EUROJUST

Annual Report 2013

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Eurojust Annual Report 2013

Eurojust's mission is to support and strengthen coordination and cooperation between national authorities in the fight against serious cross-border crime affecting the European Union

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Note re Eurojust Decision

Eurojust Decision – the Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust – will be referred to in this report as the 'Eurojust Decision'. A consolidated version of the Eurojust Decision, prepared by the Council General Secretariat for information purposes only, is available on our website at www.eurojust.europa.eu.

Acronyms and abbreviations

CMS	Case Management System
EAW	European Arrest Warrant
EC3	European Cybercrime Centre
EJN	European Judicial Network
ENCS	Eurojust National Coordination System
EMPACT	European Multidisciplinary Platform against Criminal Threats
EPPO	European Public Prosecutor's Office
JIT	Joint investigation team
JSB	Joint Supervisory Body of Eurojust
MASP	Multi-Annual Strategic Plan
MLA	Mutual legal assistance
MOCG	(Mobile) Organised crime group
MoU	Memorandum of Understanding
MPJM	Maritime Piracy Judicial Monitor
MTIC	Missing Trader Intra-Community
OAP	Operational Action Plan
OCC	On-Call Coordination
OCG	Organised Crime Group
OLAF	European Anti-Fraud Office
PIF	Protection of the financial interests of the European Union
SOCTA	Serious Organised Crime Threat Assessment
TCM	Terrorism Convictions Monitor
TE-SAT	Terrorism Situation and Trend Report
TFEU	Treaty on the Functioning of the European Union
THB	Trafficking in human beings

We strive for the best operational results by providing high-quality services that are responsive to stakeholder needs

Foreword

I am pleased to present the twelfth Annual Report, giving insight into how Eurojust functions and operates as well as into its casework and strategic activities in 2013. Eurojust has become a recognised key player in supporting the Member States of the European Union in their fight against serious cross-border crime. Our experience and expertise gained over 11 years of existence is of added value for national prosecutors and law enforcement authorities when dealing with transnational mutual legal assistance requests, the application of mutual recognition instruments and the coordination of criminal cases. The number of cases for which Member States requested Eurojust's assistance increased 2.8 per cent, from 1 533 cases in 2012 to 1 576 cases in 2013.

With coordination meetings and coordination centres, its unique tools, Eurojust brings together law enforcement and judicial authorities from Member States and third States, facilitates cooperation in strategic and operational actions, and resolves procedural and practical difficulties resulting from the differences in the 30 existing legal systems in the European Union. Eurojust's primary concerns are to meet practitioners' needs, and constantly improve the organisation and support offered during such coordination efforts.

Eurojust continued its comprehensive support in the setting up and running of joint investigation teams (JITs) and enhanced its role as the EU's centre of expertise in JITs. The JITs Network Secretariat at Eurojust has evolved as an information hub in JIT-related matters by fostering synergies with the JITs Experts Network and Eurojust's National Desks. Eurojust further demonstrated its strong commitment to JIT funding for the direct benefit of practitioners in the Member States by covering related expenses with its own budget after the possibility of receiving special grants for doing so was terminated.

In 2013, Eurojust's casework showed an increase, particularly in relation to cases involving drug trafficking, trafficking in human beings, fraud, corruption, money laundering, criminal offences affecting the EU's financial interests, and (mobile) organised crime groups. In addition to tackling the EU crime priorities, Eurojust is driven to respond to requests coming from national authorities as well as to new crime phenomena, and to further provide its contributions to EU institutions when reviewing the appropriate legal and policy frameworks.

In addition to the *Terrorism Convictions Monitor*, this year we launched the *Maritime Piracy Judicial Monitor*. Both publications serve as information sources for practitioners. The three issues of *Eurojust News* published on the Eurojust website in 2013 were dedicated to *The European Public Prosecutor's Office*, *Joint investigation teams*, and *Environmental crime*. These newsletters provide information on legal framework, policy context, expert contributions and Eurojust's role in specific thematic areas.

Eurojust's organisational development has been set in motion with the entry into force of the Lisbon Treaty and its new possibilities for, on the one hand, strengthening Eurojust, and, on the other hand, setting up a European Public Prosecutor's Office (EPPO) *'from Eurojust'*. The results of the ongoing mutual evaluations of the implementation of Eurojust's current legal framework in the Member States will certainly be another important impetus to its development, as will the evaluation of Eurojust, which is to be commissioned next year. A crucial step was undertaken in July 2013 when the European Commission launched the reform on Eurojust to improve its legal framework and ultimately strengthen its capacities. At the same time, a proposal was initiated for creating the EPPO. Both initiatives need to be developed as a 'package' to ensure complementarity and avoid impunity gaps.

We welcomed our first National Member for Croatia, Mr Josip Čule, and with the appointment of Mr Francisco Jiménez-Villarejo and Mr Ladislav Hamran as new Vice-Presidents, the Presidency Team, together with the College and Eurojust's staff, looks forward to a successful and productive 2014.

Michèle CONINSX
President of Eurojust

Executive Summary

- The number of cases for which Member States requested Eurojust's assistance in fighting serious cross-border crime increased 2.8 per cent, from 1 533 cases in 2012 to 1 576 cases in 2013.

- Practitioners combined the use of the coordination tools - coordination meetings, coordination centres and joint investigation teams.

  The number of coordination meetings, in total 206, increased, the number of coordination centres remained constant, with seven, and the number of JITs supported by Eurojust was 102, 42 of which were new JITs. The remaining 60 were JITs from previous years.

- The number of registered cases concerning the execution of European Arrest Warrants was 217.

- Eurojust's casework increased in the following crime areas in 2013: drug trafficking, trafficking in human beings, fraud, corruption, money laundering, criminal offences affecting the EU's financial interests, and (mobile) organised crime groups.

- Eurojust held two strategic meetings in 2013:

  – *Cross-border excise fraud: emerging threats in the European Union*, on 14 and 15 November, co-hosted with the Lithuanian EU Presidency; and

  – *Towards an enhanced coordination of environmental crime prosecutions across the EU: The role of Eurojust*, on 27 and 28 November, co-hosted with the European Network of Prosecutors for the Environment.

- Eurojust hosted two meetings of the Consultative Forum, in April under the Irish EU Presidency and in December under the Lithuanian EU Presidency.

- The project to develop a *Maritime Piracy Judicial Monitor*, initiated in 2012, culminated in the publication of the first issue in September 2013. The publication will be updated every 18 months.

- Eurojust actively supported all European Multidisciplinary Platform against Criminal Threats (EMPACT) projects for developing the Council priorities. Eurojust was also involved in the preparation of the Multi-Annual Strategic Plans (MASPs) for the new policy cycle 2014-2017, and the transfer into Operational Action Plans.

- Europol's EC3 became operational in January 2013. Eurojust appointed a National Member to the Programme Board and assigned a staff member temporarily to the EC3.

- Eurojust signed a cooperation agreement with the Principality of Liechtenstein on 7 June 2013.

- Eurojust signed a Memorandum of Understanding with Interpol on 15 July 2013 and with Frontex on 18 December 2013.

- Eurojust provided financial support to 34 JITs. In addition, a project was launched on the evaluation of JITs in terms of results achieved. The collection of evaluation data will enhance the search for solutions to legal and practical challenges.

- Eurojust's budget for 2013 was EUR 32.4 million. Budget implementation was a record 99.6 per cent.

We thank **Carlos Zeyen**, former Vice-President and National Member for *Luxembourg*, **Lampros Patsavellas**, former National Member for *Greece*, and **Hans-Holger Herrnfeld**, former National Member for *Germany*, for their work and valuable contribution to Eurojust

C. Zeyen, 1 April 2007 – 1 Oct. 2013

L. Patsavellas, 1 June 2005 – 31 May 2013

H. Herrnfeld, 1 Sept. 2010 – 31 May 2013

We thank **Raivo Sepp** for his excellent contribution as Vice-President of Eurojust

Vice-President, 13 Sept. 2007 – 8 Nov. 2013

Eurojust College of National Members 2013

Michèle Coninsx, Belgium

Mariana Ilieva Lilova, Bulgaria

Lukáš Starý, Czech Republic

Jesper Hjortenberg, Denmark

Annette Böringer, Germany

Raivo Sepp, Estonia

Robert Sheehan, Ireland

Nikolaos Ornerakis, Greece

Francisco Jiménez-Villarejo, Spain

Sylvie Petit-Leclair, France

Josip Čule, Croatia

Francesco Lo Voi, Italy

Katerina Loizou, Cyprus

Gunārs Bundzis, Latvia

Laima Čekelienė, Lithuania

Olivier Lenert, Luxembourg

László Venczl, Hungary

Donatella Frendo Dimech, Malta

Jolien Kuitert, Netherlands

Ingrid Maschl-Clausen, Austria

Mariusz Skowroński, Poland

João Manuel Da Silva Miguel, Portugal

Daniela Buruiană, Romania

Malči Gabrijelčič, Slovenia

Ladislav Hamran, Slovak Republic

Harri Tiesmaa, Finland

Leif Görts, Sweden

Frances Kennah, UK

2013
at a glance

7 June Luxembourg
Cooperation Agreement between Eurojust and Liechtenstein

19 and 20 June
Tactical and strategic meeting on terrorism: Council Framework Decision 2008/919/JHA of 28 November 2008: added value and impact

27 and 28 June *9th JITs Experts Meeting*

JANUARY | FEBRUARY | MARCH | APRIL | MAY | JUNE

11 February
Visit LIBE and CRIM Committees of European Parliament

17 and 18 April *Network meeting of contact points against genocide, crimes against humanity and war crimes*

25 and 26 April *Meeting of Consultative Forum of Prosecutors General and Directors of Public Prosecutions*

9 September
Final design of new Eurojust premises

29 September
The Hague International Day

27 and 28 November
Eurojust and ENPE strategic meeting: "Towards an enhanced coordination of environmental crime prosecutions across the EU: The role of Eurojust"

14 and 15 November
Lithuanian Presidency & Eurojust seminar: "Cross-border excise fraud: emerging threats in the European Union"

JULY

1 July
Croatia joined European Union

15 July The Hague *Visit of Interpol's Secretary General and the signing of the MoU between Eurojust and Interpol*

17 July
Publication of Commission Proposal for a Regulation on Eurojust

AUGUST

SEPTEMBER

OCTOBER

14 and 15 October *Eurojust seminar: "An Improvement in the fight against cross-border crime?"*

29 and 30 October
Network meeting of contact points against genocide, crimes against humanity and war crimes

29 October and 10 December
Vice-Presidents elected

NOVEMBER

DECEMBER

13 December
Meeting of Consultative Forum of Prosecutors General and Directors of Public Prosecutions

18 December Warsaw
MoU between Eurojust and Frontex

About Eurojust

1

1.1. Mission, vision, guiding principles

Our mission

Eurojust's mission is to support and strengthen coordination and cooperation between national authorities in the fight against serious cross-border crime affecting the European Union.

Our vision

Eurojust's vision is to be the key player and centre of expertise at judicial level for effective action against organised cross-border crime in the European Union.

Guiding principles

The following principles guide Eurojust in its work:

- We base our future on building mutual trust with Member States, EU bodies, international organisations and third States and on working with others to secure common goals.
- We strive for coordination and cooperation with the other agencies and bodies in the European Area of Freedom, Security and Justice.
- We strive for the best operational results by providing high-quality services that are responsive to stakeholder needs.
- We collect best practice and share our knowledge with national judicial authorities and other partners to contribute to the fight against serious crime.
- We promote the implementation and correct application of legal instruments for judicial cooperation and contribute to their further development.
- We apply principles of sound governance, cost effectiveness, efficiency, leadership and transparency, building on the professionalism and commitment of our staff and the best management of human resources.

1.2. National Desks, the College, Liaison Prosecutors from third States

1.2.1. Composition

Eurojust is composed of 28 National Members, one from each Member State, seconded in accordance with their legal systems. The length of a National Member's term of office is at least four years. National Members have their regular place of work at the seat of Eurojust in The Hague.

In addition, most National Members are assisted by a Deputy as well as by an Assistant. Currently, National Members, Deputies and Assistants are senior prosecutors or judges.

At the end of 2013, the National Desks consisted of 65 representatives, 44 of them posted at Eurojust. Twenty-five of the 28 National Members were posted in The Hague, supported by 19 Deputy National Members and 18 Assistants, of which 9 and 11, respectively, were posted at Eurojust. Eleven National Experts were seconded by their Member State to their National Desks. The National Desks registered a total of 1 576 cases in 2013.

The National Members form the College of Eurojust, which is responsible for Eurojust's organisation and operation. The President of Eurojust is Michèle Coninsx, National Member for Belgium. In 2013, Francisco Jiménez-Villarejo, National Member for Spain, and Ladislav Hamran, National Member for the Slovak Republic, were appointed Vice-Presidents.

Eurojust is supported by an administration headed by an Administrative Director, and hosts the Secretariats of the European Judicial Network, the JITs Network and the Genocide Network.

In addition, a Liaison Prosecutor from Norway has been posted since 2005 at Eurojust. The USA has posted a Liaison Prosecutor to Eurojust since 2007; a new appointment is pending.

1.2.2. Competences, tasks and powers

Eurojust's competences cover the same types of crime and offences for which Europol has competence,

such as terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering, cybercrime, crime against property or public goods including fraud and corruption, criminal offences affecting the EU's financial interests, environmental crime and participation in a criminal organisation. In addition, at the request of a competent national authority, Eurojust may assist in investigations and prosecutions regarding any other type of offence. Eurojust generally deals with requests involving two or more Member States, but may also assist in cases concerning only one Member State and a third State or one Member State and the European Union.

Eurojust's main tasks are to stimulate and improve the coordination of investigations and prosecutions in the Member States; to improve cooperation between the competent authorities of the Member States; and to support in any way possible the national authorities in their investigations and prosecutions. Eurojust can act either through one or more National Members or as a College. In the exercise of its tasks, Eurojust may request the competent national authorities to:

- undertake the investigation or prosecution of specific acts;
- accept that one of them is better placed to investigate or prosecute than another;
- coordinate with one another, e.g. to set up a JIT;
- provide Eurojust with any information necessary to carry out its tasks; and/or
- take special investigative measures, or take any other measure justified for the investigation or prosecution.

In addition, at the request of the competent national authorities, Eurojust can help resolve conflicts of jurisdiction in a particular case and overcome recurring refusals or difficulties encountered in judicial cooperation by issuing non-binding opinions to the competent authorities of the concerned Member States.

National Members also exercise the powers that are available to them in their capacity as national competent authorities acting in accordance with their national laws. Most National Members have the power to receive, transmit, facilitate, follow up and provide supplementary information in relation to the execution of requests for assistance. Other powers that may be exercised in agreement with a national authority include issuing and executing requests for judicial cooperation, ordering investigative measures in the Member States that are considered necessary during Eurojust coordination meetings, and authorising and coordinating controlled deliveries. In urgent cases, most National Members are directly entitled to authorise and coordinate controlled deliveries and to execute requests for judicial cooperation. Most National Members are entitled to participate in JITs.

OCC Eurojust's National Desks are available 24 hours per day, seven days per week. In the event of urgent requests and in accordance with Article 5a of the Eurojust Decision, the OCC may receive and process requests for assistance from national authorities outside regular office hours. By June 2011, Eurojust had put in place a call-management system that forwards the call to the OCC representative of the National Desk concerned; this permits callers to converse in their own language. Appropriate action can be taken by the OCC representative, such as contacting the OCC representative of another National Desk.

1.2.3. Governance and working methods

The governance set-up of Eurojust is of a hybrid nature. National Members, appointed by national authorities with their status under national law, join efforts with EU staff working under the authority of an Administrative Director. The activities of Eurojust are clustered in three main categories that are interrelated and interconnected:

- **Casework** relates to the activities performed by the National Desks and the College when dealing with the content of cases, which is the primary objective of Eurojust as stated in Article 85(1) TFEU. The term refers to cases related to criminal investigations brought to Eurojust by way of requests from national authorities, but also to casework originating from information received, in particular, from Member States, Europol and OLAF.
- **Policy work** deals with activities requiring an institutional approach or a process-oriented approach across the entire organisation. The category of policy work is twofold: it consists, on the one hand, of producing policies and guidelines intended to regulate the operational work of Eurojust, and, on the other hand, of developing products such as strategic reports, casework-related studies, policy papers, opinions on draft legislative instruments, the carrying out of strategic projects focusing on specific areas of judicial cooperation with a view to analysing Eurojust's casework, the identification of areas for improvement and the promotion of best practice in judicial cooperation.

- **Administrative work** refers to administrative tasks such as financial management, organisation and management of administrative support and other services providing indirect support to casework.

College functions The College implemented practical steps to increase the amount of time devoted by the College to operational work while reducing the time dedicated to its involvement in administrative matters. In 2011, the College enhanced its work on operational matters during College plenary meetings. In 2012, the College regulated its working methods and functioning in more detail, resulting in its ability to work more effectively and efficiently in 2013. The differentiation between operational and Management Board meetings of the College is the current practice at Eurojust.

College teams Nine College teams prepare and assist the College in its work and decision-making. The teams are composed of members of the College who volunteer on the basis of their expertise in different areas. The division in College teams reflects the main areas of work of the College.

Presidency Team The Presidency Team supports the President in the fulfilment of his/her duties and consists of two Vice-Presidents with the Administrative Director in a support capacity. The President monitors the daily management ensured by the Administrative Director and directs the work of the College. In accordance with the Eurojust Rules of Procedure, the President calls for and presides over the meetings of the College, represents Eurojust, and signs all official communication on behalf of the College. The Presidency Team coordinates and ensures a coherent approach to the work of the College from operational, policy and management perspectives.

1.2.4. Training

European Judicial Training Network In accordance with the 2008 MoU between Eurojust and the EJTN, cooperation between Eurojust and the EJTN in the field of judicial training continued. Eight prosecutors/judges from Austria, Bulgaria, Italy, Spain and Poland participated in long-term traineeships at Eurojust and were involved in the daily work of the National Desks of their countries of origin. In addition, members of the National Desks actively participated in two EJTN seminars, *International judicial cooperation in criminal matters in practice*. These seminars focused on MLA and execution of EAWs involving France, Romania and Italy (March, Paris) and Finland, Sweden and Portugal (April, Lisbon). Eurojust also supported the CEPOL/EJTN JIT training in September.

CEPOL In accordance with the 2009 MoU between Eurojust and CEPOL, cooperation in the field of training was enhanced. Eurojust continued its participation in CEPOL courses and webinars. In addition, the Common Curriculum on Eurojust was finalised and submitted to the CEPOL Management Board.

1.2.5. ENCS and the *fiches suédoises*

ENCS The objective in setting up an ENCS in each Member State is to coordinate the work carried out by the key national players responsible for judicial cooperation, e.g. the national correspondents for Eurojust and for the EJN, and representatives of other relevant networks, such as the JIT and Genocide Networks. Among its main tasks, the ENCS supports the exchange of information between Eurojust and the Member States by ensuring that Eurojust's CMS receives information in an efficient and reliable manner; facilitates the allocation of cases between Eurojust and the EJN; and maintains a close relationship with the Europol National Units. The level of implementation of the ENCS varies among Member States but continued to progress in 2013.

Fiches suédoises Eurojust supports the implementation of the 28 ENCSs by offering the so-called *fiches suédoises*, a specific information tool about the ENCS. The *fiches suédoises* provide an overview of the structure and composition of the ENCS per Member State and are kept up-to-date by Eurojust.

1.3. Eurojust administration

This section highlights administrative developments in 2013. The work of the College is supported by the administration, headed by the Administrative Director.

At the end of 2013, the administration consisted of a workforce of 230 staff members, 203 of which were temporary agents and 27 of which were contract agents. In addition, three national experts are seconded to work in Eurojust's administration. Further information on administrative management and developments can be found in the Annual Activity Report 2013 of the Administrative Director of Eurojust.

Budget execution rate Budget execution in 2013 rose to 99.6 per cent (i.e. EUR 32.2 million of EUR 32.4 million), Eurojust's highest budget execution rate; the average over the last four years has been 97.8 per cent. The payment execution rate, 86.8 per cent, was also higher in 2013 than the last four-year average of 82.8 per cent.

Financial support to JITs In 2013, the second JITs funding project – based on a grant awarded by the European Commission under the Prevention of and Fight against Crime (ISEC) Programme – ended. This project allowed Eurojust to support, between October 2010 and September 2013, 95 different JITs established between 22 Member States. In September 2013, Eurojust committed itself to ensuring continuity of financial support to JITs by providing funding from its regular budget. To reinforce consistency between various projects run by the organisation in relation to JITs, the management of JITs grants has been assigned to the JITs Network Secretariat.

Human Resources The Establishment Plan for 2013 has been implemented at a rate of 95.3 per cent. The remainder is scheduled to be finalised in the first quarter of 2014. However, due to the need to reduce posts in 2014, and to safeguard the implementation of budgetary cuts at the end of 2014, not all open positions can be filled. A project has been launched to ensure that the necessary post reductions (which are the result of a budgetary decision of the EU institutions) can be implemented without the termination of contracts held by Eurojust staff.

Structure of the administration In 2013, the restructuring of the administration was completed, which included the utilisation of reclassification and competitive recruitment procedures, contributing to the nearly complete implementation rate of the Establishment Plan.

Eurojust permanent premises The new premises of Eurojust will be located in the 'international zone' of The Hague, at Jan Willem Frisolaan, within walking distance of other international organisations and Europol. The final design for the new premises was approved in 2013 and the technical specifications were delivered in December 2013 for evaluation by the Host State and Eurojust. The Municipality of The Hague approved the building permit. Construction is planned to commence in summer 2014, with completion expected by December 2016, and ready for Eurojust's occupancy in early 2017.

Cooperation JHA agencies Eurojust participated in the activities of the JHA agencies, which focused in 2013 on external relations, human resources and mobility, and training coordination. In cooperation with the European Parliament, a Visibility Event was organised in November in light of the Commission Communication on the European Law Enforcement Scheme, the goal of which is to increase the EU's capacity to combat crime. Eurojust continued its practice of exchanging its work programme with the other JHA agencies.

Eurojust administration © *Eurojust*

Eurojust Heads of Units and Services © *Eurojust*

From left to right: Jacques Vos, Corporate Services; Mike Moulder, Budget, Finance and Procurement; Vincent Jamin, JITs Network Secretariat; Alinde Verhaag, Case Analysis; Klaus Rackwitz, Administrative Director; Jon Broughton, Information Management; Alfredo García Miravete, Operational Support; Diana Alonso Blas, Data Protection; Matevž Pezdirc, Genocide Network Secretariat; Carla Garcia Bello, Legal Secretary to the College; Claudia Trif, Human Resources; Catherine Deboyser, Legal Service.

1.4. Eurojust and practitioner networks

Eurojust hosts the Secretariats of the EJN, JITs and Genocide Networks and facilitates interaction between the National Desks and the networks in their common core business. The secretariats draw on the administrative resources of Eurojust to offer services to the networks. Eurojust also supports the activities of the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union (the Consultative Forum), reinforcing the judicial dimension of the EU strategy on internal security.

1.4.1. European Judicial Network

The EJN was created by Joint Action 98/428 JHA of 29 June 1998, replaced by Council Decision 2008/976/JHA of 16 December 2008, as a network of national contact points for the facilitation of judicial cooperation in criminal matters. The EJN Secretariat is responsible for the administration of the EJN.

EJN-Eurojust Joint Task Force Work continued on the joint paper, describing the services provided by the EJN and Eurojust, to assist practitioners in deciding whether cases should be dealt with by the EJN or Eurojust.

EJN Trio Presidency On 23 October, the Eurojust Presidency, the Administrative Director and the EJN Trio Presidency met and discussed the strengthening of cooperation, the EJN Budget 2014-2015 and the sixth round of mutual evaluations on the practical implementation and operation of the revised Eurojust Decision. Within the framework of the ongoing sixth round of mutual evaluations, recommendations are also addressed to the EJN Secretariat. Eurojust encouraged the EJN to reflect on the ENCS as a filter for judicial cooperation.

e-Justice Portal The EJN website will be integrated into the e-Justice Portal, which is conceived as a future electronic one-stop shop in the area of justice and a useful tool for practitioners.

EJN plenary and regional meetings Two plenary meetings took place, which provided a platform for the EJN contact points to share experiences and discuss practical

and legal problems encountered by the Member States in the field of international judicial cooperation in criminal matters. Eurojust was represented at these meetings. The EJN 40th plenary meeting under the Irish EU Presidency focused on the fight against fraud and practical applications of freezing and confiscation orders. The EJN 41st plenary meeting under the Lithuanian EU Presidency focused on EJN cooperation with third States, including EU eastern partnership countries. The EJN also promotes regional meetings to help focus on problems of a particular regional character. Representatives from the relevant National Desks of Eurojust are often invited to attend these regional meetings.

1.4.2. JITs Network

The Network of National Experts on JITs was established in 2005 to foster the exchange of information and best practice between Member States on JITs. The Secretariat of the Network has been hosted by Eurojust since 2011, thus acknowledging the need for interaction and complementarity between the Network and Eurojust.

Restricted area The JITs Network restricted area was officially launched in the margins of the 9th annual meeting (27 and 28 June). This tool – which is accessible to appointed National Experts as part of the Eurojust website – is intended to serve as a platform for communication between the experts and to support the sharing of knowledge, best practice and lessons learned. Once fully operational, this tool should facilitate access by practitioners to relevant practical legal information, with a view to facilitating the establishment and efficient running of JITs.

Evaluation form Based on a proposal from the JITs Network Secretariat, the experts approved the format and content of a JIT evaluation template. The form is intended to assist the work of practitioners involved in the evaluation of the JIT tool to assess the performance of the JIT and the results achieved (*see* Chapter 4, 'Focus of the year: Evaluating JITS').

JIT funding As of 1 September 2013, Eurojust committed itself to continuing the financing of JIT activities from within its regular budget. The JITs Network Secretariat has been responsible for the further implementation of JIT funding (*see* Section 2.4, 'Eurojust and JITs').

Annual meeting The annual meeting, which brings together National Experts and Eurojust National Members, Deputies and Assistants, provided an opportunity to discuss topics of common interest related to JITs. This year, discussions in workshops on issues related to disclosure of operational information and admissibility of evidence were based on a real case supported by Eurojust.

1.4.3. Genocide Network

The Network of contact points for investigation and prosecution of genocide, crimes against humanity and war crimes (the Genocide Network) was set up by Council Decision 2002/494/JHA and reaffirmed by Council Decision 2003/335/JHA. The Genocide Network Secretariat was established in July 2011 to ensure close cooperation between the national authorities in investigating and prosecuting these crimes. By hosting the meetings of the Genocide Network and the Genocide Network Secretariat, Eurojust provides a unique forum for practitioners to meet, discuss, exchange information, best practice and experience, and cooperate and assist each other in investigation and prosecution.

Strategic developments Activities in the European Union encompassed discussions at the Council to increase efficiency in combating impunity and to strengthen investigation and prosecution of serious international crime through a comprehensive strategy and action plan for the EU institutions and Member States.

Restricted area The Genocide Network Secretariat has launched the restricted area of the website, allowing members to access information and to communicate within a confidential environment.

Annual meetings Eurojust hosted the 14th and 15th meetings of the Genocide Network at its premises. Both meetings brought together practitioners from almost all Member States and their counterparts from Canada, Norway, Switzerland, the USA, the International Criminal Court (ICC) and *ad hoc* international criminal tribunals, the International Committee of the Red Cross, Interpol and representatives of civil society. In both meetings, Genocide Network members discussed the importance of the UN Commissions of Inquiry and their contribution to the fight against impunity for perpetrators of human rights violations, and reviewed matters of functional immunity, personal immunity and the immunity of special missions, which potentially conflict with individual criminal responsibility. In addition, the Genocide Network looked into extensive Croatian experience in prosecuting war crimes and its cooperation with third States. An important subject of the Genocide Network's analysis concerned ensuring accountability for corporate actors who commit, support, aid and abet or profit from serious international crimes.

Topical seminar Eurojust hosted a seminar entitled *Connecting Victims and Witnesses of International Crimes to National Criminal Justice Authorities*, organised by civil society and the Genocide Network Secretariat.

1.4.4. Consultative Forum

The Consultative Forum was established in 2010 to reinforce the judicial dimension of the EU Internal Security Strategy, to share experiences and best practice in serious and organised crime, including the use of judicial cooperation instruments, and to contribute to legislative initiatives taken at EU level. Eurojust provides administrative and financial support, as well as substantial input, to the preparation of meetings of the Consultative Forum.

Meetings of the Consultative Forum In 2013, Eurojust hosted two meetings of the Consultative Forum, in April under the Irish EU Presidency and in December under the Lithuanian EU Presidency.

During the April meeting, the Consultative Forum deliberated on the conclusions of a workshop entitled *The proposed European Public Prosecutor's Office: How will it work in practice?* The workshop was divided into four working groups, each focusing on a specific phase or relevant aspect of the work of the EPPO. The Consultative Forum also discussed and shared experiences on the role of victims in criminal proceedings with a view to implementing the Directive on the Rights of Victims of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime.

During the December meeting, the Consultative Forum discussed the new Draft Regulation on Eurojust and exchanged views on how to further improve Eurojust's work. The Consultative Forum also continued its discussion on the functioning and establishment of an EPPO, including Eurojust's special relationship with the EPPO in operational matters. Finally, the participants debated the future development of the JHA area and were informed of the EU Internal Security Strategy and the EU Policy Cycle 2014-2017, including Eurojust's activities in this field.

The conclusions of the meeting of the Consultative Forum of 14 December 2012, a summary of the replies to the questionnaire regarding PIF offences (8151/13), the conclusions of the meeting of 26 April 2013, and a summary of the replies to the questionnaire on the EPPO (11628/13), were transmitted to the EU institutions and published as Council documents.

The conclusions of the meeting of the Consultative Forum of 13 December 2013 will be submitted to the Council Working Parties in early 2014.

How Eurojust works

2

2.1. Eurojust coordination meetings

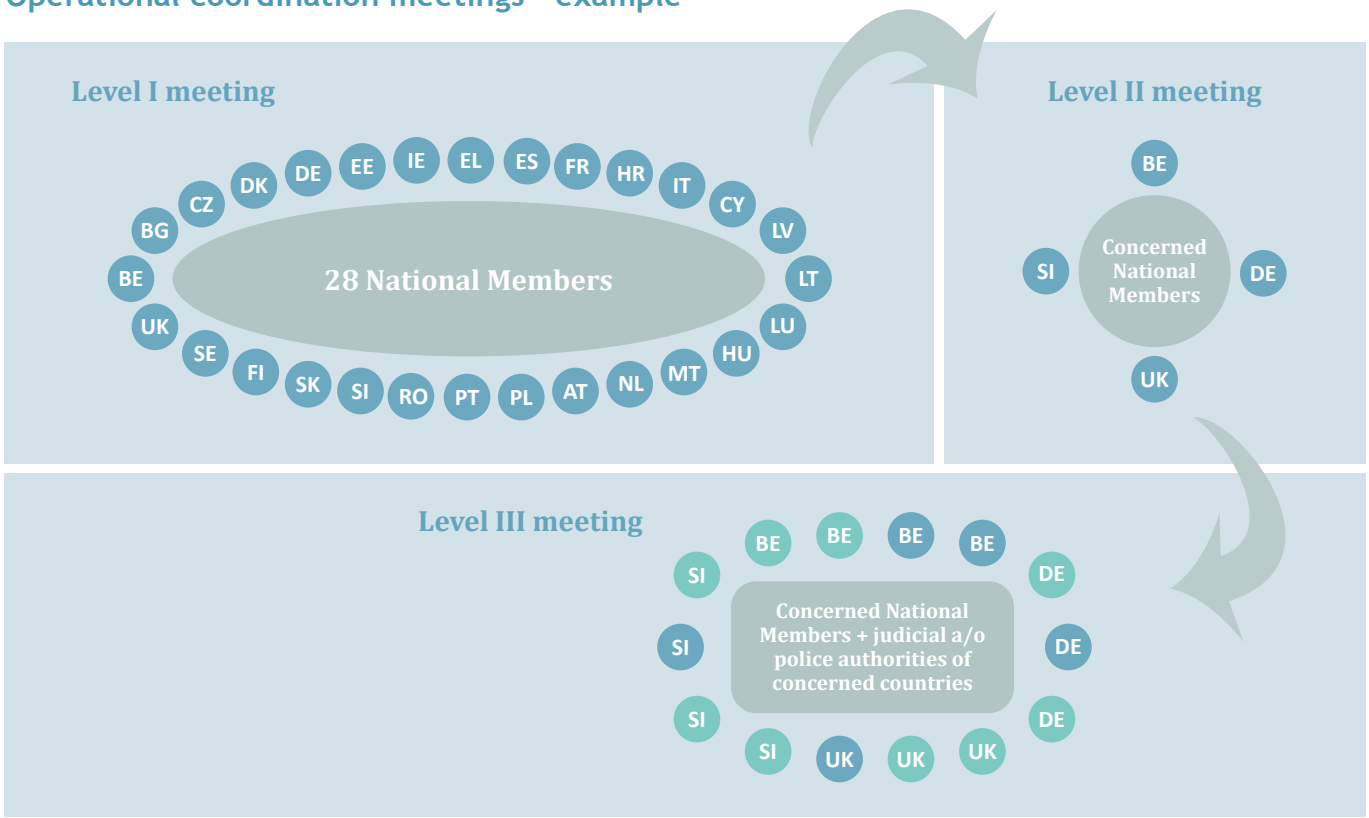
In 2013, Eurojust held 206 coordination meetings. France (45), Italy (23), the UK (15) and Germany (14) were the main organisers, while the Netherlands (56), Germany (51), Spain (45), Belgium (43), and the UK (33) were the most requested countries to participate. Europol participated in 75 such meetings. Of the 64 coordination meetings involving third States, most meetings concerned Switzerland (15) and Norway (12), followed by the USA (9). Five coordination meetings were held in third States (Switzerland (2), Bosnia and Herzegovina (1), former Yugoslav Republic of Macedonia (1), and Turkey (1)).

(Mobile) organised crime groups was the main crime type addressed during coordination meetings (66), followed by swindling and fraud (60), drug trafficking (56), money laundering (49) and THB (24).

Eurojust's coordination meetings bring together both law enforcement and judicial authorities from Member States and third States, allowing for strategic, informed and targeted operations in cross-border crime cases and the resolution of legal and practical difficulties resulting from the differences in the 30 existing legal systems in the European Union. Eurojust is a proactive coordinator and offers its facilities, as well as accommodation and travel reimbursement, for up to two participants per State, translation services, and expertise in judicial cooperation in criminal matters to national authorities dealing with serious cross-border crime cases. Eurojust also provides the options of videoconferencing and holding coordination meetings outside Eurojust to make the best use of available resources and accommodate the needs of practitioners.

By facilitating the effective and early exchange of information through Eurojust coordination meetings, Member States are enabled to initiate investigations, to identify possible parallel proceedings or to detect links with cases in other Member States. Common *ne bis in idem* issues can be avoided, conflicts of jurisdiction prevented and transfers of proceedings agreed upon. Investigative activities can be planned such as the setting up of a JIT or a coordination centre or the execution of MLA requests followed up. During coordination meetings, competent national authorities of the countries concerned may directly discuss legal requirements and procedural questions related, e.g., to investigative and coercive measures, freezing and confiscation of proceeds of crime and disclosure obligations.

Operational coordination meetings - example



VAT fraud case example

A French subsidiary of an international company, registered in the British Virgin Islands and located in Dubai (part of the United Arab Emirates - UAE), participated in the trading of carbon emission rights. This company bought carbon allowances from three French suppliers. With regard to two of the suppliers, the invoices – including VAT – were paid from accounts in Hong Kong. None of the suppliers informed the French tax authorities of the VAT collected on the resale of those allowances, thereby breaching their legal and fiscal obligations. The French subsidiary benefited from a tax credit against the amount of VAT to be repaid to the tax authorities – based on questionable invoices – and therefore fraudulently profited from tax deductions to the detriment of the French Treasury. Given the evidence gathered during the investigation of this company and its representatives, the extensive pattern of VAT fraud was most likely established by and for the benefit of the French subsidiary or the above-mentioned international company that represented its interests in France. Similar investigations in the Netherlands concerning a Dutch trader in carbon emission rights showed that this company was part of a VAT carousel and that some of the suspects participated in a criminal organisation involved in VAT fraud in several Member States. Both investigations appeared to be interlinked.

Eurojust coordination The support of Eurojust was requested and a JIT was established between France and the Netherlands in 2011. In October 2013, the case was at a very advanced stage and a coordination meeting was held to agree on how to proceed with prosecutions in both Member States. The evidence obtained showed that the main suspects were acting from Dubai and that the money flow ended in Dubai after being channelled through intermediary accounts in Hong Kong. At the time of the meeting, almost all of the MLA requests had been executed in Spain, Germany, Portugal and Hong Kong. The French authorities considered issuing MLAs towards the UAE to interview suspects and seize assets that were believed to be located there. Both France and the Netherlands had sufficient evidence to prosecute the main suspect.

Parallel prosecutions The issue at stake was whether the main suspect, once arrested, would remain in custody. In France, a strong possibility existed that the main suspect would be released until trial. The Dutch authorities were confident that the amount of evidence collected and the economic damage caused by the crime would convince the court to keep the suspect in custody, allowing prosecutors in both countries to conduct interviews and continue their proceedings.

Temporary surrender/interviewing the suspect in custody in the other Member State The participating authorities discussed whether the legislation of the involved Member States would allow the surrender of the suspect to the other party for interviewing and trial or if he could be held in custody until trial. The parties agreed that the national legislation implementing the EAW Framework Decision made this option possible. The participating authorities also raised the question of whether the French investigating judge could interview the suspect in the event he was held in custody in the Netherlands and carry out the formal indictment in that location.

Ne bis in idem As France and the Netherlands intended to prosecute the main suspect for a VAT fraud-related offence, the participating authorities discussed whether they would indict him for the same crime, and concluded that two different fraud offences had been committed against two different victims in different jurisdictions (French and Dutch tax administrations); consequently, no risk of double jeopardy was incurred.

Transfer of proceedings The parties considered that France could formally transfer its case to the Netherlands for prosecution. In principle, the Netherlands would not have jurisdiction over the offence in France, as the offence affected a French victim and had been committed by a non-Dutch national. However, the Dutch case may have included prosecution for participation in a criminal organisation. This possibility required further study by both sides and the approval of the French Prosecutor General.

Asset sharing By 2013, the investigation had resulted in the freezing of approximately USD 7 million. Seizure of further assets is anticipated. Both Member States agreed that assets eventually confiscated would be shared equally.

Sharing of information provided by a third party The JIT members considered whether information provided by a country not participating in the JIT could be legally exchanged as valid evidence since the exchange took place between JIT members. The fact that information was given to one JIT party only and not to all JIT members could pose a challenge. The JIT members agreed that the receiving party should request permission from the provider to formally share information with the other party to the JIT.

Arrest Subject to consultation with the national authorities, the parties agreed that France would proceed with the arrest of the main suspect, as he visited regularly. Bail was set very high. Subsequently, the Netherlands planned to issue an EAW, take the suspect to the Netherlands and request that he remain in custody. Both countries were to run simultaneous prosecutions. The French authorities were to obtain authorisation to interview the suspect in the Netherlands. The transfer of proceedings to the Netherlands would only be considered at a later stage. The parties also agreed on the exchange of case files and evidence based on the JIT agreement.

As a result of the cooperation in this case, three suspects were arrested in France. The MLAs that were issued to Hong Kong, Switzerland, the UK, Germany, Denmark, Spain and the USA were executed. Eight persons were questioned in France and the Netherlands, an EAW was issued against a principal suspect whose location was unknown and a coordination meeting was planned to follow up on the investigation.

2.2. Eurojust coordination centres

In 2013, seven coordination centres were set up at Eurojust, organised by the following countries: France (4), Italy (2) and the Netherlands (1). The crime types investigated were illegal immigration (2), drug trafficking and THB (1), motor vehicle crime (1), counterfeit goods (1), money laundering (1), and fraud (1).

Eurojust's 24 hours per day, seven days per week availability and the setting up of coordination centres ensure real-time transmission of information and coordination of measures between national authorities during a common action day.

Eurojust's coordination centres foster the support, coordination and immediate follow-up of seizures, arrests, house/company searches, freezing orders and witness interviews. Admissibility of evidence gathered is an important factor in the success of subsequent court proceedings. Eurojust's coordination centres facilitate the achievement of sustainable results in cross-border criminal cases.

Fraud case example

A complex transnational fraud investigation into an alleged 'Ponzi' scheme started in France in February 2012. The suspects and companies involved were based in eight Member States as well as in Switzerland and the Seychelles. Approximately 400 victims were identified throughout Europe. Damages were estimated at a minimum of EUR 23 million. The proceeds were placed in bank accounts in the Seychelles, Malta and Cyprus, and invested in real estate, boats and yachts.

Eurojust was requested to facilitate the execution of MLA requests to locate the suspects

and criminal proceeds as well as request hearings, house searches, seizures and freezing of assets. A coordination centre was set up at Eurojust to support simultaneous actions at judicial level in all 10 countries involved, the first time so many countries took part in a coordination centre and the first time that the operations focused on freezing of assets simultaneously in six different jurisdictions, including the Seychelles. The coordination centre, provided with dedicated telephone lines, e-mail addresses and videoconference facilities, allowed the French investigating judge to monitor the state of play with Eurojust National Desks and to address specific judicial issues raised during the action day in real time. More than 200 law enforcement officers were deployed for this operation, resulting in the arrest of 16 persons, the interviewing of six suspects, the freezing of approximately EUR 700 000 in bank accounts, and significant seizures of vessels, villas, luxury cars, artwork and jewellery.

In the words of a representative of one of the participating Member States, *'(…) Eurojust provided a forum for prosecutors and law enforcement officials to work in a joint and concerted effort with a common goal – ensuring that a Europe without borders does not translate into an area where criminal activity can take place unfettered. In the fight against crime there is no weapon which is more effective than the determined resolve of judicial and police authorities. Judicial cooperation serves this purpose precisely and this operation bears witness to this.'*

2.3. Information exchange and the CMS

The Eurojust Decision introduced the obligation of Member States to transmit certain information to Eurojust relevant for fulfilling its mission, thus enabling Eurojust to offer more proactive support in dealing with cases and crime phenomena. Eurojust adjusted its CMS to facilitate the processing of additional data types and developed the technical tools to support the structured and secure transmission of data to Eurojust.

2.3.1. Development of the CMS

The design and development of the CMS is based on the Eurojust Decision and the Eurojust data protection rules. The CMS is the software tool of Eurojust that facilitates secure storage and processing of case-related data. As a tailor-made database, it facilitates Eurojust's work in supporting the coordination of investigations and prosecutions by cross-referencing information and enabling access to information on ongoing investigations and prosecutions for the parties concerned. The monitoring of lawfulness of the processing of personal data in conformity with data protection guidelines is guaranteed by the Eurojust Data Protection Officer and the JSB.

In 2013, considerable enhancements were introduced in the CMS. System enhancements were implemented in a wide range of CMS functional areas and originated from changes required by the revised Eurojust Decision, as well as from change requests by users. Enhancements were made in key areas such as the functions for registering and monitoring cases, the importing and analysis of personal data, link identification, searching and reporting. Compliance with the Eurojust data protection rules was optimised by improving the logging, notification and sharing mechanisms and by introducing a new security model that allows future implementation of a more flexible approach to CMS access for both internal and external users (i.e. ENCS members and/or Liaison Prosecutors). Further changes were necessary due to the accession of Croatia, providing access for the Croatian National Member and other members of the National Desk.

2.3.2. The 'smart' Article 13 form

Tool The 'smart' Article 13 form is a standardised electronic template developed by Eurojust to enable the structured transmission of information from national authorities to Eurojust pursuant to Article 13 of the Eurojust Decision. The form is available in the 24 official EU languages. The form allows for the importation of the data submitted to the CMS. The information received pursuant to Article 13 is either considered new or refers to an ongoing operational case

initiated at Eurojust by the receiving National Desk. After registration, potential links to other cases can be established through the automatic link detection function in the CMS. Should a new link be discovered, the National Desk will be notified. The informed National Desk will then communicate the results to the submitting authority in the Member State.

Assessment The development of the electronic tool for the transmission process as well as the configuration within the CMS have been implemented and fine-tuned by Eurojust. From July 2011 (transposition deadline) to June 2013, Eurojust received 218 Article 13 notifications, 89 of which related to a registered Eurojust case. Thus far, Article 13 notifications represent a minor fraction of the information reported to Eurojust via national authorities in the course of casework (during the same period of time, a total of 2 970 cases were registered at Eurojust). The most common legal basis to refer Article 13 information to Eurojust is paragraph 6 ('cases of particular gravity'), the second is paragraph 5 ('JITs'). When Article 13 is fully implemented in all Member States, Eurojust would be able, for example, to provide an overview of all JITs in the European Union.

2.3.3. Connections between ENCS and CMS

Research The implementation of the technical connection between ENCS members in the Member States and Eurojust's CMS progressed in 2013. Building on the results of the EJ27 Network Connectivity Project, which examined the network infrastructure required, the ENCS Research Project produced a catalogue of potential ENCS Tools (i.e. possible technical solutions for ENCS connections with the CMS) and indications from Member States of their preferred options. The ENCS Research Project also considered the technical impact of the future connection of external users to the CMS, and of the CMS enhancements required by this connection, on the CMS and other Eurojust infrastructure.

Access modalities In July 2013, the College agreed on a common approach regarding CMS access modalities for members of the ENCS. The College defined different levels of data visibility and management rights in respect of the data contained in Index and Temporary Work Files for different categories of external CMS users, and the fulfilment of the data controller role of the concerned National Member, in accordance with legal requirements and the Eurojust data protection rules.

Implementation The technical implementation of connections with each Member State and the CMS continued. The connections with the Czech Republic and Latvia became operational. Thus far, connections with five Member States (the connections with Bulgaria and Romania had been in place since 2012) have been established. Pilot connections with Finland, Hungary and Poland were established and each Member State signed an MoU regulating the use of the connection. These connections are expected to become operational in early 2014. Eurojust's report to the Council and the Commission on the implementation status was published as Council Document 12582/13 of 19 July 2013.

2.4. Eurojust and JITs

As a specific instrument for cross-border legal assistance that allows direct exchange of information and evidence within a team without the need for traditional channels for MLA requests, JITs continue to represent one of the most important operational tools that law enforcement and judicial practitioners have at their disposal.

The specific role played by Eurojust in the setting up and functioning of JITs during 2013 relates mostly to: (i) identifying suitable cases for JITs; (ii) offering advice and information on different procedural systems; (iii) drafting JIT agreements or extensions to those agreements and operational action plans; (iv) providing coordination on action days; and (v) supporting JITs via coordination meetings.

2.4.1. Eurojust casework

Coordination meetings organised at the premises of Eurojust or in the Member States proved to be a useful tool in determining and monitoring the operational goals of JITs, evaluating the joint investigative activities, and deciding upon the next steps to be taken. These steps included: planning of simultaneous arrests, issuance and execution of EAWs or MLA requests to third States, agreement on measures related to confiscation, and actions to be taken by seconded members of the JIT. Eurojust also facilitated agreements on prosecution strategies between JIT partners, which need to be envisaged as early as possible, as they often have an impact on the development of the investigations themselves.

In past years, Eurojust has supported JITs set up under Article 13 of the 2000 MLA Convention or under the Council Framework Decision of 13 June 2002 on JITs. However, due to the nature of the investigations or the need to involve third States in investigative actions, Eurojust in 2013 also provided expertise regarding JITs established under other legal instruments, e.g. the United Nations Convention against Organized Crime, the Convention on mutual assistance and cooperation between customs administrations (Naples II), and under bilateral treaties.

Facts and figures Providing support to the setting up and running of JITs continued to be one of Eurojust's priority tasks in 2013. In the reporting period, 102 JITs were supported by National Members, of which 42 were newly created in 2013. National Members participated either in their capacities as national competent authorities or on behalf of Eurojust in accordance with Article 9f of the Eurojust Decision.

As in previous years, JITs addressed the most serious types of criminality, such as drug trafficking, THB, fraud and money laundering. JITs were also used in an increasing number of cybercrime cases. In addition, Eurojust received 35 notifications from Member States in accordance with Article 13(5) of the Eurojust Decision, seven of which resulted in JITs being established with the assistance of Eurojust. Eurojust also supported the setting up of three JITs involving third States.

Recurring obstacles Eurojust's casework during 2013 indicates certain legal and practical issues that jeopardise the effective functioning of a JIT. The following obstacles were identified: different formal requirements for the signing of a JIT agreement, differences in legal systems, especially with regard to rules on the gathering of evidence (including intercepted material), rules on the admissibility of evidence, disclosure of information and time limits for data retention, conflicts of jurisdiction, and the transfer of criminal proceedings. Eurojust continues to address these recurring obstacles and assists practitioners in overcoming them.

Issues encountered relate, for example, to differences in the requirements for hearing of witnesses, and can create problems regarding the admissibility of evidence. Another common issue concerns the disclosure of case-related information. Because prompt sharing of information is a major advantage of a JIT, its members must be aware from the outset of the extent and timing of disclosure of sensitive material to defence counsel and courts under national legislation in the Member States involved.

Trafficking in human beings case example

In a JIT concerning THB and the confiscation of seized property, Eurojust's help focused on the judicial development of the case. The victims of THB located in Member State A were interviewed with the help of police officers and prosecutors from Member State B in accordance with the provisions of the 1959 and 2000 MLA Conventions, so that their witness evidence could be used in the investigations of both Member States. In this way, the victims could be interviewed by their fellow countrymen, who had been specially trained to deal with vulnerable victims and witnesses. The testimonies obtained in the framework of the JIT could then be used by both Member States in their investigations.

Within the framework of this JIT, a decision was taken that the proceedings would be transferred to Member State B and that EAWs would be issued by Member State B, which would then be executed in Member State A. The perpetrators in Member State A were surrendered to Member State B and were brought to trial, together with their accomplices already arrested in Member State B. With the support of Eurojust, which arranged two coordination meetings in addition to two Level II meetings, the assessment of the evidence, the transfer of the criminal proceedings and the execution of the EAWs were carried out within the framework of the JIT. The JIT activities resulted in a final conviction in Member State B. Some additional measures relating to the confiscation of property in Member State A were discussed between the JIT partners at Eurojust and, as a result, property was successfully confiscated in Member State A.

Rights of defence counsel In a specific THB case, the legislation of one of the involved Member States required the defence lawyers of the suspects to be notified and given the possibility to be present during the hearing of witnesses in order for such evidence to be admissible in court. No such requirement was present in the

other jurisdiction involved. The JIT agreement signed with Eurojust's support clarified the requirements and allowed the testimonies of witnesses to be taken in conformity with the national legislation of the JIT parties.

Confidentiality/disclosure Some Member States use the annexes to the JIT agreements to clarify conditions on the exchange of information and confidentiality rules (disclosure). This practice enables Member States to find compatibilities in their otherwise different legal requirements. In a JIT regarding a murder case, an agreement was reached that, in principle, unlimited access and the use and sharing of information should occur unless one of the parties imposed a restriction on its use (for example, as evidence in court).

2.4.2. Annual JITs Experts meeting

As part of a continuing programme to promote the use of the JIT tool, Eurojust hosted and organised, in cooperation with Europol, the 9th Annual Meeting of National Experts on JITs.

Experts agreed on the preparation of a checklist of issues to be discussed prior to establishing the JIT, and the inclusion of the applicable rules on disclosure of the participating Member States as an annex to the JIT agreement as a matter of good practice. Participants also noted that risk assessments on the feasibility and effectiveness of setting up JITs, particularly taking into account legislation applicable to disclosure and confidentiality issues, should be regularly carried out. The conclusions of the meeting will be published as a Council document and made available on the Eurojust website.

Practitioners consider the evaluation of JITs to be of great importance in their work, as such evaluation allows them to determine the benefits or shortcomings of the JIT. Eurojust recognises and actively supports the added value of the evaluation of JITs. Further information on the topic can be found in Chapter 4, 'Focus of the year: evaluating JITs'.

2.4.3. Funding/financial assistance for JITs

Between 2010 and 2013, Eurojust supported 95 different JITs established among 22 Member States, and contributed significantly to the overall development of JITs in the European Union.

Two additional calls for proposals were launched in the context of the second JIT funding project, in July and September, covering operational needs until the end of 2013; 36 new applications were received, confirming trends already observed and the success of the project. Relevant information is available on the Eurojust website or via the following link: *http://www.eurojust.europa.eu/Practitioners/Eurojust-Support-JITs/JITS-Funding/Pages/jits-funding-project.aspx*.

In 2013, 34 JITs received financial support from Eurojust, 18 of which had been set up in the course of the year. Eurojust will continue to financially support JIT activities next year. As of 2014, third States that are parties to or participants in a JIT involving one or more Member States are eligible for funding. A streamlined procedure that takes into account previous experience and feedback from practitioners will be developed and implemented in 2014.

Eurojust's operational work

3

3.1. Eurojust's casework in priority crime areas

Eurojust is aligning its priority crime areas with the crime priorities set by the Council within the EU Policy Cycle 2014-2017 in the fight against organised and serious international crime. The initial and reduced policy cycle was implemented between 2011 and 2013, and Eurojust adapted its own priorities for this period in 2012 as follows: drug trafficking, illegal immigration and THB, fraud, corruption, cybercrime - including child sexual abuse images, money laundering, criminal offences affecting the European Union's financial interests, terrorism and MOCGs. The following subsections report on Eurojust's involvement in these crime areas.

In 2013, Eurojust actively supported all EMPACT projects developing the Council priorities.

With regard to the EU Policy Cycle 2014-2017, in 2013 Eurojust actively participated in the preparation of MASPs for each of the nine priorities adopted by the Council for this period and, in the process, the translation of the MASPs into OAPs within the framework of the EMPACT projects. To ensure a consistent approach to supporting these projects, in September 2013 Eurojust adopted a common position on the level of involvement and the kind of support it could offer for the specific actions in the OAPs. Also, based on preparatory work carried out in 2013 in this regard, Eurojust will adopt new priorities for the period between 2014 and 2017 in line with those of the Council.

3.1.1. Drug trafficking

Crime statistics	2012	2013
Number of cases registered	263	239
Number of coordination meetings	59	56
Number of JITs	13	26

The majority of drug trafficking cases (184) deal with this crime alone, although drug trafficking is linked with organised crime in 47 cases and with money laundering activities in 17. Sweden, France and Italy were the main requestors, while Spain, the Netherlands and Germany were the most requested Member States for cooperation in drug trafficking cases. Cocaine is by far the most frequent illicit substance subject to investigation (113), followed by cannabis (62). Although casework in this area quantitatively decreased, from a qualitative point of view Eurojust's involvement was greater as the number of coordination meetings remained stable and the number of JITs doubled.

Drug trafficking is addressed in the Council priorities for the fight against organised crime between 2011 and 2013 in different ways. While fighting the trafficking of synthetic drugs appears as a priority *per se,* other drugs are included in more general objectives, such as OCGs based in West Africa and the Western Balkans, or the use of containers for the trafficking of illegal commodities. Eurojust actively contributed to all EMPACT projects concerning drug trafficking. In particular, in relation to the EMPACT project on synthetic drugs, Eurojust participated in EMPACT meetings in February and June, at which one of the most debated issues was APAAN, a precursor used to produce synthetic drugs that has so far not been regulated in all Member States.

Drug trafficking case example

A joint Belgian and Spanish police and judicial operation, supported by Eurojust and Europol, targeted a drug trafficking network that had been active in Belgium, Spain, France, the Netherlands and Morocco since 2007. The operation, executed between 2012 and 2013, resulted in the neutralisation of the group in 2013.

The members of the OCG, mainly of Moroccan origin, laundered approximately EUR 50 million from trafficking cannabis. The OCG had contacts in Africa who cultivated and processed the drugs, which they then transferred from Morocco to Spain by boat. Once the drugs reached Spain, OCG members transferred the drugs to vehicles for storage or onward distribution across Europe. A leather shop in Málaga was used as a front for the money launderers, and couriers were used to transport cash from Belgium and France.

The Belgian and Spanish Desks at Eurojust worked closely together and facilitated the

MLAs that were sent by both the Spanish and the Belgian authorities. To facilitate the rapid exchange of police information among the Belgian Federal Police, the Spanish *Guardia Civil* and Europol, a JIT was established through Eurojust.

In Spain, several independent cases had been opened that were related to drug and money seizures. During the coordination meetings held at Eurojust, the parties agreed to keep these cases separate from the main case so as not to jeopardise the main investigation and only to incorporate the smaller drug cases with the main investigation if the result of the main investigation was positive. Where necessary, the Spanish authorities agreed to provide information to the Belgian authorities without linking such request to the main investigation. To better focus the investigation, the parties also agreed to target only the main suspects in Spain and Belgium. With the assistance of Eurojust, the parties were able to overcome an obstacle related to electronic interception that was caused by differences in the Codes of Criminal Procedure in the two Member States. The proceedings regarding the main suspect were eventually transferred from the Public Prosecution Office in Brussels to the examining judge in Torrevieja, Spain, thanks to an agreement reached within the framework of the JIT.

Europol supported the operation by providing forensic, cross-match and other analytical reports. A coordinated action day resulted in the arrest of 46 suspected members of the OCG. In addition, 5 301 kg of cannabis, 2 fishing boats, 77 vehicles, 20 buildings, 5 companies and EUR 225 230 in cash were seized. The assets were valued at EUR 13 750 000.

With regard to the EU Policy Cycle 2014-2017, the Council priorities include specific objectives for trafficking in synthetic drugs and trafficking in cocaine and heroin. In June, Eurojust participated in the MASP meeting on synthetic drugs and the MASP meeting on cocaine and heroin. Eurojust's participation ensured that the judicial cooperation aspect was included in the strategic goals for the coming four years. Eurojust also participated in the meeting for the drafting of the OAP.

Negotiations for an MoU between Eurojust and the EMCDDA continued and the draft text was approved by the College and the EMCDDA's Management Board. Eurojust contributed to the EU drug markets report, *High-level drug trafficking cases through the lens of Eurojust casework*, published by the EMCDDA in January. Eurojust and the EMCDDA met twice in 2013 to exchange ideas and discuss joint projects.

At the request of the United Nations Office on Drugs and Crime (UNODC), Eurojust supported the high-level review of the implementation of the *Political Declaration and Action Plan on International Cooperation towards an integrated Strategy to Counter the World Drug Problem* by providing material on Eurojust's strategic project and seminar on drug trafficking and on JITs, as well as statistical data on Eurojust's casework.

3.1.2. Illegal immigration

Crime statistics	2012	2013
Number of cases registered	29	25
Number of coordination meetings	18	5
Number of JITs	4	7

Eurojust's involvement in illegal immigration cases presents a distorted picture of the actual situation. On the one hand, registered cases decreased compared to 2012, as did coordination meetings; on the other hand, the number of JITs almost doubled. Austria, the UK and Italy were the most active Member States in opening cases; Belgium, Greece and the UK were the most requested Member States.

This crime type was one of the Council priorities concerning the period 2011-2013. Eurojust was represented at the EMPACT meetings on illegal immigration, but no particular involvement was required since this project opted for an administrative approach rather than a focus on criminal investigations.

Illegal immigration has again been considered one of the Council priorities for 2014-2017. Eurojust actively participated in the MASP workshop on illegal immigration, concerning the period 2014-2017, that took place in June. In October, Eurojust also participated in the meeting for the drafting of the OAP for 2014.

Illegal immigration case example

France opened a case in July 2012 concerning an OCG involved in illegal smuggling. The OCG was located in France, Belgium and the UK and had links to Greece and Turkey as well as to the Netherlands. It had a highly sophisticated and complex logistical organisation, with the location of the base of operations shifting from France to Belgium.

The OCG made illegal Kurdish immigrants pay approximately EUR 2 000 per person via cash or bank transfer to the UK. Subsequently, the illegal immigrants were collected from parking areas in Belgium and France and put on trucks that transported them to ferries sailing from Calais to the UK. This operation was repeated each night. The OCG is believed to be responsible for attempting to smuggle between 20 and 30 illegal immigrants into the UK every day, with an estimate of 10 people successfully smuggled daily, accounting for approximately 4 000 illegal immigrants per year.

Eurojust supported the successful management of the case by holding two coordination meetings. These meetings were followed by the signing of a JIT agreement between France and Belgium in October 2012. The UK joined this JIT in February 2013. The JIT was co-funded by Eurojust via the JIT Funding Project. In August 2013, a coordination centre was set up at Eurojust and run by Eurojust's French, Belgian and UK Desks. Europol supported the case by deploying a mobile office to France for on-the-spot intelligence analysis.

Successful actions were conducted by police authorities in France, Belgium and the UK and led to the arrest of 36 persons, the issuance of two EAWs, and the search of 45 premises. The OCG was dismantled through these joint actions.

3.1.3. Trafficking in human beings

Crime statistics	2012	2013
Number of cases registered	60	84
Number of coordination meetings	20	24
Number of JITs	6	15

This crime type is mostly addressed at Eurojust as a stand-alone offence, although it is linked in a number of cases (21) with OCGs. Sexual exploitation is the main category of THB in Eurojust cases (56). Similar to drug trafficking and illegal immigration, Eurojust's support for JITs has significantly increased, as has the number of cases. Romania and the UK opened the majority of cases (32), and Bulgaria, Germany, Romania, Italy and Spain were the most requested Member States.

THB was a Council priority in the period 2011-2013. Eurojust was involved in a number of activities concerning THB. In April, Eurojust hosted a visit by Ms Myria Vassiliadou, the EU Anti-Trafficking Coordinator, as a follow-up to the strategic project, *Eurojust's action against trafficking in human beings* and the adoption of the *Action Plan against trafficking in human beings 2012-2016.* The purpose of the visit was to discuss possibilities to increase cooperation between Eurojust and the EU Anti-Trafficking Coordinator in the fight against THB.

The number of THB cases at Eurojust remained stable in the last few years, but in 2013 increased by 40 per cent over 2012.

Eurojust was represented at the EMPACT meetings on THB. The importance of investigation and prosecution was clearly reflected in the strategic goals of the 2011-2013 policy cycle.

As a positive operational development, a case was initiated by the Netherlands within this EMPACT project. Two operational meetings were held at Europol and subsequently Eurojust held three coordination meetings and established a JIT. Eurojust also became an associated partner in two EMPACT subprojects – *ETUTU* (identifying Nigerian THB victims

THB case example

The Anti-mafia Prosecution Office in Florence requested Eurojust's assistance in a case concerning international drug trafficking and THB for prostitution. Most of the OCG suspects were of Albanian nationality. They were located in Italy, Belgium, the Netherlands, France, Switzerland and Albania.

Eurojust hosted two coordination meetings, in which delegations from Italy, Belgium, the Netherlands, France, Switzerland, Albania and Europol participated. During the first coordination meeting in March 2012, the participants discussed the execution of MLA requests sent by Italy and set up a list of contact points in the various countries to facilitate cooperation. The meeting identified several parallel investigations that were either ongoing or planned in the participating countries. At the second coordination meeting one year later, a common action day was planned and a decision to set up a coordination centre at Eurojust was made. Europol presented the cross-match report that it had prepared in this case and explained the type of support it could provide to coordination centres at Eurojust. To facilitate their common action, the participants agreed to identify the location of suspects prior to the action day and on simultaneous searches and seizures. These meetings led to the establishment of a coordination centre at Eurojust in April 2013. The countries involved were Italy, Albania, Belgium, France and the Netherlands.

Eurojust facilitated the effective coordination and transmission of various MLA requests through the National Desks at Eurojust. Europol deployed its mobile office for real-time operational support.

Prior to the coordination centre, two arrests were made in the Netherlands and Belgium. As a result of the joint actions taken during the coordination centre, a further 19 persons were arrested throughout Albania, France and Italy, dismantling the OCG.

and obtaining intelligence from them) and *Chinese THB* (targeting Chinese criminality linked to THB).

THB has again been considered one of the Council priorities for 2014-2017. Eurojust actively participated in the MASP meeting on THB and in the meeting in November to develop the OAP for 2014.

3.1.4. Fraud

Crime statistics	2012	2013
Number of cases registered	382	449
Number of coordination meetings	33	60
Number of JITs	11	21

Fraud casework has again experienced a significant increase (17.5 per cent) compared with 2012; the same applies from a qualitative point of view considering coordination meetings and participation in JITs. Fraud appears predominantly as a single infraction (314 cases) and as an unspecified category ('other types of fraud' - 173 cases); it is categorised as swindling in 124 cases and as VAT fraud in 89; association with money laundering is reported in 59 cases and involvement of a criminal organisation in 45. The Czech Republic, Portugal and Hungary were the main requesting Member States, while the UK, Germany and Spain were the most requested Member States.

Fraud was not defined as a Council priority for the period 2011-2013, but appears as one of the crime threats included in the SOCTA.

With regard to the period 2014-2017, excise fraud and MTIC fraud have been included in the crime priorities of the Council. They appear within the same priority but are in fact developed as independent sub-priorities, with their own specific groups of experts and differentiated meetings. Eurojust attended both the MASP meetings in July and the OAP drafting meetings in October for the respective sub-priorities.

Eurojust was actively involved in the first annual European ATM Security Team Financial Crime and Security Forum held in The Hague on 13 and 14 June, during which a variety of subjects related to card skimming and fraud were discussed. Eurojust also gave a presentation focusing on asset recovery issues in its work at the Europol conference on *Tackling Serious and Organised Tax Crimes: Criminal Abuse of Offshore Vehicles*, on 27 and 28 November.

Fraud case example

Hungarian authorities discovered an OCG carrying out illicit trading in counterfeit medication and the illicit distribution of non-registered pharmaceutical drugs. The pharmaceuticals were imported from India and China and distributed by the OCG to 76 countries through the Internet, including all Member States, Norway and Switzerland. The counterfeit products had a total value of EUR 3.7 million.

The OCG offered the pharmaceuticals to consumers on special websites designed to look like genuine pharmacies where these products are offered as legitimate drugs. The pharmaceuticals were in great demand because the customer was not required to undergo a medical examination before using them. The goods were sent to the online purchaser by mail.

In addition to the assistance Europol offered by holding an operational meeting in March 2013, the Hungarian authorities requested the assistance of Eurojust in disseminating information on the case to all Member States and in receiving information concerning parallel investigations conducted in the Member States. As a result, the case was linked to ongoing investigations in Estonia through one of the suspects. Further links to procedures in the Czech Republic, France, Poland and Croatia were made. The Estonian authorities searched a site identified in an expert opinion file of the Hungarian police, located and seized thousands of fake pills and apprehended the re-distributor. The freezing of bank accounts in Cyprus was also made possible as a result of Eurojust's assistance in the case.

Following the indictment of one of the suspects, the criminal procedure in Hungary entered the trial phase and the Eurojust case was closed.

3.1.5. Corruption

Crime statistics	2012	2013
Number of cases registered	30	52
Number of coordination meetings	7	16
Number of JITs	3	3

The number of cases soared in 2013 (by 73 per cent), as did coordination meetings (more than double). Of the total, 23 cases deal only with this crime, while 22 cases also investigate money laundering. The main requesting Member States were the Czech Republic, the UK and Latvia; Germany, Austria, Spain and the UK were the most requested Member States.

Corruption was not a Council priority for the period 2011-2013 or for the period 2014-2017, but it remains one of the crime threats included in the SOCTA. Corruption cases were sensitive and, for that reason, a case example is not provided.

Eurojust contributed in February to the European Commission's first EU-Anti-Corruption Report. The Eurojust contribution covered information on Eurojust's efforts in the fight against corruption, its corruption casework, including case specifications and involvement of third States, as well as criminal activities associated with corruption and corruption cases registered for the purpose of the creation of a JIT. The Commission published the EU Anti-Corruption Report on 3 February 2014.

3.1.6. Cybercrime

Crime statistics	2012	2013
Number of cases registered	42	29
Number of coordination meetings	5	10
Number of JITs	2	9

The number of cybercrime cases has decreased compared with 2012; however, both coordination meetings and involvement in JITs have increased. Half of the cases address cybercrime as a single crime and 11 cases are linked with fraud. Eight cases of 'child abuse

images' and eight cases of 'phishing' appear. The Netherlands and the UK were the main requesting Member States; the UK, Germany and the Netherlands were the most requested.

In the 2011-2013 policy cycle, cybercrime appears as a Council priority with a focus on criminal misuse of the Internet. Eurojust actively participated in the related EMPACT project, attending all meetings.

The Council priorities for 2014-2017 address cybercrime through three sub-priority areas (child sexual exploitation, cyber attacks, and card fraud), each with its own expert group and different meetings.

Eurojust will be able to categorise its cases under specific crime types falling within the general category of cybercrime. Eurojust participated in all MASP meetings in June and also in the drafting of the OAPs for 2014.

Cybercrime is a rapidly evolving area of crime, making an integrated approach among all countries involved in the fight against cybercrime essential. Eurojust provides a platform for cooperation and judicial coordination between investigators and prosecutors in cybercrime cases. The involvement of the different judicial authorities at an early stage in cybercrime investigations is crucial to prevent legal obstacles occurring due to different legal frameworks. The coordination of investigations and (electronic) evidence-gathering in such cases is essential to successful prosecutions.

For information on Eurojust's participation in EC3, *see* subsection 3.3.2, 'EU agencies and bodies', below.

Cybercrime case example

An OCG unlawfully transferred or attempted to transfer money from the accounts of customers of mainly European banks by taking advantage of contaminated computers. The OCG affected customers in six countries: Austria, Finland, the UK, Belgium, Norway and the Netherlands. At the request of the Austrian authorities, Eurojust assisted in the coordination of the investigation in the involved countries.

The OCG committed phishing attacks against various national banks by spreading malware on the Internet and thus attacked the banks' customers. When bank account holders logged in to their bank accounts, transactions were conducted by malware. Through the victim's active Internet connection, the malware accessed the account, made a transfer in the background and generated a pop-up window that requested the entry of a transaction authentication number (TAN-code). By entering the TAN-code, the victim authorised the transfer and the money was transferred to money mules throughout Europe, who immediately withdrew the money and transmitted it to third States.

Following an operational meeting at Europol in September 2012, Eurojust held a first coordination meeting in December 2012. At this meeting, the involved countries exchanged the latest investigative results, and discussed future cooperation and the execution of existing MLA requests. The participants decided to set up a JIT between the involved countries, Eurojust and Europol to disrupt the OCG. The objective of the JIT was to gather evidence, share relevant information, identify those responsible and use the evidence gathered for the purpose of prosecution and the restraint and confiscation of the criminal proceeds.

A second coordination meeting was held in March to discuss the draft JIT agreement. Finally, in August, a third coordination meeting lasting two days was held. During this meeting, the involved countries exchanged information regarding the progress of the investigations and discussed further cooperation and the details of the JIT agreement, which the Netherlands also agreed to join.

Eurojust facilitated the drafting of the JIT agreement among six countries. The JIT was funded with the assistance of Eurojust. Eurojust also offered its expertise in the execution of MLA requests and the coordination of the investigation through coordination meetings. Through coordinating the investigation, the various phishing attacks were linked, some of the money mules were traced, and a number of suspects were identified.

Cybercrime case example

Investigations by the Spanish authorities into incidents of fraud and counterfeiting with non-cash means of payment, in particular through the cloning of credit cards by placing electronic reading devices on banks' ATMs, revealed a Bulgarian criminal network specialised in this type of fraud, acting from Spain and Bulgaria. The *modus operandi* of the criminal group and their affiliates was to harvest financial data from ATMs in Spain and other Member States to create fake credit or debit cards. These cards were then used to withdraw large amounts of cash from ATMs both within and outside the European Union.

Following a request for assistance from the Spanish authorities, Eurojust hosted a coordination meeting in April 2013, to which the Spanish and Bulgarian authorities and Europol were invited. To facilitate cooperation and the exchange of evidence among the parties involved, the delegations decided to establish a JIT among Bulgaria, Spain, Eurojust and Europol. Eurojust provided legal advice as well as funding and essential logistical equipment through its JIT Funding Project. Europol supported the investigation with operational analysis from the early stages.

A common action day in October 2013 in eastern Spain led to the arrest of six individuals and three house searches. Law enforcement authorities seized 15 devices used to copy PINs, more than 10 devices to record the information onto credit/debit card magnetic strips, several laptops, and documents plotting ATM locations. The JIT was still active at the end of 2013 and further results of the cooperation between the JIT members are expected in 2014.

3.1.7. Money laundering

Case statistics show an increase in this crime area. Money laundering appears as a cross-cutting offence linked with most of the Eurojust crime priorities, in particular fraud, involvement of OCGs, corruption and drug trafficking; it also appears as a stand-alone offence in a significant number of cases (68). The main requesting Member States were Sweden, Italy and Poland, while the main requested Member States were Spain, Italy and Germany.

Although money laundering is not considered a crime priority *per se* in the Council priorities for the period 2011-2013 or in the EU Policy Cycle 2014-2017, it is expressly mentioned as a cross-cutting issue that needs to be considered when dealing with all crime priorities. The number of cases at Eurojust has remained high, as in previous years.

As part of its activities in the field of money laundering, Eurojust also attended the meeting of the *Working Group on Financial Flows of the Contact Group on Piracy off the Coast of Somalia*, during which the money trail and the role of Financial Intelligence Units in cases of maritime piracy were discussed.

This group was established in 2009 pursuant to a UN resolution to facilitate the discussion and coordination of actions among States and organisations to suppress piracy off the coast of Somalia.

Crime statistics	2012	2013
Number of cases registered	144	193
Number of coordination meetings	34	49
Number of JITs	8	13

Money laundering case example

In March 2013, the Dutch Desk requested the assistance of Eurojust in a case concerning a lengthy investigation into money laundering of the proceeds of crime, including drug trafficking. In the mid-1990s, the Dutch authorities sent an MLA request to the authorities in Andorra concerning the illegal activities of a number of Dutch suspects. Since that request, investigations into these persons have been carried out in the Netherlands and Andorra. In 2013, MLA requests were

sent to the Spanish authorities in Alicante and Málaga, requesting information on the owners of certain properties in Spain and the places of residence of several suspects.

The activities of the main suspects were linked to other suspects and companies through various monetary transactions. Several suspects were also believed to have invested in real estate development projects in Andorra.

The centre of the money laundering operation was a construction company in Andorra that invested in large-scale construction projects and deposited EUR 16 million in bank accounts in Andorra.

A coordination meeting was held at Eurojust in September 2013 to exchange information on action that was urgently needed for the execution of existing MLA requests. Prosecution needed to be initiated quickly, as the crimes were subject to prescription (time-barred) as of 1 January 2014.

During the coordination meeting, a common action day was agreed, supported by a coordination centre at Eurojust. The common action day took place in November 2013.

From the coordination centre, the Spanish and Dutch Desks assisted the actions of the judicial and law enforcement authorities that were carried out in Andorra, Spain and the Netherlands. An excellent basis for cooperation with the authorities in Andorra, a third State, had been established during the coordination meeting. On the common action day itself, positive cooperation between Andorra and Eurojust continued.

During the action day, three suspects were arrested and several searches were carried out. EUR 60 000 in cash and a number of luxury vehicles and houses – including a villa valued at more than EUR 6 million – were seized and bank accounts frozen. The suspects were to be tried in the Netherlands.

3.1.8. Terrorism

Crime statistics	2012	2013
Number of cases registered	32	17
Number of coordination meetings	3	3
Number of JITs	0	1

Terrorism cases decreased but the number of coordination meetings remained stable. Eurojust supported one JIT initiated in 2013. These cases tend to be registered at Eurojust as stand-alone offences (14 of the 17 cases). Spain and France opened three cases each. France with five cases and Germany, Spain, Poland and the UK, each with four cases, were the most requested Member States.

At Council level, terrorism is considered separately from organised crime matters and therefore does not fall within the remit of the policy cycle. It remains a Eurojust priority, based on the societal impact of terrorism cases rather than the quantity of cases registered.

A tactical meeting on Kurdistan Workers' Party (PKK) terrorism, entitled *Countering PKK terrorism*, was held at Eurojust on 31 January. A similar topic had previously been discussed during a tactical meeting at Eurojust on 29 March 2007. As many investigations and prosecutions related to the PKK were ongoing in 2013, the meeting discussed how to fight PKK terrorism more effectively and gave participants the opportunity to share their experiences with other practitioners.

Strategic and tactical meetings on terrorism were held at Eurojust on 19 and 20 June. The strategic meeting was entitled *Council Framework Decision 2008/919/JHA of 28 November 2008: added value and impact*, and focused on the presentation of the TE-SAT 2013 report, issue 16 of the TCM and the updated *Eurojust CBRNE Handbook*. Eurojust also supported the Commission's evaluation study of the legal framework applicable to combating terrorism in the Member States, Council Framework Decision 2008/919/JHA. In this context, Eurojust drafted a report focusing on the concluded court proceedings in the period 2010-2012 and the offences referred to in Article 3 of the Framework Decision: public provocation, recruitment, training, aggravated theft, extortion and falsifying administrative documents.

The tactical meeting on 20 June, entitled *(Aspiring) Foreign Fighters in Syria*, addressed the topic of fighters travelling to Syria who bring the experience they gain in fighting back to Europe, as well as the experiences of judicial and prosecution authorities in the Member States.

A report was drafted on the basis of a questionnaire and the results of the tactical meeting, addressing the adequacy of the legal framework in the Member States, the criminal policy response to this phenomenon, the use of administrative sanctions, and the strengthening of information exchange in the context of investigations and prosecutions. This report was also sent to the EU Counter-Terrorism Coordinator in November 2013.

In addition, Eurojust was invited to the JHA Council meeting on 5 December 2013 at which the topic, *Fight against terrorism: Foreign fighters and returnees from a counter-terrorism perspective, in particular with regard to Syria*, was discussed.

Eurojust conducted feasibility studies in light of Eurojust's potential association with two Focal Points within Europol's Analysis Work File (AWF) on Counter-Terrorism. These studies were submitted to Europol in February 2013. Europol is collecting the responses from the Member States; some are still missing at the end of the year. Eurojust again produced three issues of the TCM and contributed to the edited volume of the Centre for the Law of External Relations working papers series. Since July 2009, Eurojust has been an FATF Observer; Eurojust attended the FATF plenary meetings in June and October.

The **Eurojust CBRNE Handbook** provides EU practitioners with specialist multi–sector legal support for investigations and prosecutions related to 'chemical, biological, radiological, nuclear and explosive' (CBRNE) transnational crimes. It provides an overview of the basic European and international administrative and criminal legislation applicable to CBRE substances, including waste. The Eurojust CBRNE Handbook is updated annually and shared with pertinent external actors.

The **Terrorism Convictions Monitor (TCM)** is an internal report based on open source information and contains data provided by the national authorities in the implementation of Council Decision 2005/671/JHA. It provides an overview of terrorism-related convictions and acquittals throughout the European Union as well as analytical and statistical information. The first edition of this quarterly public document was published in 2008.

The **Financial Action Task Force (FATF)** is an intergovernmental policy-making body established in 1989. Its objectives are to set standards and promote effective implementation of legal, regulatory and operational measures for combating money laundering and terrorist financing. The FATF has developed the *40+9 Recommendations* that are recognised as the international standard and promotes the adoption and implementation of them globally.

3.1.9. (Mobile) organised crime groups

Crime statistics	2012	2013
Number of cases registered	231	257
Number of coordination meetings	43	66
Number of JITs	5	8

As with money laundering, the involvement of MOCGs is a cross-cutting category and appears to be closely linked with other Eurojust crime priorities, particularly drug trafficking, money laundering and fraud. The number of cases has increased and the number of coordination meetings has almost doubled. The main requesting Member States were France, Romania and Italy; Italy, Spain and the Netherlands were the most requested Member States.

MOCGs were a Council priority for 2011-2013 and therefore Eurojust has actively contributed to the related EMPACT project. In particular, the strategic goals for the period 2011-2013 reflected the importance of promoting prosecutions against MOCGs, as well as financial investigations to seize and confiscate the proceeds of their crimes. Eurojust participated in an EMPACT meeting on MOCGs that was held in June, at which a Eurojust representative gave a presentation on judicial cooperation in MOCG investigations and prosecutions. In this presentation, common challenges related to MOCGs were addressed and examples were given of judicial cooperation in cases concerning MOCGs. The presentation also included an overview of Eurojust's casework concerning MOCGs and the use of JITs.

OCG case example

One of the largest and longest-running joint investigations in the Baltic region (April 2009 until April 2012) was successfully brought to an end with the dismantling of an OCG specialising in luxury car theft. Originating in and operating from Lithuania, the OCG stole 99 luxury cars, 56 in Estonia and 43 in Latvia. Eurojust and Europol acted as facilitators during the investigation.

A JIT was launched at Eurojust under the JIT Funding Project with the Estonian, Latvian

and Lithuanian authorities. In addition to funding, Eurojust provided judicial coordination support to the JIT.

In October 2013, the performance of the JIT, the results of the judicial process and the experience gained were evaluated by the three national authorities during a coordination meeting held at Eurojust. The leader of the Estonian JIT described the operation as a huge success in which valuable experience was gained and solutions reached in terms of international cooperation. The judicial outcome of the prosecution yielded 11 court decisions and 25 convictions. In addition, victim compensation of approximately EUR 550 000 was granted. Finally, the police action disrupted the criminal operations of four related OCGs composed of Lithuanian thieves operating in Estonia and Latvia.

OCG case example

In April, Lithuania opened a case targeting an OCG involved in international vehicle theft. The OCG operated from Lithuania and was suspected of stealing luxury cars and trucks in Sweden, Germany, Belgium and France and delivering them to Lithuania. Eurojust supported the case by hosting both a Level II meeting and a coordination meeting. Europol presented analytical data, which were used during the coordination meeting for the planning of further actions. The analytical data included, *inter alia*, analyses of how the case was initiated, the structure of the criminal network and the manner in which the thefts were organised. The coordination meeting led to an agreement between the participating countries that France would take over the judicial proceedings as soon as an EAW had been issued. Lithuania undertook to execute the MLA requests of France and Sweden and committed itself to collecting as much evidence as possible.

Eurojust contributed to other initiatives within the framework of this EMPACT project. It attended a conference on metal theft in April that was organised within the framework of the EMPACT project. Eurojust also contributed to a seminar on financial investigations concerning MOCGs held in October 2013.

MOCGs were identified again as a priority for the period 2014-2017, but this time with a more specific focus on organised property crime. New strategic goals for 2014-2017 were agreed upon at the MASP meeting in June, which reflect the need for Eurojust's involvement to support the advancement from police intelligence activities to formal prosecution.

Seminar on Cross-Border Excise Fraud: emerging threats in the European Union

On 14 and 15 November, Eurojust and the Lithuanian EU Presidency co-hosted a strategic seminar entitled *Cross-border excise fraud: emerging threats in the European Union*. Officials from Member States' tax and customs policy and operations departments joined prosecutors, judges and representatives of EU institutions and agencies to exchange views on the scale of the problem as well as potential solutions and best practice. The seminar participants discussed complex cases involving cigarettes, alcohol and fuel-related excise fraud and demonstrated that this type of criminality creates tax revenue losses of millions of euros for each Member State on tobacco, alcohol and energy products.

Participants discussed the complex and continually evolving nature of excise fraud schemes, through which OCGs exploit differences and weaknesses in EU and national tax, customs and asset recovery legislation. In the absence of further legislative harmonisation, participants identified a number of best practices that could facilitate cooperation between authorities in the Member States, including the use of dedicated Focal Points at Europol to collate and analyse intelligence, the assistance of OLAF in setting up joint customs operations and the exchange of information through coordination meetings and JITs established with support from Eurojust.

A multi-disciplinary approach, involving reinforced cooperation among EU institutions and agencies as well as among tax, customs, police and judicial authorities on the ground in the Member States, is needed to tackle cross-border excise fraud effectively. As excise fraud has been identified as one of the EU's priorities for the fight against serious and organised crime in the EU Policy Cycle 2014-2017, this seminar will hopefully serve as the basis for further action in this area.

The conclusions of the strategic seminar will be submitted to the Council Working Parties and an issue of *Eurojust News* on MTIC Fraud will be published in early 2014.

3.2. Eurojust assistance in other fields of criminal activity

3.2.1. Criminal offences affecting the EU's financial interests (PIF offences)

Crime statistics	2012	2013
Number of cases registered	27	31
Number of coordination meetings	5	8
Number of JITs	1	1

The number of cases remained stable in 2013 compared with the previous year. As described below, PIF offences group three crime types that only rarely appear as stand-alone offences, their main associations being with fraud, organised crime and falsifying administrative documents. Malta and Croatia were the Member States opening the most cases (four cases each); Italy and Belgium were the most requested Member States (five cases each).

PIF offences are a new Eurojust crime priority. However, cases concerning offences that are reported internally at Eurojust as PIF crimes have previously been dealt with by Eurojust.

In May, Eurojust gave a presentation on the protection of the euro and other currencies at the *Euro North East IV - Meeting of European Currency Counterfeiting Experts* in Riga, Latvia. The presentation focused on the proposal for a Directive on the protection of the euro and other currencies against counterfeiting by criminal law, replacing Council Framework Decision 2000/383/JHA.

Eurojust also participated in the Pericles Seminar, which was held at the Central Means of Payment Anti-Fraud Office in Rabat, Morocco, in September. The participants discussed *A Community Strategy to Protect the Euro in the Mediterranean Area*, and emphasized the importance of exchanging experience and knowledge among the Member States and countries of the Mediterranean and Africa and of identifying the factors that impede or hinder effective legal and police cooperation within cross-border investigations.

Criminal offences affecting the EU's financial interests case example

In February 2010, French authorities seized seven tons of counterfeit cigarettes in the warehouse of a company in Normandy. Analysis of a sample of the cigarettes showed that they appeared to have similarities with cigarettes seized in Hungary, Poland and Ukraine in 2009 and 2010. As a result of the French investigation, the names of companies involved in the counterfeiting of cigarettes were disclosed, and a possible link to the UK and Germany was established. Following the arrest of certain suspects, the existence of a Ukrainian OCG operating in the vicinity of several neighbouring Member States was revealed. A fictional commercial route set up to hide the organised smuggling and importing of counterfeit cigarettes between Ukraine and the UK was identified. Individuals and companies in the Czech Republic, Germany, Hungary, Italy and the Slovak Republic were found to be linked to the smuggling activities.

Eurojust was requested to facilitate the coordination of investigations in the involved Member States and the execution of several MLA requests. A first coordination meeting took place in May 2011, during which the execution of previously issued MLA requests and future steps in cooperation were discussed. Following the arrest of the main suspect, a coordination centre was held, led by the French Desk. During the common action day, six additional suspects were arrested and several simultaneous house and company searches were carried out in Germany, Italy, the Czech Republic and the Slovak Republic. In November 2011, a second coordination meeting was held to assess the extent of the execution of the

MLA requests. At the third coordination meeting, which took place in June 2012, the remaining cooperation needs were discussed. The following day, the French authorities held a bilateral coordination meeting with Ukraine, at which Ukraine assured the possibility of a pre-trial freezing of the assets of the main suspect.

By processing data in its CMS, Eurojust established a connection with another French case of which the national authorities were not yet aware. Europol also offered operational support in this case. The successful coordination of the investigation resulted in the conviction of 11 suspects in August 2013. The leader of the group received a sentence of 10 years' imprisonment. In addition, a significant number of assets were frozen and seized in France, the Czech Republic and Ukraine and the court announced a customs fine of almost EUR 2 million, to be paid jointly by five suspects. The main suspect lodged an appeal against the decision ruled by the Court of Rennes. That case was pending in 2013.

3.2.2. Environmental crime

Crime statistics	2012	2013
Number of cases registered	3	8
Number of coordination meetings	-	-
Number of JITs	-	-

Environmental crime is only modestly addressed in Eurojust's casework. Although the number of cases increased considerably over 2012, it remains low. Cases on environmental crime and the illicit traffic in endangered animal species were considered within this crime type, being of a similar nature. The cases were registered by Bulgaria, Hungary, the Netherlands, Portugal, Sweden and Slovenia.

The 2013 SOCTA identified environmental crime as an emerging threat in the European Union. Environmental crime often involves a cross-border dimension, and can be serious and organised, but, despite its increasing importance to the European Union, statistics show that these cases often do not lead to prosecutions or convictions in Member States.

Eurojust launched a strategic project on environmental crime in spring 2013. The strategic project will assess the status of judicial cooperation in the field of environmental crime and the needs of practitioners in this specific area, identify obstacles to prosecuting environmental crime, and identify best practice and solutions to improve the efficient use of existing legal instruments.

As part of the strategic project, a questionnaire on obstacles to the prosecution of environmental crime, particularly the illicit trafficking of waste and endangered species, was sent to the Member States, the USA and Norway. Based on 27 replies, a thorough analysis of progress throughout Europe was undertaken.

Environmental crime case example

An OCG operating in Sweden, the UK and Finland was suspected of having illegally traded wild bird eggs on a large scale. Over 200 wild bird eggs were found at the residence of one of the persons charged. In the UK, a person was charged with several offences: purchasing eggs, selling and offering eggs for sale, and possession of bird eggs in breach of UK national wildlife legislation. This person pleaded guilty and was sentenced to 220 hours of community service for trading illegally in wild and rare bird eggs.

In Sweden, an indictment was issued for hunting offences, receiving the proceeds of hunting, and offences against the protection of endangered species. The criminal activities are believed to have taken place between 2003 and 2010. Many of the illegally collected and traded eggs are protected under EU legislation implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention) into EU law (Council Regulation 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein).

Eurojust played an essential role in the case, both assisting in setting up and participating in a JIT between Finland and Sweden, and provided crucial funding. In addition to its coordination role, where it facilitated the communication of sensitive information, Eurojust's funding of the JIT provided clear added value by enabling an external expert – an ornithologist - to be attached to the investigation.

Towards an enhanced coordination of environmental crime prosecutions across the EU: The role of Eurojust

A Eurojust strategic meeting, entitled *Towards an enhanced coordination of environmental crime prosecutions across the EU: The role of Eurojust*, organised jointly with the European Network of Prosecutors for the Environment (ENPE), was held at Eurojust on 27 and 28 November 2013. Eurojust's potential added value was noted in the following areas: facilitation and coordination of MLA requests, gathering and sharing of best practice, awareness-raising of environmental crime and the facilitation of judicial cooperation with third States. Coordination of investigations and prosecutions should be done on a more regular basis through the early involvement of Eurojust.

The strategic meeting followed up on Eurojust's questionnaire to practitioners addressing issues at national level related to the investigation and prosecution of environmental crime, illegal trafficking of waste and trafficking in endangered species. A report containing, *inter alia*, a summary of the conclusions of the strategic meeting, will be submitted to the Council Secretariat in early 2014 and an issue of *Eurojust News* on the topic was published in December and is available on the Eurojust website.

Based on the issues identified and the experience gained, the strategic project will continue in 2014 to look into possible recommendations for the relevant stakeholders.

3.2.3. Maritime piracy

Since 2009, Eurojust has hosted regular coordination meetings dedicated to the phenomenon of maritime piracy and its consequences for affected Member States. In support of these coordination meetings, which provide a platform for practitioners involved in ongoing investigations and prosecutions, the project to develop a *Maritime Piracy Judicial Monitor*, initiated by Eurojust in 2012, culminated in September 2013 with the publication of the first issue of the MPJM. The MPJM was established for the purpose of fostering the exchange of information between prosecutors dealing with maritime piracy cases.

Constructed in large part from information requested and provided by the national authorities via the National Desks, the MPJM is divided into six chapters. The three main chapters contain the legal framework on maritime piracy, lessons learned and an analysis of judicial decisions.

The MPJM was presented to participants at the coordination meeting on the operational case on maritime piracy that took place on 12 September. The MPJM will be updated every 18 months.

3.2.4. Eurojust Contact Point for Child Protection

As the result of an informal meeting of JHA Ministers in 2007, during which child protection was one of the main topics of discussion, Eurojust appointed a National Member to be the Contact Point for Child Protection on matters such as missing children, sexual abuse of children, trafficking in children and child abuse.

The Contact Point for Child Protection cooperates with the European Financial Coalition against commercial exploitation of children online (EFC) and the Global Alliance to Fight Child Sexual Abuse Online, and has close contacts with the national authorities in the USA via the EU-US Child Protection Working Group.

In Eurojust's casework, the most frequent types of crime affecting children were sexual abuse, THB and child abuse images. In 2013, Eurojust dealt with 40 cases of crimes against children, including two cases registered by Norway. Since 2004, Eurojust has registered 235 cases involving child victims. Additionally, Eurojust was involved in one JIT regarding crimes against children and held three coordination meetings.

The Council Conclusions on setting the EU's priorities for the fight against serious and organised crime between 2014 and 2017 identified as a priority the need to combat cybercrimes that cause serious harm to their victims, such as online child sexual exploitation. In this context, a study was launched in 2013 on the application of selected provisions of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in the Member States. The study ties in with the Council of Europe's

monitoring activities and is particularly timely as the deadline for the implementation of the primary EU instrument in this area, Directive 2011/92/EU on combating the sexual abuse and sexual exploitation of children and child pornography, is 18 December 2013. The study focuses on the use of covert operations, the procedural protections made available for victims and the penalties imposed in each Member State for crimes related to the production and dissemination of images of child sexual abuse online.

3.3. Eurojust's relations

3.3.1. Relations with third States and organisations outside the European Union

Cooperation agreements In 2013, Eurojust concluded a cooperation agreement with the Principality of Liechtenstein that entered into force on 19 November. In December, Eurojust submitted to the Council for approval the draft cooperation agreement between the Republic of Moldova and Eurojust.

Liaison Prosecutors at Eurojust The presence of Liaison Prosecutors at Eurojust accelerates and facilitates judicial cooperation between the competent authorities of Member States and third States, either by helping to establish direct contact or by serving as a link between national authorities. Eurojust had three Liaison Prosecutors seconded from third States (Croatia, Norway and the USA). Prior to the accession of Croatia, the Liaison Prosecutor for Croatia registered four cases at Eurojust. The Liaison Prosecutor for Norway registered 51 cases, mainly dealing with drug trafficking and crimes against life, limb or personal freedom.

Casework involving third States Eurojust provided assistance on 249 occasions where third States were involved. The main crime types in these cases were swindling and fraud, money laundering and other related criminal offences, drug trafficking and cases related to OCGs. The most frequently involved third States were Switzerland (48 occasions), Norway (33), the USA (23) and Croatia (21), followed by Serbia (15) and Turkey (12). Third States were represented at 47 coordination meetings. The most frequently involved third States in coordination meetings were Switzerland (15), followed by Norway (12), the USA (9) and Croatia (6).

Member States' competent authorities often requested Eurojust's assistance to facilitate the execution of MLA requests and identify the contact details of competent authorities in third States. Language barriers and the time-consuming execution of MLA requests in third States created difficulties in judicial cooperation.

Eurojust contact points in third States Georgia and Taiwan were added to Eurojust's network of contact points in third States. Eurojust also continued to support ongoing initiatives in the Western Balkans, particularly the Commission project *Fight against organised crime and corruption: Strengthening the Prosecutors' Network*. The assistance provided by Eurojust contact points in third States was found to be useful and effective, particularly the contact points from the Western Balkans.

In December, Eurojust gave several presentations at a workshop organised by the Slovenian Ministry of the Interior on the use of JITs to fight THB in the Western Balkans at local level. The presentations covered the international and national legal basis for the use of JITs, the role of Eurojust in JIT formation and operation, as well as the experience of Eurojust concerning THB cases in which a JIT was established.

The MoU with IberRed has facilitated cooperation with Latin American countries. Eurojust's Spanish and Portuguese Desks have played an active role as a channel for Eurojust's casework. Where Member States have posted officials in third States, Eurojust has identified this resource as useful for progressing cases.

Eurojust attended the JHA ministerial meeting of 7 and 8 October on cooperation with the Eastern Partnership countries, namely Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, and presented the legal issues in the field of judicial cooperation, practical difficulties and best practice on the basis of Eurojust's casework.

Eurojust also hosted a study visit of Moldovan criminal justice professionals, organised by the UNODC, in October. The study visit was related to the project on the criminal justice response to THB that the UNODC is implementing in Moldova. The main focus of the visit to the Netherlands was the EU criminal justice institutions' perspective on cybercrime, proactive investigations and JITs in combating THB.

3.3.2. Cooperation with Europol and OLAF

Europol

In line with the 2009 Agreement between Eurojust and Europol to enhance cooperation and the exchange of information, further efforts were made to improve strategic and operational cooperation. Europol is a significant partner, as reflected in the Treaty of Lisbon's reference to Eurojust's coordination role being based upon 'information supplied by Member States and Europol' and as evidenced by Eurojust's casework. A joint annual report on cooperation between Eurojust and Europol is submitted to the Council and the Commission; the report for 2012 was submitted in April 2013.

Operational cooperation Eurojust's casework benefitted from Europol's participation in 53 cases and 75 coordination meetings during 2013. The advantage of early exchange of information is clear from the casework cooperation with Europol.

Eurojust contributed to the SOCTA and TE-SAT reports. In addition, Eurojust organised a meeting in July between the Project and Business Managers of the Europol Focal Points and the Eurojust representative to the Focal Points to share experiences and discuss cooperation in practice. Eurojust signed three new associations with Focal Points within the AWF on Serious Organised Crime and on Counter-Terrorism in addition to the 17 associations already established.

European Cybercrime Centre (EC3) On 1 January 2013, EC3 operational activities commenced and Eurojust, in accordance with the Communication from the Commission of 28 March 2012, *Tackling Crime in our Digital Age: establishing a European Cybercrime Centre*, supported the work of EC3 through the appointment of a National Member to the Programme Board and the temporary placement of a staff member to EC3, to facilitate the immediate exchange of information and Eurojust's support to investigations in which judicial follow-up is required.

Strategic cooperation Regular meetings at working and managerial level were held to strengthen cooperation between the organisations. In addition, both organisations involved each other in their events, particularly Eurojust strategic seminars and meetings of the Heads of Europol National Units. The successful staff exchange programmes continued. These are hosted reciprocally at Eurojust and Europol, increasing the awareness of services and the functioning of both organisations.

Cybercrime case examples

In one case concerning the theft of credit card information or 'skimming', a JIT agreement was signed in April 2013 and Eurojust funding was provided. An operational meeting at Europol was organised and was followed, the next day, by a coordination meeting at Eurojust. The first day of the operational meeting at Europol was organised for the purpose of channelling and exchanging information, and on the second day operational objectives, investigations and prosecutions were coordinated at Eurojust. Eurojust worked with Europol's Focal Point Terminal. This case is an example of best practice where cooperation between the two organisations was excellent and mutual trust was established.

Another case concerned one of the largest-known cyber attacks conducted to date. The attacks were on a spam prevention service and on an Internet security firm. The huge scale of the attacks caused a disruption in Internet service for millions of users around the world. The swift arrest of a suspect and a house search were made possible because of Eurojust's coordination efforts and also thanks to rapid and effective cooperation with the concerned Liaison Bureau at Europol.

OLAF

To enhance the fight against fraud, corruption and other crimes affecting the financial interests of the European Union, the 2008 Practical Agreement on arrangements of cooperation between Eurojust and OLAF was negotiated.

Operational cooperation Eurojust and OLAF worked jointly on four cases in 2013; two were ongoing from previous years, and Eurojust registered two new cases in 2013 with OLAF's involvement. OLAF attended one coordination meeting. Eurojust's casework demonstrates that the joint attendance of Eurojust and OLAF at coordination meetings helped to better detect links to cases in other Member States and to gain a greater insight into complex cross-border PIF crimes.

'One Member State' PIF cases (Article 3(3) Eurojust Decision) often turned out to be – after closer scrutiny – 'multiple Member State' PIF cases (Article 3(1) Eurojust Decision). Thus, many more Member States were involved than originally envisaged.

The involvement of Eurojust and/or OLAF in a PIF case is subject to a case-by-case assessment and requires careful consideration of a number of parameters. These include the added value of their involvement in the case at hand and the possible impact on the ongoing investigation. Good communication among Eurojust, OLAF and the national authorities is essential to explain and understand the non-involvement of Eurojust or OLAF in cases where their participation might at first appear relevant.

Strategic cooperation The regular liaison team meetings continued with a focus in 2013 on how to generate more joint cases and on closer cooperation. Eurojust held a first training session for OLAF investigators in December. Further efforts are envisaged to create guidelines and criteria for cooperation, including the exchange of case summaries.

3.4. Challenges and best practice in casework

General issues Eurojust's casework is diverse, making the highlighting of even a few significant common denominators difficult. Most cases concern requests for legal assistance made by prosecuting and judicial authorities within the European Union, which are governed for the most part by the 1959 Council of Europe Convention on Mutual Assistance in Criminal Matters and the 2000 European Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (MLA Conventions). Other important tasks are related to the execution of EAWs by the competent authorities in the Member States. The work and issues related to specific crime types, to coordination meetings and coordination centres and to JITs, are explained elsewhere; therefore, this section addresses general issues related to MLA and EAWs. Taking this general approach, a number of cases illustrate difficulties concerning the establishment of proper and efficient communication between the involved national authorities. This issue is and has always been vital for Eurojust, and Eurojust's intervention matters greatly. Misunderstandings and the lack of knowledge of foreign legal systems and their rules and structures lead to difficulties that Eurojust helps to overcome. MLA and EAWs are still not part of the everyday business for a majority of judges and prosecutors around Europe.

Eurojust can assist in all aspects of MLA. The National Desks understand the particularities of their national systems and have solid networks at home to draw upon. They can provide advice on the drafting of MLA requests, explain how to interpret the MLA Convention in the light of national provisions and assist in speeding up specific MLA requests. The importance of knowing that a request has been dealt with and of obtaining a deadline for its execution should not be underestimated. Eurojust has proven to be an important channel when direct contact between national judicial authorities – the general procedure in MLA cases - did not work. In its interventions, Eurojust has insisted on the importance of good communication. Eurojust's facilitation of preliminary and proactive consultation between requesting and requested judicial authorities resolves legal and practical problems quicker and more efficiently. The follow-up of the execution of MLA may also be crucial to successful cooperation.

Eurojust also assists national authorities in resolving difficulties stemming from a lack of harmonisation in national rules, for example regarding electronic surveillance and special investigative measures. Procedural rules throughout Europe remain quite different and the measures that are allowed may vary considerably. When collecting evidence from another legal system, the evidence should later be valid before the courts in the requesting Member State.

With regard to Article 7(3) of the Eurojust Decision, the College of Eurojust had in a particular case the opportunity to interpret the words 'recurrent refusals or recurrent difficulties concerning the execution of requests for, and decisions on, judicial cooperation'. The College did not find that the specific situation in the case was covered by that wording. Eurojust's experience thus shows that there are difficulties in ascertaining whether these 'recurrent refusals or difficulties' refer to (i) one request, (ii) more than one request or (iii) whether this assessment should be carried out on a case-by-case basis, regardless of the number of requests. Eurojust will therefore suggest that this wording be clarified in the new draft Regulation on Eurojust.

European Arrest Warrants In 2013, 217 cases concerning the execution of EAWs were registered at Euro-

just. The Polish Desk made the greatest number of requests for help in relation to execution of EAWs, followed by the Austrian, Belgian and Bulgarian Desks. The Italian Desk received the largest number of requests for execution of EAWs, followed by the Spanish and UK Desks.

Eurojust assists the Member States' competent authorities in the swift execution of EAWs, for example, by ensuring that execution cannot be refused pursuant to Article 4(2) of Framework Decision 2002/584/JHA on the European Arrest Warrant as a result of conflicts of jurisdiction. For example, in a drug trafficking case being investigated by authorities in two Member States, a number of suspects may be arrested in one of the Member States and the authorities of the other Member State may seek to issue EAWs for the same suspects. Eurojust can help to resolve the potential conflict of jurisdiction before the EAWs are executed by bringing the Member States together to decide which Member State is best placed to bring proceedings.

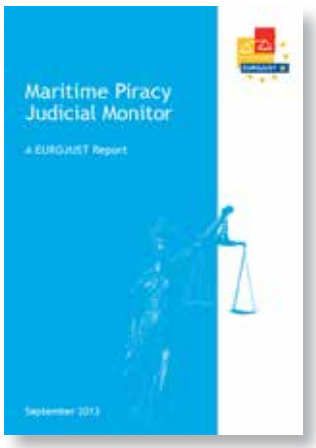
In 2013, six cases were opened at Eurojust as a result of the issuance of conflicting EAWs pursuant to Article 16 of the Framework Decision on the European Arrest Warrant. All of these cases were closed successfully following the application of Eurojust's 2011 *Guidelines for internal proceedings on the provision of Eurojust's opinion in case of competing European Arrest Warrants*. Eurojust's role in these cases also included providing information on the legal and procedural rules in force in other Member States and recommending the use of alternative judicial cooperation tools in appropriate cases, such as the temporary surrender of the requested person or the issuing of an MLA request to allow statements to be taken or witnesses to be interviewed by videoconference.

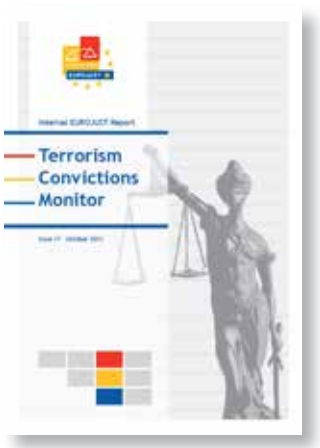
One of the key practical challenges faced by national authorities relates to the language requirements of the EAW. Article 8(2) of the Framework Decision on the European Arrest Warrant provides that EAWs must be translated into the language of the executing Member State. Eurojust casework shows many instances of difficulties in understanding the translated documents received as well as problems meeting the costs of ensuring the timely translation of EAWs prior to being issued.

Freezing orders, confiscation and asset recovery Despite the Framework Decisions in this area, national legislation and procedural rules in place regarding freezing orders, confiscation and asset recovery vary significantly between Member States. These differences can make the successful prosecution of such cases very challenging because, in practice, most Member States are unable to execute requests for MLAs to identify and freeze the proceeds of crime or to recognise confiscation orders issued by courts of other Member States if the rules in force in the other Member States differ significantly.

Eurojust continues to help resolve some of these difficulties, both through its involvement in casework and through awareness-raising activities. In 2013, its casework in this area focused on advising national authorities on the different legal and procedural requirements in place and helping investigating and prosecuting authorities to act simultaneously in the execution of freezing orders. In March, Eurojust also issued a report on non-conviction-based confiscation and responded to a Commission questionnaire that will form the basis of a *Comparative legal study on the implementation of mutual recognition of orders to freeze and confiscate criminal assets in the European Union.*

A sample of Eurojust products





Eurojust Focus of the Year: evaluating JITs

4

Project on JIT evaluation

- How do you identify suitable cases for a JIT?
- How do you facilitate the opening of parallel investigations in the different countries involved prior to the setting up of the JIT?
- When the JIT is in place, how are intelligence and evidence exchanged?
- How are investigative measures coordinated and carried out?
- How is the admissibility of evidence ensured in the different countries?
- What added value does the JIT bring to the investigation and prosecution of the case?

These are some of the questions that the project on JIT evaluation initiated by the Network of National Experts on JITs in 2013 intends to answer. In October 2012, as part of the conclusions of their 8th Annual Meeting, the National Experts tasked the JITs Network Secretariat to initiate and support the development of a standard form to assist the evaluation of JITs at national level.

The project has two objectives:

Firstly, it should assist practitioners to evaluate the performance of the JIT in terms of results achieved. Ten years after the implementation date of the Framework Decision on JITs, 2002/465/JHA of 13 June 2002, they are still a relatively new cooperation tool; judicial and law enforcement authorities often express an interest in discussing the added value and possible shortcomings of 'their' JIT after its closure. The JITs evaluation form will provide a useful 'checklist' for this purpose.

Secondly, the collection of evaluation data enhances knowledge of JITs by facilitating the identification of the main legal and practical challenges experienced and solutions found. In this respect, the evaluation can provide valuable information both for the JITs Network and external stakeholders. At EU level, no comprehensive evaluation of the effectiveness of JITs has yet been carried out. Therefore, feedback received from practitioners through the evaluation forms could be of value in this respect.

The form was drafted by the JITs Network Secretariat in coordination with other competent units of Eurojust and in consultation with Europol. To ensure practitioners' expectations are met, it also incorporates input received from Eurojust National Desks and from members of the JITs Network. The JITs evaluation form was adopted by the National Experts during their 9th Annual Meeting in June 2013.

The JITs evaluation form is a qualitative tool and when complete will not include personal data; the absence of personal data facilitates the further use of information received. As JITs are a joint exercise, JIT leaders are encouraged to complete the form together whenever possible. The evaluation must take place after the closure of the JIT and should be supplemented after the trial phase to collect relevant data on possible challenges before national courts related to JIT activities and on convictions.

To perform the evaluation, in most cases a final meeting will be organised between the JIT partners after the end of the investigation. Eurojust can support this process either by offering a venue for the meeting or financially through a JIT grant.

Following the adoption of the form by the National Experts, the JITs Network Secretariat initiated a work process that defines the necessary steps for the effective evaluation of JITs. An 'interactive' version of the form has been developed in cooperation with the Information Management Unit and tested by several National Experts. The use of this version of the form will allow evaluation data to be automatically imported into a database that will be managed by the JITs Network Secretariat. This tool will be used in the coming years to support the creation of qualitative and quantitative reports on JITs.

The evaluation of JITs has taken place on two separate occasions at Eurojust. In June 2013, two evaluation meetings were held in relation to JITs supported by Eurojust, allowing the form to be tested and its content to be adjusted according to operational needs.

The outcomes of these evaluations have already provided valuable information. In one drug trafficking case, for instance, the need for a continuous exchange of information between the JIT partners to ensure good coordination of investigative activities was underlined and the lending of communication devices by Eurojust through JITs funding was described in this context as a key factor in its success. In the presence of parallel investigations that do not necessarily follow the same

pattern, JIT partners also felt the necessity to discuss possible conflicts of jurisdiction as early as possible, taking into consideration the potential impact of this issue on the execution of EAWs.

Evaluation can also help to identify best practice. In a case of smuggling of migrants, for example, the JIT partners decided to combine their efforts to obtain co-operation from the country of origin of the migrants. The MLA requests issued by the JIT partners were therefore coordinated and submitted simultaneously so as to emphasize the common approach.

In most cases thus far, the experience of setting up and running a JIT has been positive. JITs are described not only as an efficient cooperation tool but also as a way to learn from other legal systems, working methods and professional cultures.

Theme

Legislative developments

Implementation of the Council Decision: Evaluation

Legal framework The legal framework of Eurojust was revised in 2008, upon the initiative of 14 Member States and the European Commission, to strengthen Eurojust and enhance its operational effectiveness.

The key objectives of *Council Decision 2009/426/JHA on the strengthening of Eurojust, amending Council Decision 2002/187/JHA setting up Eurojust with a view to reinforcing the fight against serious crime*, are as follows:

- Strengthening the status of National Members and the operational capacities of National Desks;
- Strengthening the powers of National Members and the role of the College;
- Fostering coordination between contact points for Eurojust/terrorism/EJN/JITs/war crimes/asset recovery/corruption at national level;
- Increasing information exchange between Eurojust and national authorities; and
- Strengthening Eurojust's working relationships with third States and partners such as Frontex.

Evaluation phase – what works and where is improvement needed? The practical implementation and operation in the Member States of the Council Decisions on Eurojust and the EJN are subject to the sixth round of mutual evaluations. Peer evaluations are being conducted in the Member States over the course of three years (2012 to 2014). In 2013, evaluations took place in the following countries: France, Malta, the Netherlands, Poland, the UK, Italy, Germany, Ireland, Greece, Romania and Latvia. In accordance with its legal framework, the College of Eurojust began to prepare the commissioning of an independent external evaluation of the implementation of the Council Decision and its impact on Eurojust's performance in achieving its objectives.

Reforming Eurojust: Future perspectives

Modernising Eurojust In light of the Lisbon Treaty and Article 85 TFEU, the Task Force on the Future of Eurojust continued its reflections on the reform of Eurojust, especially its mission and framework. The contributions of the College were submitted to the European Commission in the preparatory phase for the revised legal framework on Eurojust's structure, evaluation, powers and JITs, relations with Europol, OLAF, the EJN and a future EPPO, cooperation with third States, access to documents and data protection. The new legal framework for Eurojust will be adopted by means of a regulation and, thus, will be binding in its provisions and directly applicable in the Member States.

Eurojust's relationship with the EPPO The Lisbon Treaty leaves room for manoeuvre in the options for an enhanced role for Eurojust in combating crimes adversely affecting the EU's financial interests in a more effective manner, as well as for the establishment of an EPPO 'from Eurojust' on the basis of Article 86 TFEU. The activities of the Task Force on the Future of Eurojust focused on elaborating possible functional and administrative synergies between Eurojust and a future EPPO with a view to ensuring complementarity of competences, enabling operational interaction and cost efficiency.

Eurojust seminar – The new draft regulation on Eurojust: An improvement in the fight against cross-border crime?

Eurojust's seminar was held in The Hague on 14 and 15 October, employing a multidisciplinary approach that combined the perspectives and viewpoints of academics, practitioners and national representatives of the 28 Member States.

More than 153 representatives participated from the national authorities of the Member States, EU institutions including the European Commission, OLAF, the Council and European Parliament, the JSB of Eurojust, the European Data Protection Supervisor, representatives of Europol and Eurojust's National Members and administration.

The topics for discussion were:

Structure and governance of Eurojust The Proposal for a Regulation on Eurojust suggests a division between management-related supervisory and executive roles and operational roles in judicial support functions. Participants debated the scope, requirements and added value of these roles.

Tasks, competences and powers Although the possibilities offered by Article 85 TFEU to grant Eurojust additional powers have not been fully exploited, participants felt that the changes proposed in the form of a Regulation will have a decisive impact. The proactive dimension of Eurojust's mandate was supported.

Relations with third States and EU partners Participants expressed the opinion that Eurojust must be perceived as a global actor in international criminal justice; it should be a 'one-stop shop' between Member States and third States in judicial cooperation in cases with links beyond the EU's borders. Liaison Prosecutors and contact points have been confirmed as valuable bridges to third States. Mirroring provisions on information exchange in the Eurojust and Europol draft Regulations were seen as essential for effectiveness in operational cooperation in line with both complementary mandates. The Proposal for a Regulation on Eurojust does not discuss the streamlining of requests between Eurojust and the EJN. In this context, participants mentioned the potential use of the filter function in the ENCS.

Relations between Eurojust and the EPPO The need to respect the complementarity of the mandate of Eurojust as the judicial cooperation unit of the European Union was underlined. The design of a future EPPO is and will be at the centre of negotiations in the coming months, and Eurojust's operational and administrative support capacities will require careful attention.

The President of Eurojust concluded the seminar by saying: *'The proposal on Eurojust might not be a revolutionary step forward, but we are going in the direction of a positive evolution. This stimulating conference has ended but the inspiring debate has just begun. Eurojust is highly motivated and ready to actively participate and contribute its experience as a practitioner in the shaping of its future.'*

The report of the seminar is published as Council document 17188/1/13 REV1 of 4 December 2013. The issue of *Eurojust News* on the EPPO, published in May, is available on the Eurojust website.

Commission's Proposals as a package: the so-called 'special relationship' The European Commission seized the opportunity provided by the Lisbon Treaty to issue, on 17 July, a Proposal for a Eurojust Regulation to modernise Eurojust and a Proposal for a Council Regulation on the establishment of an EPPO that would have responsibility for investigations and prosecutions regarding offences against the EU's financial interests. Negotiations in the Council and European Parliament on both Proposals will follow different legislative procedures. While the Regulation on Eurojust will follow the ordinary co-decision procedure, the Regulation establishing the EPPO requires a special legislative procedure.


EUROJUST
The European Union's
Judicial Cooperation Unit

Annex 1: Public access to documents

Pursuant to Article 15 of the Decision to Adopt Rules Regarding Public Access to Eurojust Documents (adopted by the College on 13 July 2004), Eurojust is required to include information on the number of requests for access to documents that it refused, and the reasons for such refusals, in its annual report. The inclusion of this information in a dedicated section of Eurojust's general annual report and not in a separate report devoted to access to documents, in light of the relatively low number of requests received, was welcomed by the European Ombudsman in his report following his visit to Eurojust in June 2012 (OI/8/2012/OV paragraph 22).

The number of requests for public access to Eurojust documents increased in 2013, amounting to 26 initial requests and two confirmatory applications (in 2012, there were 17 initial requests and one confirmatory application). Of these initial requests, 24 were received directly by Eurojust. Eurojust was consulted as a third party in the two additional cases following requests received by other European institutions.

Twenty-two of the 26 requests were non-case-related. In seven of these 22 requests, access was fully granted. In one request for two documents, access was partially granted to one document but refused in respect of the second, as its disclosure was deemed to undermine Eurojust's decision-making process (Article 4(3) 2nd indent of the Eurojust College Decision to Adopt Rules Regarding Public Access to Eurojust Documents of 2004, referred to here as – 'the Access to Documents Rules'). Of the remaining 14 cases, either the requested documents were not held by Eurojust (eight requests) or further clarification was required to identify the document (six requests). Eurojust sent a request for clarification (Article 6(2) of the Access to Documents Rules) with regard to each of these six requests, but the applicants did not follow up on their queries.

With regard to the four requests to access case-related documents, one request was partially granted following redaction of the document to delete the personal data of third parties in implementation of Article 4(1)(b) of the Access to Documents Rules. In another request, access to press releases and statistics regarding Eurojust cases was granted, as these documents were already publicly available on the Eurojust website. Access was refused in the remaining two requests, because release of the documents was deemed to undermine the protection of the public interest regarding the fulfilment of Eurojust's tasks in reinforcing the fight against serious crime, national investigations and prosecutions in which Eurojust assists, the fulfilment of professional secrecy (Article 4(1) (a), 5th, 6th and 7th indents of the Access to Documents Rules), the integrity of individuals (Article 4(1)(b) of the Access to Documents Rules) and/or the protection of court proceedings and legal advice (Article 4(2) 2nd indent of the Access to Documents Rules).

Annex 2: Follow-up to Council Conclusions

On 15 November, the JHA Council adopted Conclusions on the eleventh Eurojust Annual Report (14919/13). As in previous years, Eurojust reports on the implementation of these conclusions. Below is a table indicating where more information can be found in the areas in which the Council made recommendations.

Council recommendations	Follow-up
To adopt adequate and objective tools for the evaluation of Eurojust in 2014.	Eurojust is preparing the independent external evaluation of Eurojust in accordance with Article 41a of the Eurojust Decision. The European Commission will be consulted on the terms of reference.
To continue to support, including financially, the creation, implementation and evaluation of JITs and to continue developing best practices and sharing of information on judicial experience and case results.	Eurojust supported 102 and financed 34 JITs in 2013. Eurojust will continue financing JITs and has to do so from its regular budget as the grants received from the Commission came to an end. *See* sections 1.3 and 2.4 and Chapter 4: 'Focus of the year'.
To maintain its practice of associating Europol, where appropriate, in the coordination process in respect of cases submitted to Eurojust and to seek complementarity in their respective work supporting national authorities.	Europol was involved in 53 cases and participated in 75 coordination meetings at Eurojust. *See* section 3.3.2 and the case examples.
To strengthen cooperation with OLAF on cases regarding fraud, corruption and other crimes affecting the financial interests of the EU.	OLAF and Eurojust worked together on four cases. *See* section 3.3.2.
To actively support and disseminate best practice regarding the execution of EAWs and, where appropriate, convene meetings amongst competent authorities aimed at seeking solutions to recurrent issues.	In 2014, the Greek EU Presidency and Eurojust will hold a strategic seminar on the EAW. The Consultative Forum will also address this topic.
To assess whether to organise further meetings of the National Correspondents for Eurojust.	Eurojust will host a second meeting of the National Correspondents for Eurojust in 2014.
To report on follow-up given to information received in accordance with Article 13 of the Eurojust Decision and the feedback provided to practitioners in accordance with Article 13a of the Eurojust Decision.	*See* section 2.3. Further assessment will be carried out in the course of the evaluation to be commissioned in 2014, taking into account the outcome of the mutual evaluations in the Member States.
To advance the implementation of secure connections allowing access to the CMS at national level for all Member States.	Eurojust reported on progress achieved to the Council and the Commission in accordance with Article 16b of the Eurojust Decision. *See* section 2.3 and Council Document 12582/13 of 19 July 2013.
To evaluate the setting up of the On-Call Coordination in urgent cases under Article 5a of the Eurojust Decision.	*See* section 1.2.2. An assessment will be carried out in the course of the evaluation to be commissioned in 2014.

Annex 3: Eurojust case statistics

Figure 1 - Casework 2009 to 2013

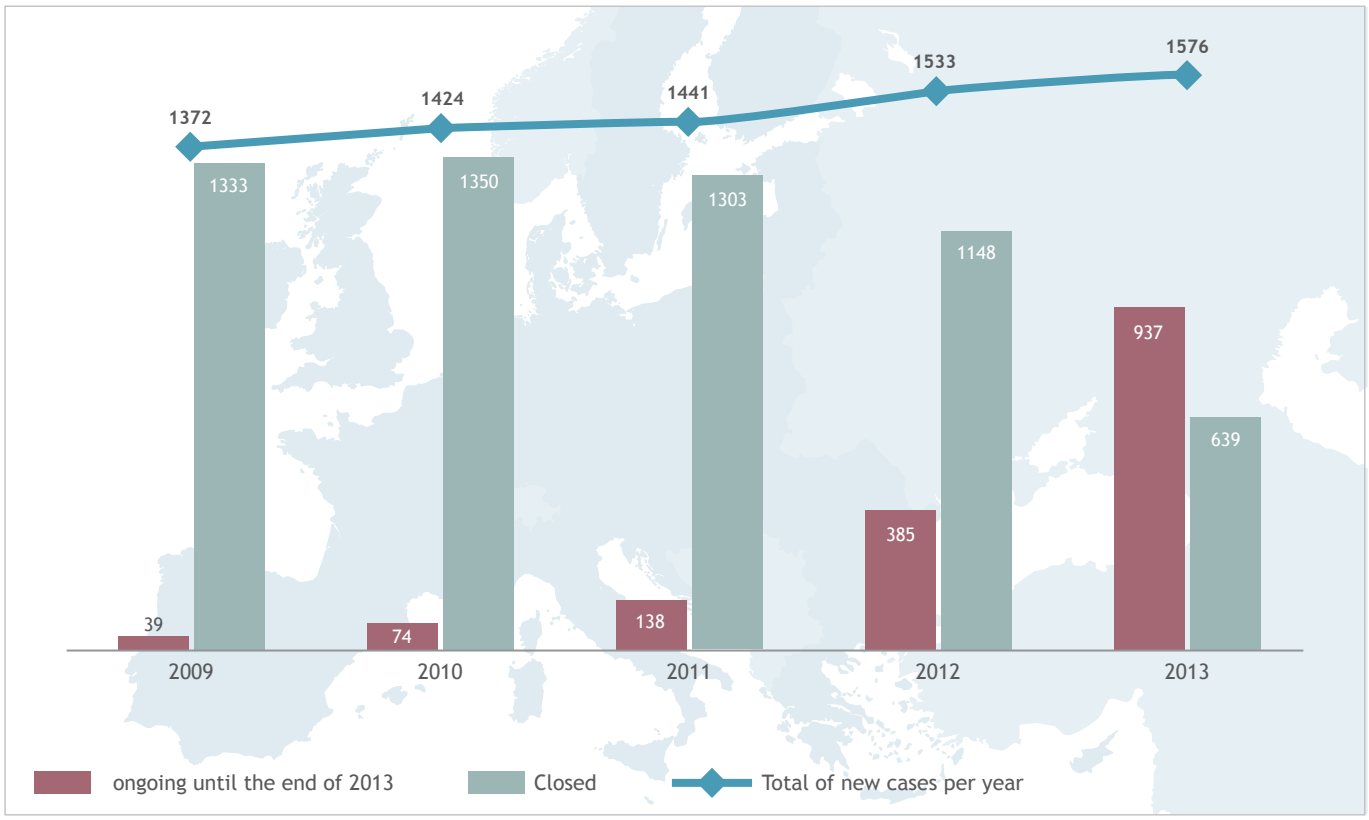


Figure 2 - Bilateral and multilateral cases 2009 to 2013

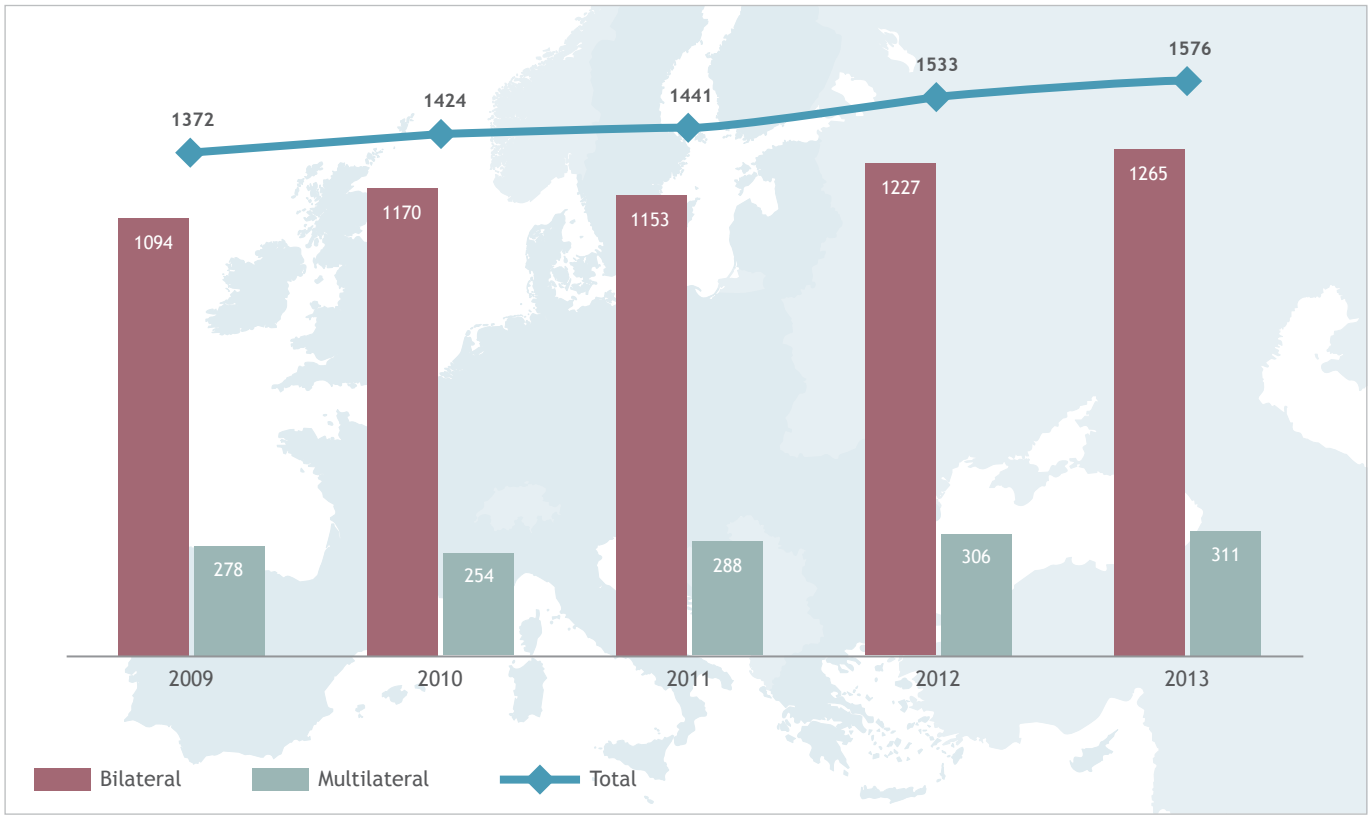


Figure 3 - Bilateral and multilateral cases opened by Member State

	Bilateral	Multilateral
BE	37	16
BG	65	5
CZ	58	18
DK	37	5
DE	32	21
EE	34	6
IE	22	3
EL	31	2
ES	40	19
FR	35	45
HR	4	5
IT	78	23
CY	17	0
LV	33	8
LT	31	7
LU	31	5
HU	57	10
MT	25	2
NL	32	10
AT	80	14
PL	83	7
PT	80	9
RO	55	10
SI	72	19
SK	20	4
FI	37	4
SE	58	14
UK	81	16

Figure 4 - Requesting/requested Member States

	Requesting	Requested
BE	53	123
BG	70	63
CZ	76	71
DK	42	57
DE	53	222
EE	40	40
IE	25	45
EL	33	64
ES	59	237
FR	80	172
HR	9	33
IT	101	194
CY	17	76
LV	41	48
LT	38	43
LU	36	52
HU	67	86
MT	27	33
NL	42	188
AT	94	99
PL	90	101
PT	89	71
RO	65	121
SI	91	44
SK	24	77
FI	41	44
SE	72	63
UK	97	186

Figure 5 - Cases by Liaison Prosecutors 2009 to 2013

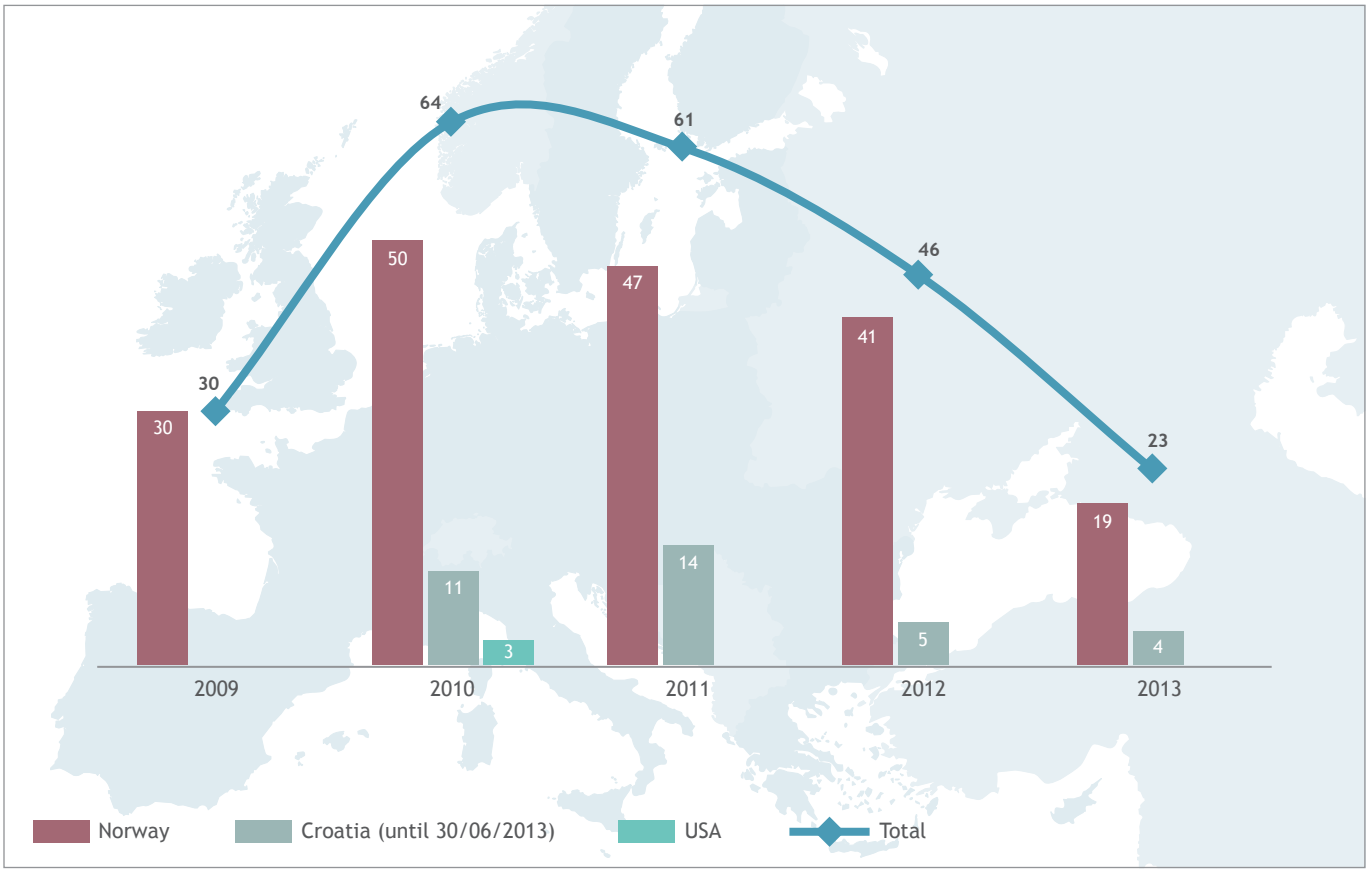


Figure 6 - Eurojust priority crime types

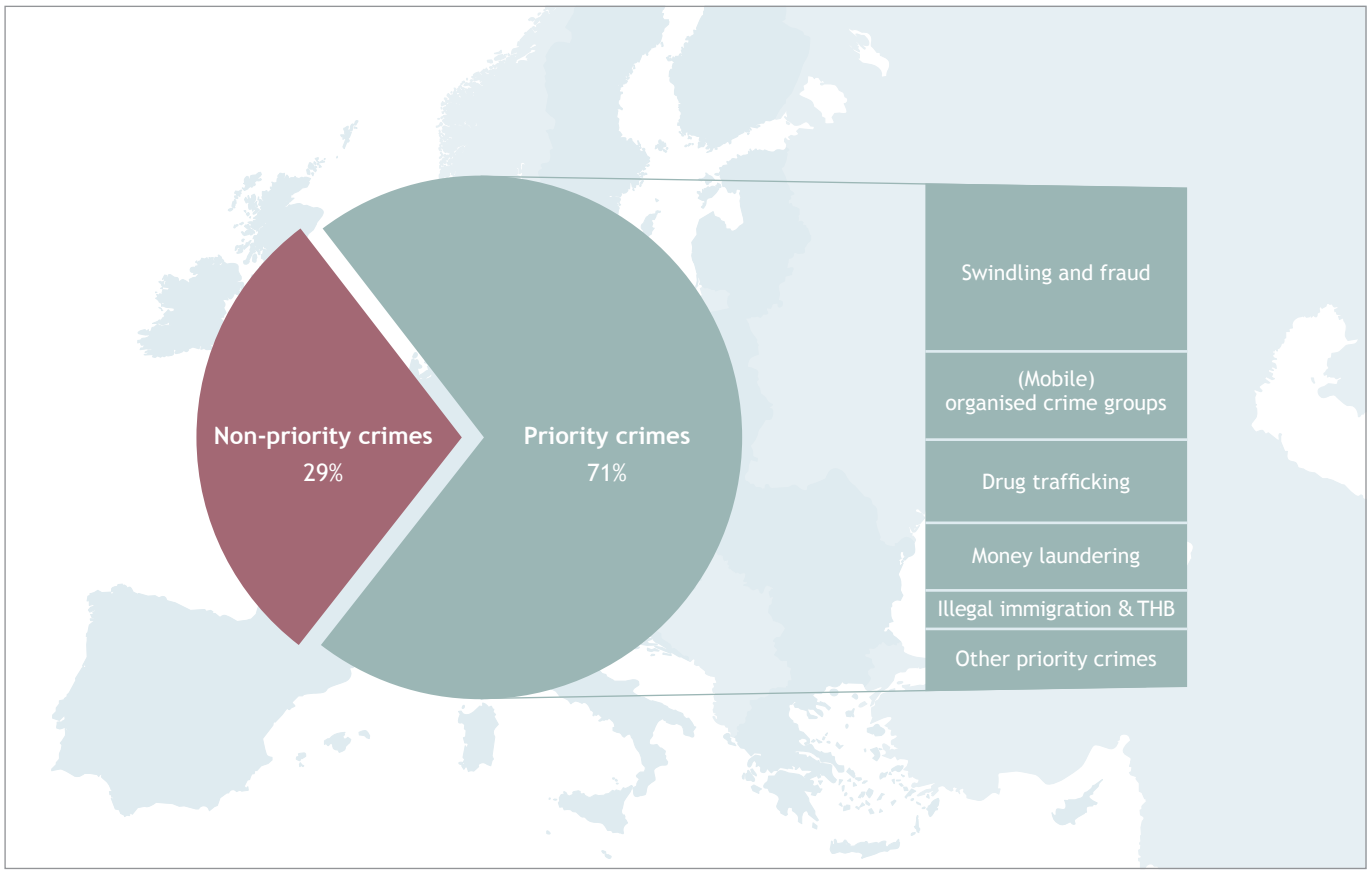
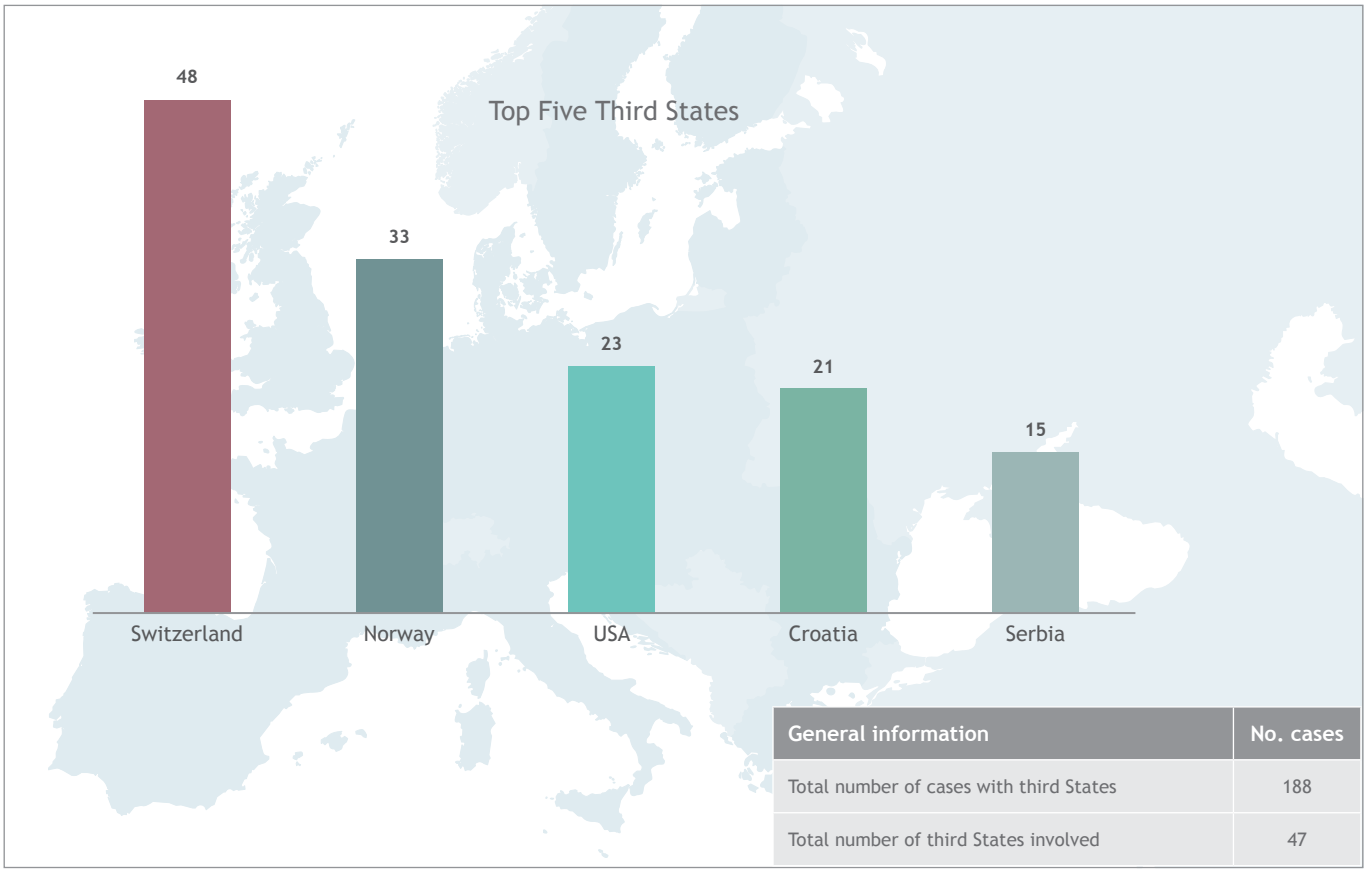


Figure 7 - Third States in Eurojust casework



General information	No. cases
Total number of cases with third States	188
Total number of third States involved	47

Fig 8 - Involvement of non-Member States, EU partners & international organisations in Eurojust casework

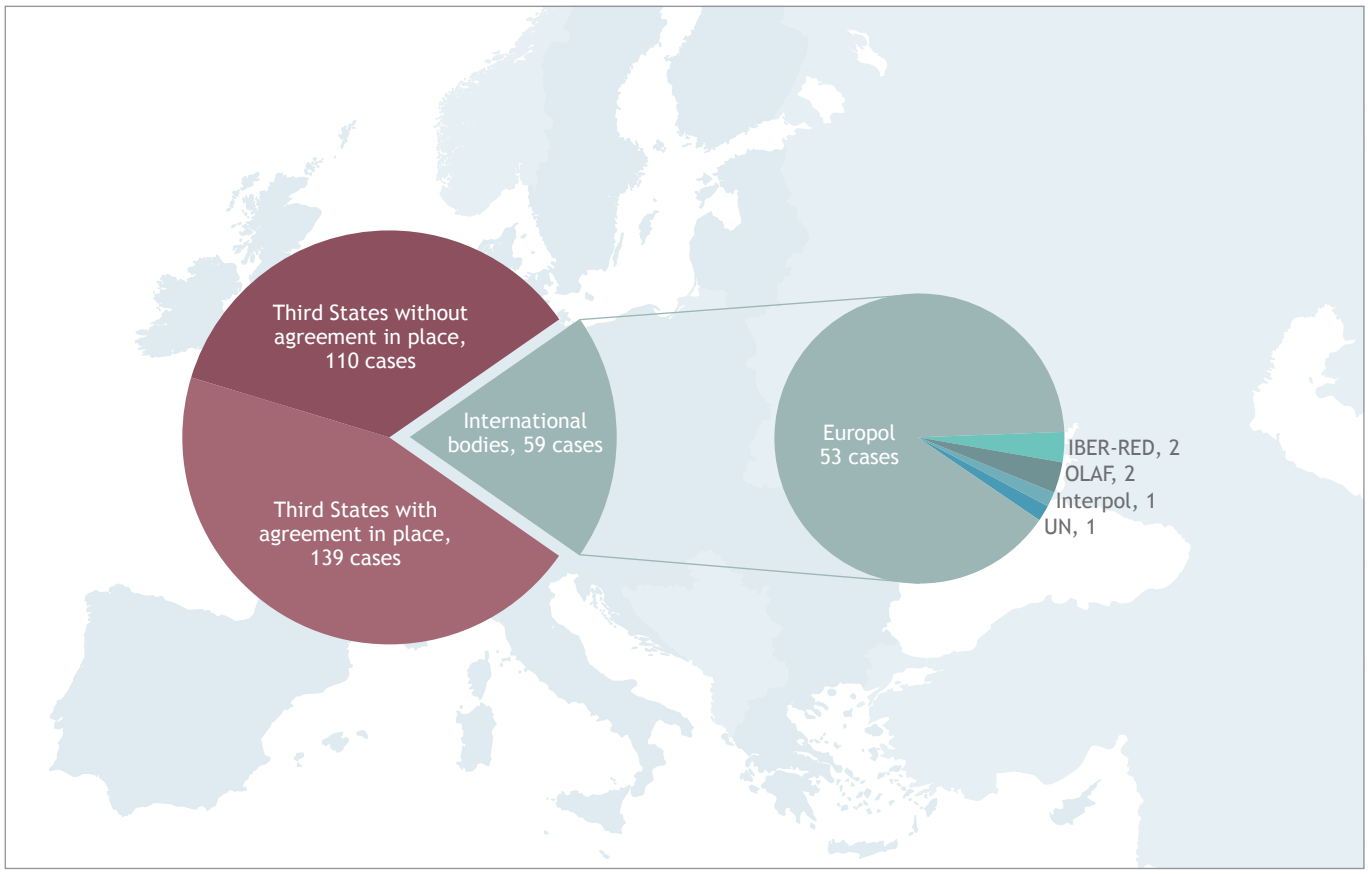


Figure 9 - Main crime types involving third States

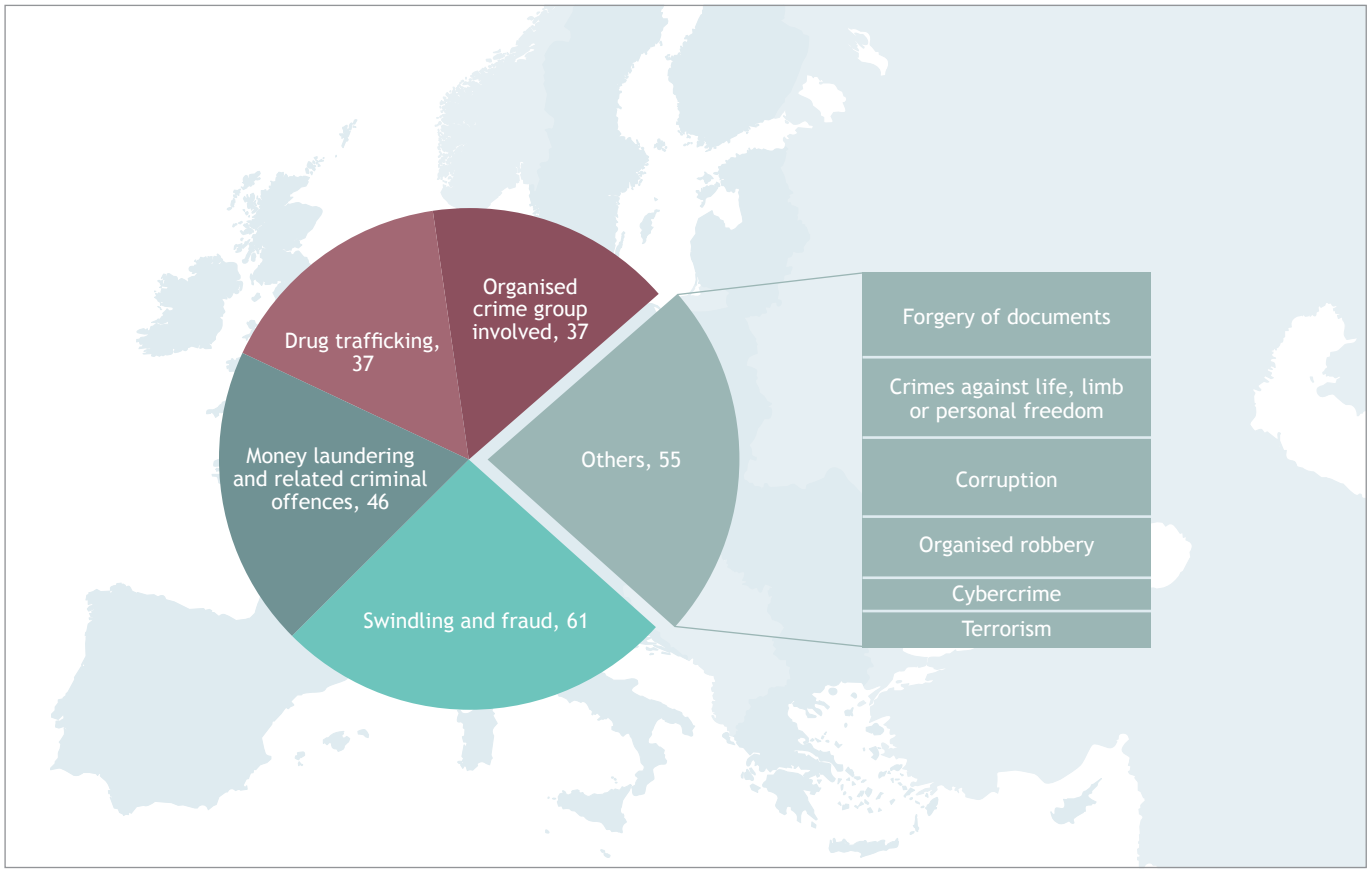
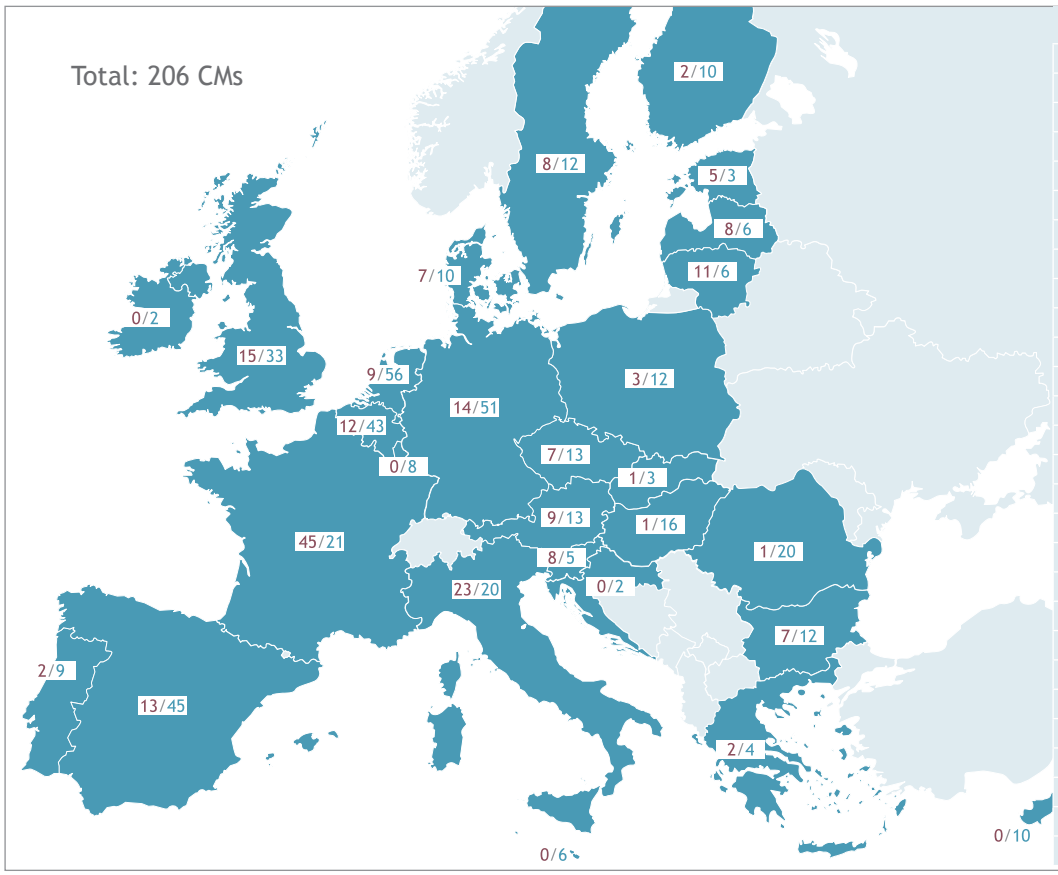


Figure 10 - Coordination meetings: Member States



	Bilateral	Multilateral
BE	12	43
BG	7	12
CZ	7	13
DK	7	10
DE	14	51
EE	5	3
IE	0	2
EL	2	4
ES	13	45
FR	45	21
HR	0	2
IT	23	20
CY	0	10
LV	8	6
LT	11	6
LU	0	8
HU	1	16
MT	0	6
NL	9	56
AT	9	13
PL	3	12
PT	2	9
RO	1	20
SI	8	5
SK	1	3
FI	2	10
SE	8	12
UK	15	33

Figure 11 - Coordination meetings: non-Member States, EU partners and international organisations

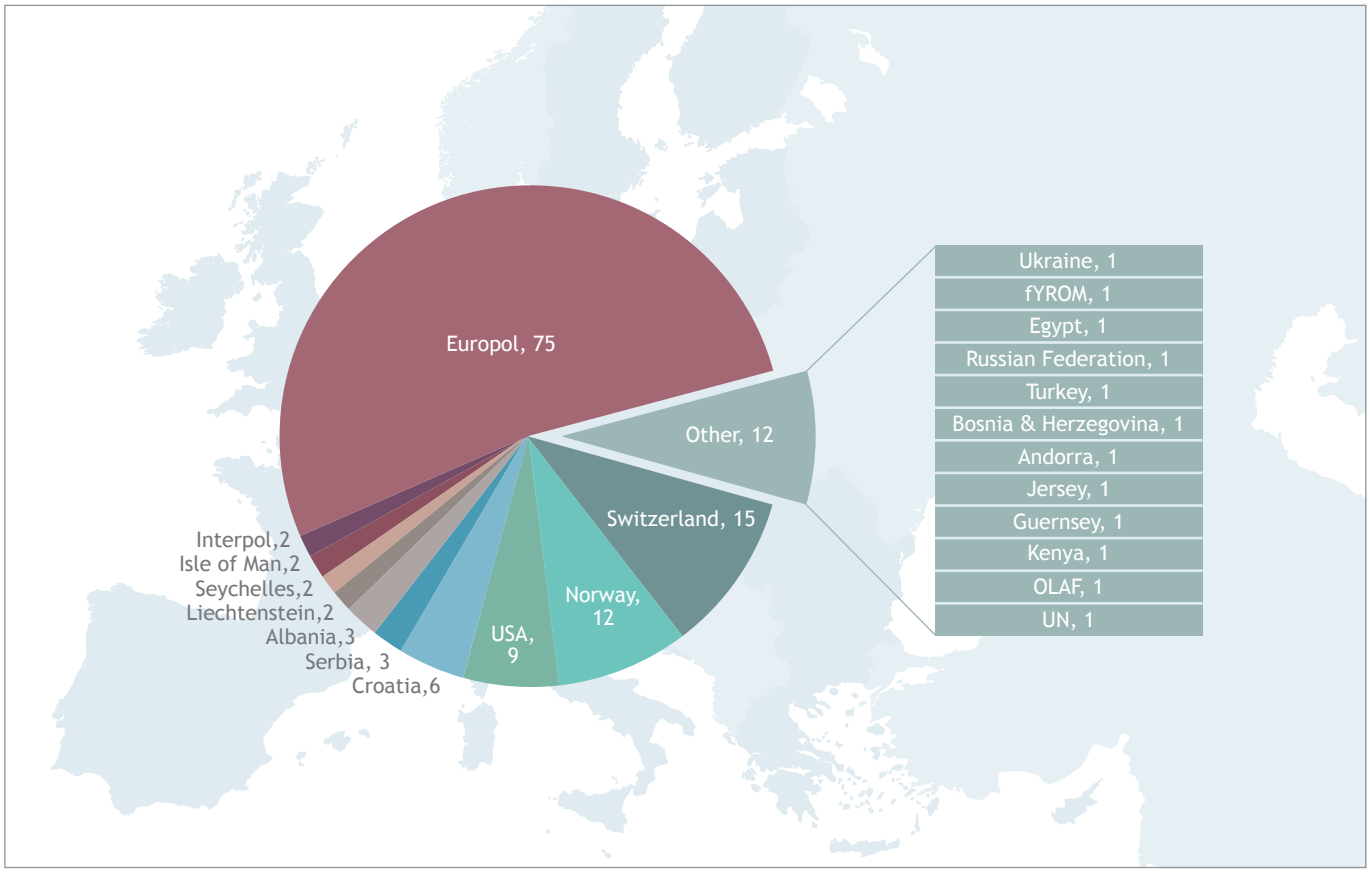
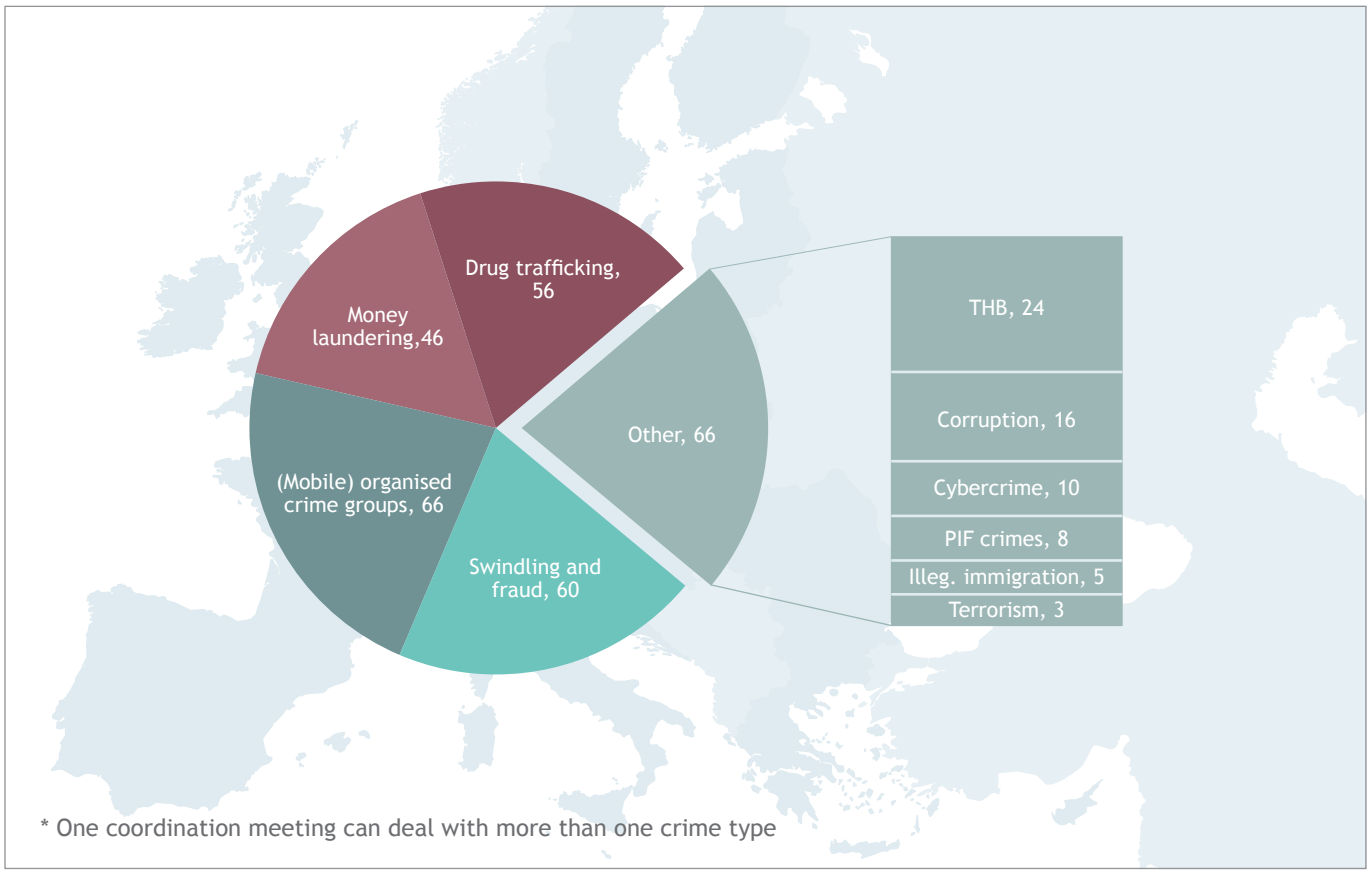


Figure 12 - Occurrence of crime types in coordination meetings*



* One coordination meeting can deal with more than one crime type

Figure 13 - Coordination centres

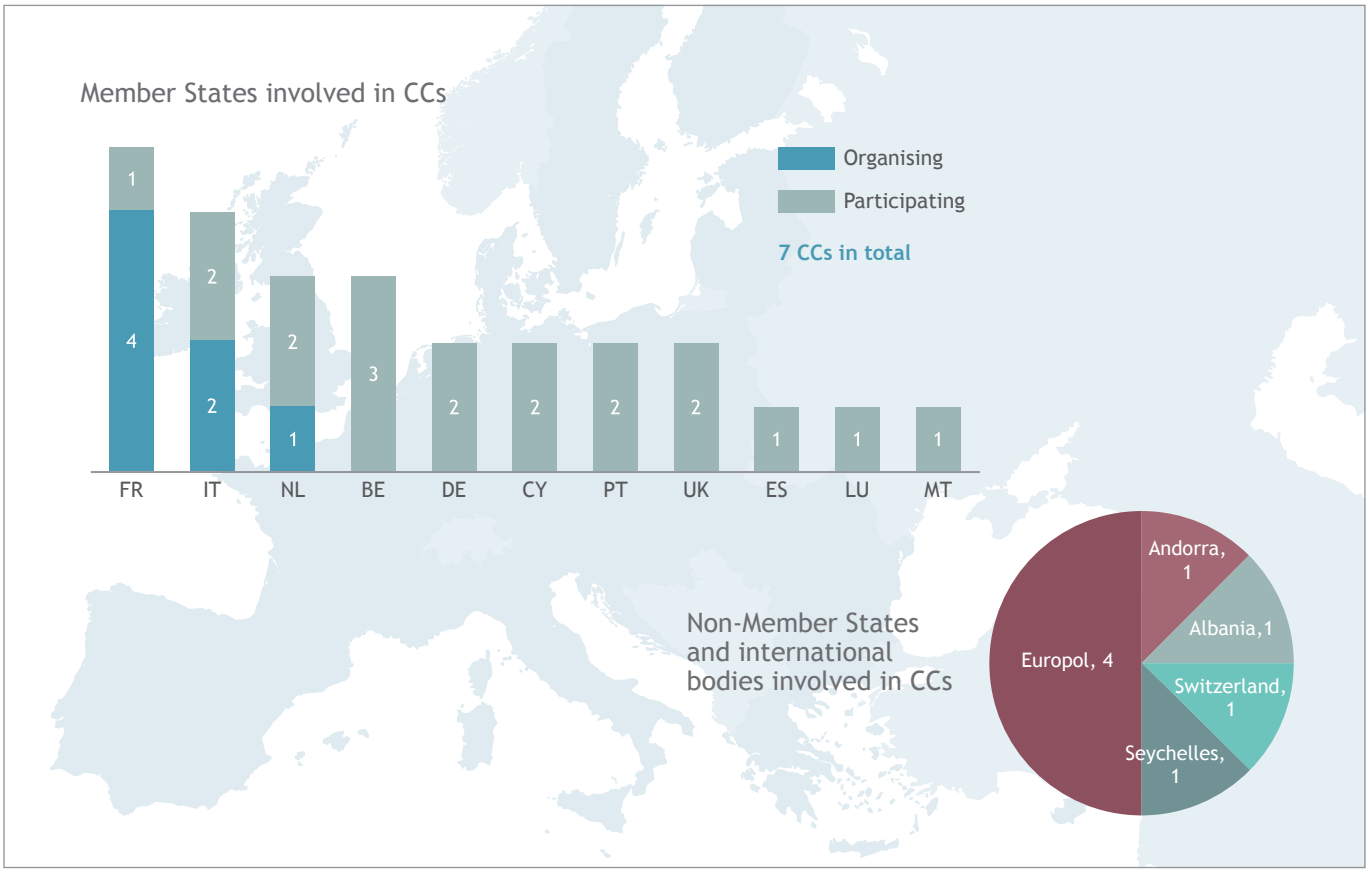


Figure 14 - Eurojust and JITs

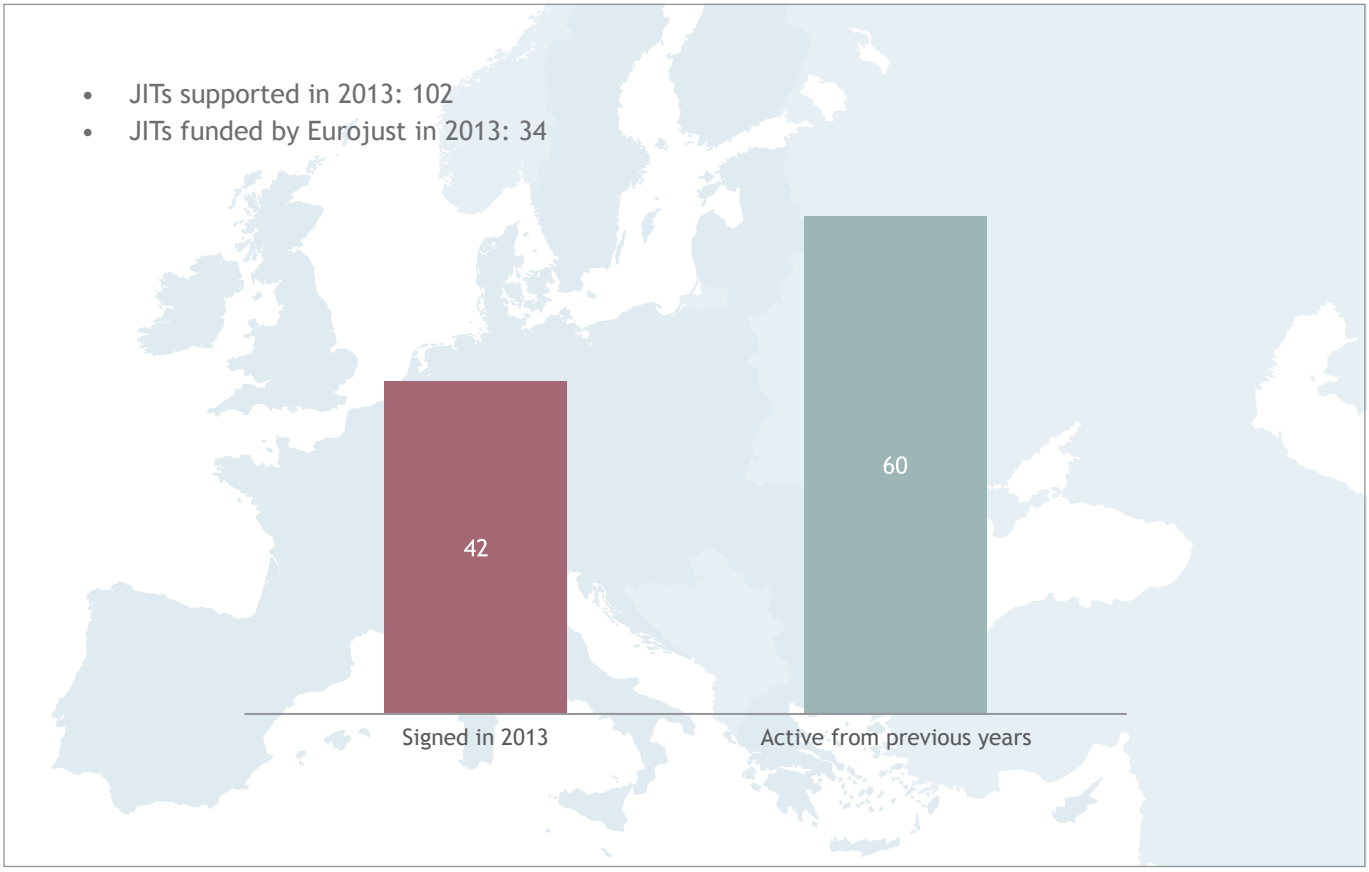
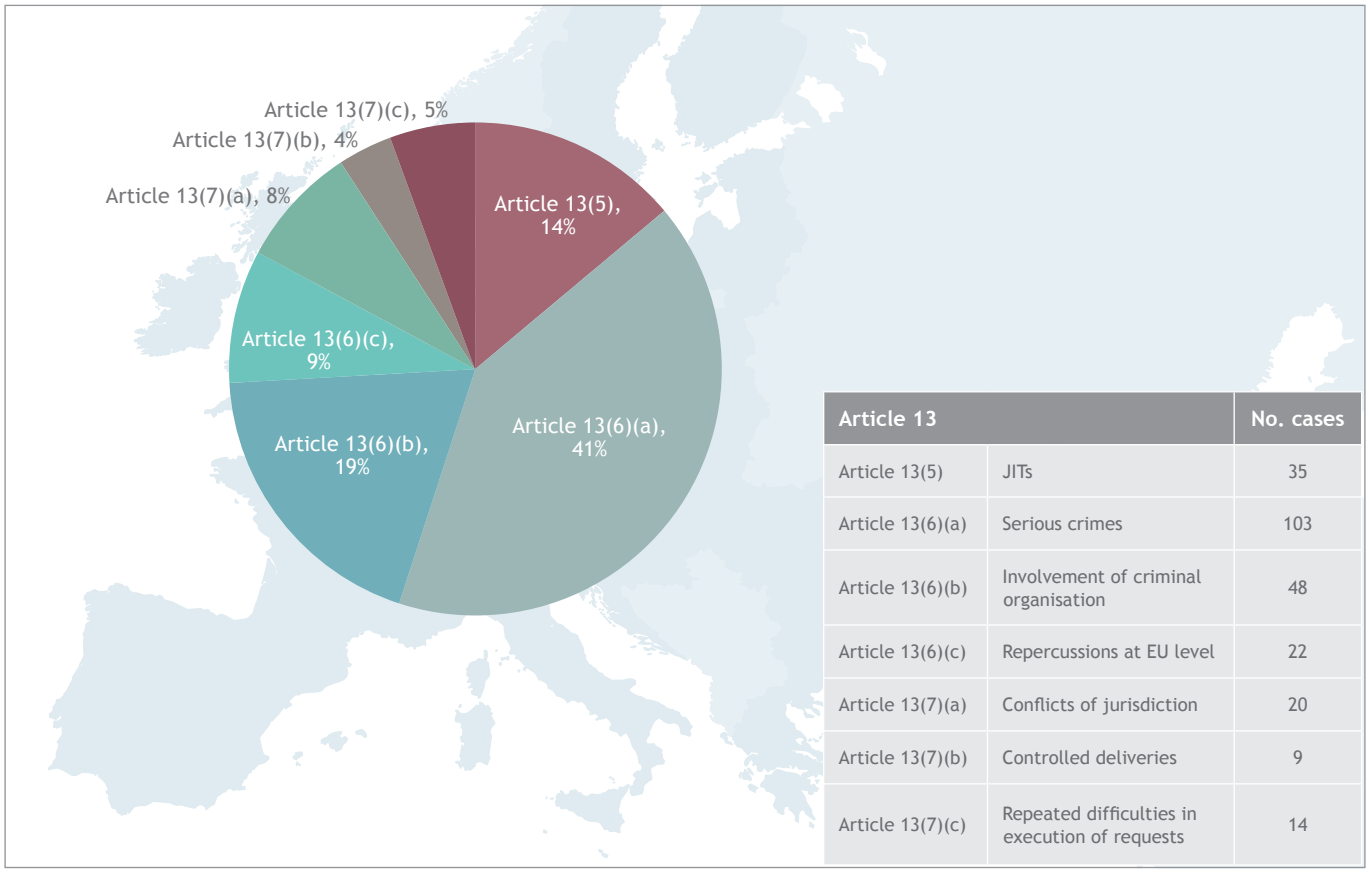
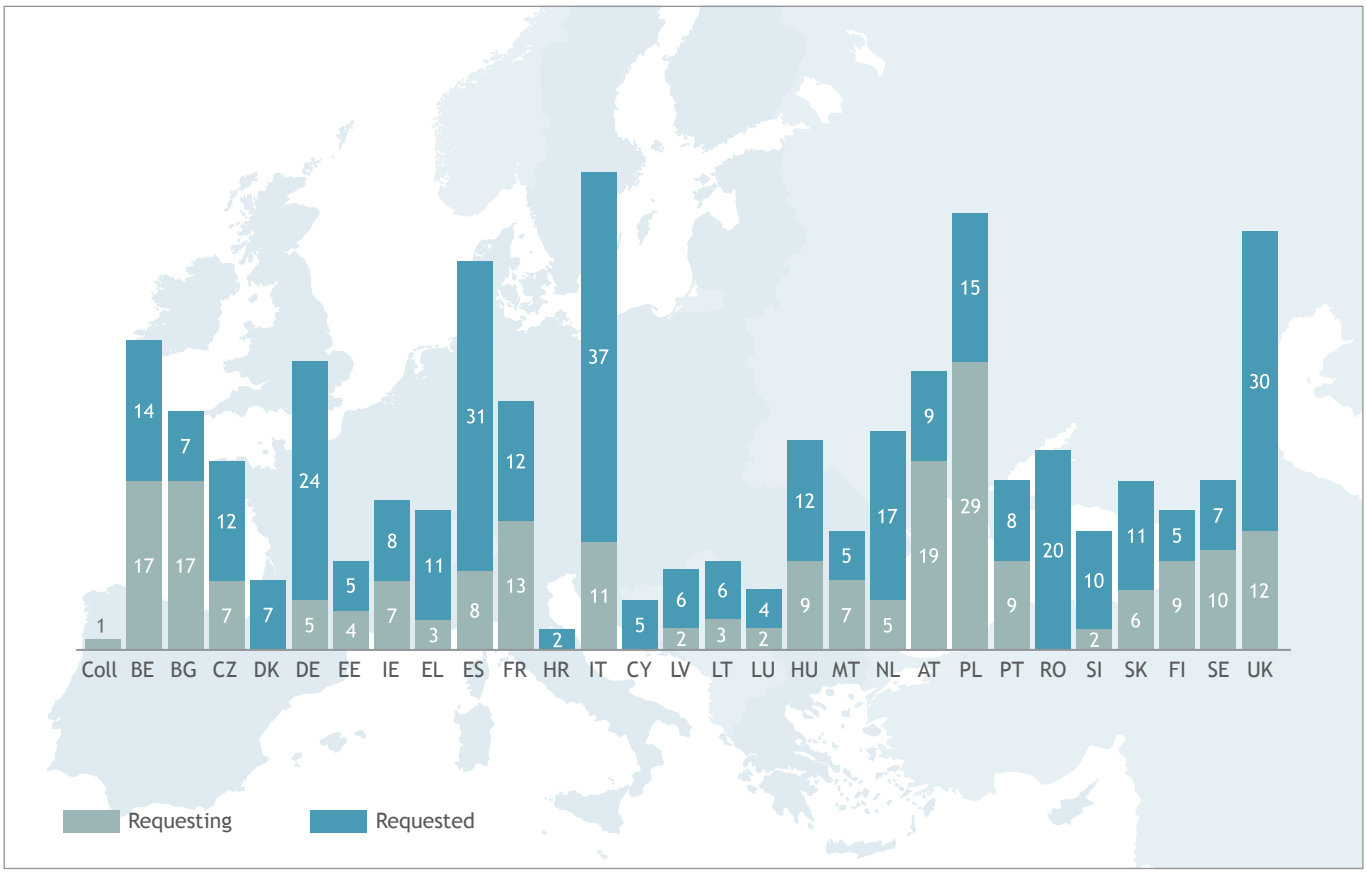


Figure 15 - Number of Article 13 cases



Article 13		No. cases
Article 13(5)	JITs	35
Article 13(6)(a)	Serious crimes	103
Article 13(6)(b)	Involvement of criminal organisation	48
Article 13(6)(c)	Repercussions at EU level	22
Article 13(7)(a)	Conflicts of jurisdiction	20
Article 13(7)(b)	Controlled deliveries	9
Article 13(7)(c)	Repeated difficulties in execution of requests	14

Figure 16 - Execution of EAWs: Requesting/requested Member State



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