of the same evidence is to be used in different national courts.

Drug trafficking, murder and money laundering

Delays in the execution of a Letter of Request issued by the Danish competent authorities to Spain asking for a search and telephone interception were overcome within 24 hours following a co-ordination meeting convened in Spain at the initiative of the Danish member of Eurojust. A meeting in Spain led to important results for investigators in both countries. A fruitful exchange of information made it possible to identify and locate a key suspect for money laundering offences and to share information about an organisation involved in drug trafficking between Spain and Denmark.

Drug trafficking, trafficking in human beings and prostitution

In the summer 2002, competent judicial and police authorities from Italy, The Netherlands, Turkey, Germany and Austria participated in a co-ordination meeting organised by Eurojust. This took place at the request of the prosecution authorities in Berlin after co-ordination at police level failed in a case concerning trafficking of large quantities of heroin from Turkey to countries in Western Europe. The case also involved cocaine trafficking from South America, as well as trafficking in human beings and prostitution.

This meeting led to better co-ordinated execution of coercive measures which culminated in the arrest of the three main suspects in The Netherlands and the safeguarding of a quantity of evidence in December 2002. A follow-up of this meeting has already taken place in Berlin. Judicial and police co-operation in this case have been continuing through direct contacts after Eurojust had paved the way by initiating contacts between competent authorities in the Member States involved.

Drug trafficking

At the beginning of 2002, the Customs Office at Piraeus in Greece discovered 220 kilos of cocaine in 200 packets. This was on the basis of information, obtained through Eurojust, emanating from simultaneous investigations carried out in Italy, Switzerland and Greece, indicating that a large quantity of cocaine was to be transported from a Latin American country through Greece, to the Italian mafia. The container coming from Colombia in which the drugs were found was

supposedly loaded with sacks of rice. Also following a series of related actions and a co-ordinated investigation supported by Eurojust, 706 kilos of cannabis were seized in a warehouse in Athens and suspects were arrested in Switzerland and Greece.

Organised alcohol smuggling

This case illustrates the benefit of the competent authorities in the Member States adopting a Europe-wide view to utilise Eurojust's framework to combat, more effectively, the fight against organised crime.

In the spring of 2002, a Swedish member of the EJM contacted his national member of Eurojust about a case of smuggling large quantities of pure illicit, non-taxed, alcohol to the Nordic countries. This was being done by an organised criminal group involving Spain with possible links to Portugal. The profit for the criminal organisation was said to be in the region of 10 million Euros each year. The Eurojust national members for Sweden, Spain and Portugal together with Eurojust's Norwegian contact point convened two co-ordination meetings. One spin off from these meetings was that a number of other connected cases were identified. The result was that, during the summer, a factory producing illicit alcohol was detected and dismantled, several people were arrested, high value goods and quantities of money were seized.





The Eurojust Decision came into force on 6th March 2002. During 2002 many national members have worked closely with the legislators in their Member States to help to implement the Decision. The early adaptation of national law to implement the Decision is crucial to enable Eurojust to operate effectively.

Seven Member States have made declarations allowing them until 6th September 2003 to implement the Decision in their national legal system. These declarations relate mainly to articles 9 and 13 dealing with competences of national members in their own states and their right of access to and exchange of information. Until the Decision is implemented in all Member States, Eurojust cannot be fully operational. There should be no doubt that any inconsistency in the implementation in Member States will undermine Eurojust's effectiveness.

The question of delay is not the only important point on this topic: the competences of national members under article 9 are vital for the future efficiency of the unit. For instance, if only one of the national members does not receive the necessary powers to obtain information in his or her state, the whole unit risks being paralysed when dealing with a case in which that Member State is involved.

Through its national members, Eurojust has contributed to discussions on powers in the Member States. Eurojust emphasises that, under the Decision, certain minimum competences must be given to national members while others are discretionary. Possible solutions have been suggested in the document n° 9404/02 Eurojust 16 issued by the Council Secretariat in order to assist Member States in approaching the subject of the competences of national members.

It was only in early 2003 that the last member of the Joint Supervisory Body on data protection was appointed. Consequently this body was not available to work with Eurojust to achieve one of its primary tasks or to advise Eurojust on data protection rules and the data protection provisions in the draft agreements with Europol and OLAF.

The European Parliament

As a provisional unit, Eurojust made contact with the chairman and the rapporteur of the Budget Committee of the European Parliament. National members welcomed the opportunity to be represented in discussions with the Budgetary Committee and so to provide the Parliament with explanations about Eurojust's work and objectives. The College is confident that these early exchanges have formed the basis for a good relationship between the Parliament and Eurojust in the future.

The Council and The Commission

Eurojust, and previously Provisional Eurojust, was housed by the Council Secretariat in Brussels until the end of 2002, the date of the move to The Hague. During that period, Eurojust received strong support from the Council Secretariat. The Secretariat and the Commission were kept fully apprised of the progress of negotiations with the Dutch authorities and other issues within its competence at regular monthly meetings held throughout the year. Eurojust was invited to participate as an expert in meetings of some of the Council working groups and provided a report for the Article 36 committee.

The meetings, which will continue in 2003, included discussions on general matters, caseload-information, specific topics handled by the unit and projects initiated by it. Eurojust also gave input for the Commission's preparation of a Green Paper on a European Public Prosecutor and on the project relating to the choice of prosecution jurisdiction.

The Commission was asked for advice on several aspects of the Rules of Procedure for Eurojust and on a draft Memorandum of Understanding between OLAF and Eurojust. The contacts with the Commission have been productive and its support on administrative matters has been constant and important to Eurojust. Eurojust's views, drawing on practical expertise and experience was sought to help enhance the development of current and future projects of the Commission. The College is confident that these meetings will continue to be mutually beneficial.

The European Judicial Network (EJN)

The Decision emphasises the complimentary nature of the roles of Eurojust and its privileged partner the EJN. Equally, the roles of Eurojust and the EJN, although similar in many ways, are not identical. During 2002 members of the College worked with members of the EJN on a number of cases. There were many examples of cases being referred to Eurojust by the EJN and vice versa. The need for a clear understanding of respective functions is essential, in order to ensure a good working relationship, to avoid duplication of effort and the regular transfer of appropriate information between the two bodies.

With this in mind in June 2002, Eurojust proposed some draft guidelines for discussion during the EJN meeting in Murcia in Spain. The guidelines were intended to help to define the need to co-operate on a complimentary and mutually supportive basis. This is important in light of the Decision to locate the EJN

secretariat within Eurojust, and the placing of responsibility for the EJM budget within the Eurojust framework.

The guidelines were discussed by Eurojust and EJM representatives with the assistance of the Council Secretariat. It was subsequently agreed that, whilst Eurojust and the EJM should endeavour to support each others objectives, flexibility and informality will be the essence of an effective relationship. An exchange of letters and the agreed guidelines took place between Eurojust and the Danish Presidency following the EJM meeting at Aarhus in December 2002.

Towards the end of 2002, Eurojust, its Administrative Director and Financial Controller met members of the EJM. This was in order to discuss specific matters and projects relating to expenditure by or on behalf of the EJM and to gather information on the financial projections in anticipation of the Budget submission for 2004. These were the first detailed discussions on budgetary matters and they contributed greatly to an understanding of the accounting requirements of the EU budget. In future years, the EJM will have the resources and expertise of their permanent Secretariat to assist in this work.

Europol

As a result of negotiations that took place during 2002, Eurojust and Europol have recently reached agreement in principle, on the terms of a protocol under article 26 of the Decision. A document is currently with the EU Presidency which will form the basis of discussions in the Council, where any agreement must ultimately be approved.

The document seeks to harness the resources of the two bodies to tackle those forms of criminality which fall within their competencies in a co-ordinated way and to develop joint strategies against organised crime, avoiding any duplication of effort. Eurojust, for the time being, maintains no personal data operational files. They currently remain the property of the national member. The interinstitutional agreement will have to be sufficiently flexible to accommodate the anticipated rules of Eurojust no matter how strict they may be.

Eurojust and Europol have developed a commitment to ensure that both organisations extend reciprocal invitations to each other so that, when appropriate, both are able to participate in meetings which take place. The College is disappointed that, for example, one member state has instructed its national member to contact counterparts at Europol only in cases of emergency.

OLAF

Action against fraud on the EU budget is a high priority for the Commission, whose anti-fraud office, OLAF, is involved in this area of work. Eurojust is expressly competent in this area of work and has also made this type of fraud one of its priorities. In accordance with the Decision, Eurojust has sought to develop close contacts with OLAF and its magistrates unit to benefit the investigators and prosecutors dealing with this matter in Member States. In order to promote this co-operation, a draft Memorandum of Understanding between OLAF and Eurojust has been agreed and it is hoped that the agreement will be signed in the spring of 2003. Member States have also been invited to consider whether the national members of Eurojust should be regarded as competent authorities of the Member States for the purposes of regulations relating to investigations conducted by OLAF. The College is pleased to report that, recently, Eurojust members and OLAF staff have begun working together on several cases of mutual interest.

The Schengen Information System (SIS)

Access to the SIS is very useful in a domestic and international context in the course of an investigation or prosecution. It will, inevitably, be useful to national members in co-ordinating such investigations and or prosecutions.

Eurojust contributed to the debate on access by national members to their national Sirene and to the SIS. Eurojust made a case for broader access to relevant criminal information to enable it to perform its tasks. In accordance with the proposals, some national members have made arrangements to be granted direct or indirect access to the information available under articles 95 and 98 of the Schengen Convention.

Joint Investigation Teams

Eurojust members have taken part in a number of seminars and training sessions in Member States to help competent authorities understand and use Joint Investigations Teams as a tool in the fight against organised cross-border crime. Together with their national authorities, some national members have been closely involved in establishing and working with informal Joint Investigation Teams. Experience has shown that in the future the involvement of Eurojust will be beneficial to help make Joint Investigation Teams be more effective.

The European Arrest Warrant

The European Arrest Warrant was approved by the Council on 13th June 2002. The decision gives Eurojust a specific role to resolve issues relating to practical arrangements to implement the new warrant. Eurojust will provide guidance to practitioners on how to use this new instrument. National members have given presentations on the operation of the warrant in preparation for implementation and to help resolve any problems which may arise, for example in the execution of concurrent warrants in Member States.

The Convention on the Future of Europe

Eurojust welcomed the opportunity to appear before the Convention's working group 'X' on justice and home affairs in October 2002. The College was very pleased to read the initial conclusions of working group 'X' which identified Eurojust as an EU key player in the fight against serious cross-border crime and suggesting that, step by step, it should become more operational. Eurojust has written offering to assist the Chairman and members of the working group in their tasks.



It is an important part of Eurojust's work to ensure that regular contact is maintained between the national members and the competent authorities in the Member States. To help achieve this aim, the College meets three days each week, allowing two days for contact with national investigators, prosecutors and ministries. Additionally, every two months the College arranges a week devoted to building relations with national agencies.

For reasons mentioned elsewhere in this report, Eurojust did not receive the number of cases some felt it should, but it did play an effective facilitating role in some large scale organised cross-border crime cases.

The obvious conclusion is that in spite of encouraging signs, there is still a patchy awareness of Eurojust, the European Judicial Network and of other EU bodies operating in the area of judicial co-operation in criminal matters. Not all national authorities are familiar with what Eurojust has to offer. Furthermore, although it is improving, co-operation in general and exchange of information in particular, with Europol and OLAF at present remains unsatisfactory.

National members have taken action to raise Eurojust's profile and to encourage a better awareness of its existence and work. All Eurojust members held meetings with their national authorities, prosecutors and investigators, police, and customs officials to improve the practitioners' knowledge. Additionally, in conjunction with national authorities and to familiarise practitioners with the new European instruments available to tackle cross-border crime, Eurojust organised a seminar in May 2002 in Spain and three seminars, in December 2002. One took place at Nyborg in Denmark, another seminar was held in Thessalonica in Greece, and a third took place in Scotland in the United Kingdom. Those initiatives had a very positive impact on practitioners' awareness. Some members also participated in the meetings of the European Judicial Network and organised informative seminars and visits within their own jurisdictions.

Some national members also wrote articles about Eurojust and judicial co-operation more generally, for legal reviews, others made presentations to their magistrates and police training schools. Some members also contributed to or wrote books on judicial co-operation.

National members, where possible, also participated as speakers in various conferences on cross-border crime issues in order to publicise Eurojust and its work and promote judicial co-operation and co-ordination in general. Finally,

some members took other initiatives such as drafting informative brochures about Eurojust and making presentations to their national Parliaments.

The information technology systems now being developed in our new premises will allow Eurojust to create a website in 2003. This will be a useful tool through which Eurojust can publicise its work and raise its profile both nationally and internationally.





During 2002 great efforts have been made to increase the level of awareness of Eurojust and its capacity to facilitate co-operation and co-ordination. These efforts must continue if Eurojust is to have the impact that is expected by EU Ministers and the Commission. This is particularly true in relation to the Candidate Countries and third states both within and outside Europe.

The Eurojust Decision gave the unit a legal basis to build official relationships and initiate co-operation with non-EU states. Several initiatives have taken place in furtherance of this. In March 2002, a co-ordination meeting on terrorism was attended by the competent authorities from the United States of America to discuss current investigations in terrorist cases and in particular the financing of terrorism.

Canada, Norway, Switzerland, Liechtenstein and the USA have also nominated contact points, several of whom have been in regular contact with Eurojust, to resolve casework problems and to assist in the co-ordination of investigations and prosecutions.

In April 2002, Latin American representatives attended a meeting in Brussels organised by the Spanish Presidency and Eurojust. After the meeting many of the countries who participated appointed contact points to link with Eurojust. One of the results of the meeting enabled Eurojust to offer valuable assistance to judicial authorities from Peru to help co-ordinate mutual legal assistance enquiries and possible money laundering offences in several EU Member States.

In May 2002, Eurojust invited all the contact points nominated by EU Candidate Countries to a seminar in Spain. Although several contact points from Candidate Countries had been involved with national members in resolving individual cases, this was the first time that all the contact points and Eurojust national members had the opportunity to meet together. The meeting gave the contact points a chance to meet and discuss problems of mutual concern. It has helped to build mutual confidence and trust and to strengthen relations with the Candidate States.

The Copenhagen summit made enhancing co-operation with the Candidate Countries a priority. A number of Eurojust national members have been involved in casework with Candidate Countries and bi-lateral contacts in specific cases, such as ram-raid theft case with Poland, have raised expectations that Eurojust must meet. The Candidate Countries contact points have provided valuable assistance in a number of other cases.

In the coming year, detailed preparatory work for Accession will be a priority to ensure that the transition in 2004, bringing together prosecutors and investigators speaking different languages from different judicial cultures and systems, will take place as smoothly as possible. Eurojust's first meeting in the new premises in The Hague with contact points from Candidate Countries will take place in May 2003. Further meetings will continue to take place on a regular basis.

The creation of Eurojust's administrative support started with the appointment of an Administrative Director on a temporary basis in May 2002. Following a selection procedure, and with the unanimous agreement of the College required by the Decision, Mr. Ernst Merz was appointed as Eurojust's first full time Administrative Director in September 2002.

One of the first tasks of the Administrative Director was to request the release of the Eurojust budget which had been put in reserve by the European Parliament when adopting the 2002 General Budget of the European Union. This was successfully completed on 21 May 2002 when €2.8m of commitment appropriations and €2m of payment appropriations were released. The Administrative Director implemented the budget and began to recruit a small task force on a temporary basis to build an administrative infrastructure to support the work of the College. The task force was assisted by three national members who were also responsible for establishing Eurojust in its new premises in The Hague. The members of the task force were recruited for September to December 2002 to deal with: Human Resources and General Administration, Budget Finance and Public Procurement, Information and Communications Technology, and Security and Maintenance.

In addition to 15 national members and six assistants working in the building at the end of December 2002, Eurojust employed six statutory staff and two temporary staff from a local agency.

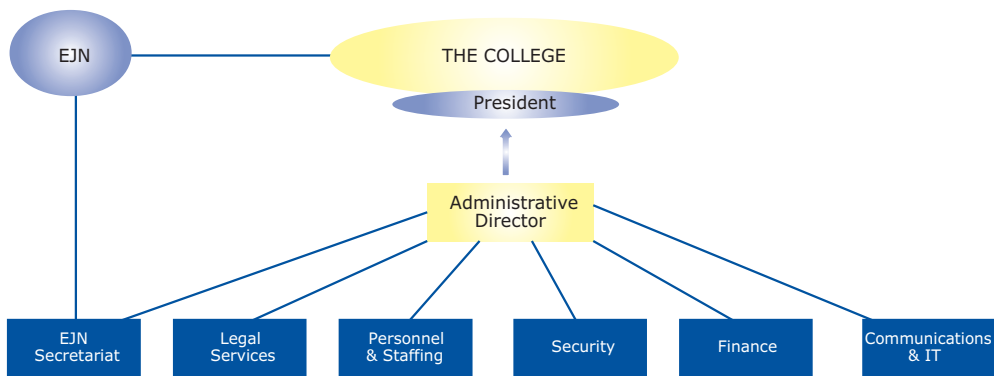
Further recruitment procedures are continuing to appoint a legal secretary to the European Judicial Network who will be part of the Eurojust Secretariat.

Eurojust was established within a very limited time frame. The co-operation and assistance from the General Secretariat of the Council of the European Union, the European Commission, Directorates General of Justice and Home Affairs and Administration were invaluable. Europol's assistance made it possible for the process of equipping the new premises to run smoothly.

In spite of limited human resources and the range of tasks to be completed to establish the new institution, Eurojust executed over two-thirds of its commitment and payment credits before 31 December 2002. The amounts left over under commitment appropriations were carried forward to the 2003 budget year. The main areas of expenditure related to the expenses for setting up the new office including staff salaries, furniture, ICT infrastructure, meetings and missions for the operational work of the unit.

Establishing any new organisation provides a huge challenge for all its people. The significant achievements during the last months of 2002 from the administrative perspective clearly reflect the hard work and good team spirit amongst the small but very committed staff.

Administrative Structure



The College is very grateful to The Crown Prosecution Service (CPS) for England and Wales who hosted the first Eurojust Planning Conference. The event was facilitated by members of the CPS Management and Audit Service and held at Eastwell Manor in Kent in England on 23 and 24 September 2002.

This seminar was intended to define and prioritise actions to help confirm objectives and a business plan for Eurojust during 2003. The College confirmed its core task is dealing with operational casework and that it should seek to introduce cases responding to general information referred to the unit. The main priorities and conclusions agreed by the College at the seminar were:

- To define an improved approach to raising Eurojust's profile within the Member States and increase the number of case referrals.
- To set up an evaluation system for business planning and operational casework.
- To complete an analysis of powers and make recommendations to Member States.
- To set new and improved standards for the internal efficiency of the College - to be initiated by the President.
- To set improved standards for internal efficiency of the College administration - to be initiated by the Administrative Director.
- The College also agreed that preparation for the participation of the Accession States would be an important part of Eurojust's work in 2003.



During 2002, the key foundation stones were laid to establish the EU judicial co-operation unit envisaged by the European Council at Tampere in 1999.

A good deal has been achieved in the last twelve months. The Decision was concluded and work completed to obtain a budget. Lengthy negotiations were also completed to secure appropriate facilities and move to new accommodation in The Hague. Another milestone was the appointment of an Administrative Director and arrangements to establish an administrative infrastructure.

Operational casework activity and meetings continued to be held during 2002, but considerable emphasis during this period was on providing the means to allow Eurojust to become operational. Nonetheless, a large number of cases were referred to the unit and a wide range of assistance was given to improve co-operation and co-ordination and resolve problems for investigators and prosecutors in Member States. Additionally, significant progress was made to establish networks amongst practitioners dealing with several types of serious crime. Eurojust has become recognised as a tool to assist investigators and prosecutors to deal with the problems encountered when handling serious and organised cross-border crime in the EU.

For the future, the College urges Ministers and legislators to empower their Eurojust members urgently so they are able to act in accordance with the provisions of the Decision. For Eurojust to be fully effective more progress must also be made to ensure that within Member States internal blockages are removed to allow the various domestic competent authorities to exchange information with Eurojust and refer cases to the unit easily and without hindrance.

There is much work to be done in the future by Eurojust but these recommendations are vital to the unit's future success.

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