



Implementation Report of the Action Plan on Drug Trafficking

Strategic project: *Enhancing the work
of EUROJUST in drug trafficking cases*

TRCT DT Project Team



14 January 2015



Implementation Report of the Action Plan on Drug Trafficking

Strategic project: *Enhancing the work of
EUROJUST in drug trafficking cases*

TRCT DT Project Team

14 January 2015



Table of Contents

1. Introduction	1
2. Overview.....	3
3. AREA 1: Coordination meetings.....	11
4. AREA 2: Secure channels.....	12
5. AREA 3: Europol and third States.....	13
6. AREA 4: JITs and other coordination tools.....	16
7. AREA 5: Conflicts of jurisdiction.....	17
8. AREA 6: Cross-border asset recovery.....	18
9. AREA 7: Controlled deliveries.....	19
10. Conclusions and recommendations	20
Annex 1 - Action Plan (summarising table with state of play)	23
Annex 2 - Best Practice (summarising table with brief descriptions).....	24
Annex 3 - Acknowledgements.....	26

Addenda to the main report:

Issue in focus number 1 - Cross-border controlled deliveries from a judicial perspective

Issue in focus number 2 - Judicial cooperation in cases involving (pre)precursors and New
Psychoactive Substances (NPS)

Issue in focus number 3 - Cooperation with third States

1. Introduction

1.1. Purpose and objectives

The purpose of this *Implementation Report of the Action Plan on Drug Trafficking* (“Report”) is to assess the follow-up of the recommendations listed in the Action Plan as a result of the strategic project *Enhancing the work of Eurojust in drug trafficking cases* (Eurojust: 2012, page 61).¹ The Report also identifies areas where greater efforts are needed and provides suggestions for possible future improvement.

A preliminary version of the Report was presented in January 2014 to the College of Eurojust, which decided to integrate this quantitative assessment with an in-depth analysis of three areas where more substantial work was deemed necessary to fully achieve the objectives of the Action Plan. The results of this analysis are now included in three addenda to this Report (entitled *Issues in focus*), concentrating on judicial issues related to: controlled deliveries, (pre)precursors and New Psychoactive Substances (NPS), and cooperation with third States.

The three *Issues in focus* provided a starting point for discussions at the strategic meeting on drug trafficking held by Eurojust on 29 and 30 September 2014 in The Hague. The preliminary results of the analysis were refined in light of feedback received from the participants of this meeting.

1.2. Methods, sources and limitations

This Report is based on data from a quantitative analysis of the information on drug trafficking cases recorded in the Eurojust Case Management System (“CMS”)² and a qualitative analysis of the measures taken at Eurojust to implement the Action Plan.

While the qualitative analysis covers a bi-annual period from the approval of the recommendations (2012/2013), as far as the CMS quantitative analysis is concerned, two timeframes have been compared: 1 September 2010 to 31 August 2012, referred to as the “Reporting Period”, and 1 September 2008 to 30 August 2010, referred to as the “Compared Period” (the timeframe used in the previous Strategic Report). The reporting period for the quantitative analysis was chosen because many of the cases registered during 2013 are still in progress and therefore cannot be evaluated. Furthermore, comparison of the casework and detection of trends is more reliable when the analysis timeframes are of equal length and consecutive.

The analysis is necessarily limited to available information on drug trafficking cases dealt with at Eurojust, and seeks to stimulate reflection and discussion. Clearly, it does not purport to provide analysis of all drug trafficking in the European Union, or of cross-border judicial cooperation in criminal cases generally. Another limitation refers to the unavailability of information in 20% of drug trafficking cases with a coordination meeting taking place during the Reporting Period. Information was not available due to the closure of cases and related destruction of the file at Eurojust.

¹ Eurojust (2012) *Strategic Project on enhancing the work of Eurojust in Drug Trafficking cases: final results*, Eurojust, The Hague, available online at:

[http://www.eurojust.europa.eu/doclibrary/corporate/Casework%20publications/Enhancing%20the%20work%20of%20Eurojust%20in%20drug%20trafficking%20cases%20\(jan%202012\)/drug-trafficking-report-2012-02-13-EN.pdf](http://www.eurojust.europa.eu/doclibrary/corporate/Casework%20publications/Enhancing%20the%20work%20of%20Eurojust%20in%20drug%20trafficking%20cases%20(jan%202012)/drug-trafficking-report-2012-02-13-EN.pdf)

² The CMS is used at Eurojust to manage cases and process-related information.

The three *Issues in focus* that supplement this Report follow a different methodology, based on replies received to questionnaires sent to national authorities (*Issue in focus* numbers 1 and 2) and greater in-depth analysis of Eurojust casework with third States conducted through interviews with Eurojust National Members (*Issue in focus* number 3). The validity of the results is therefore largely dependent on the respondents' experience and knowledge.

1.3. Structure

Following this brief introduction, the next chapter provides a comparative overview of Eurojust's casework on drug trafficking during the Reporting Period and the Compared Period and addresses the questions, "*How has Eurojust's casework on drug trafficking developed and how has the coordination role of Eurojust changed?*"

Chapters 3 to 9 focus on the areas for improvement listed in the Action Plan and answer the questions, "*What has Eurojust done to improve its coordination role in drug trafficking cases? What actions have been taken to enhance the work of Eurojust? Which challenges will there be still to tackle in the future?*"

The areas of improvement, each one of them forming a chapter of this report, consist of the following:

- 1) Coordination meetings/number of coordination cases³
- 2) Secure channels
- 3) Europol and third States
- 4) JITs and other coordination tools
- 5) Conflicts of jurisdiction
- 6) Cross-border asset recovery
- 7) Controlled deliveries

Chapter 10 summarises the conclusions of the implementation of the Action Plan and proposes recommendations for future improvement.

For ease of reference for busy readers, Annex 1 provides a one-page table overview including the status of the implementation of the Action Plan concerning each Key Performance Indicator ("KPI") together with a brief summary of the recommendations for further improvement. Annex 2 reports the list of best practices identified pursuant to KPI 1.a.

³ Two areas of the Action Plan (numbers 1 and 8) will be dealt with together in this Report due to the close nature of the subjects.

2. Overview

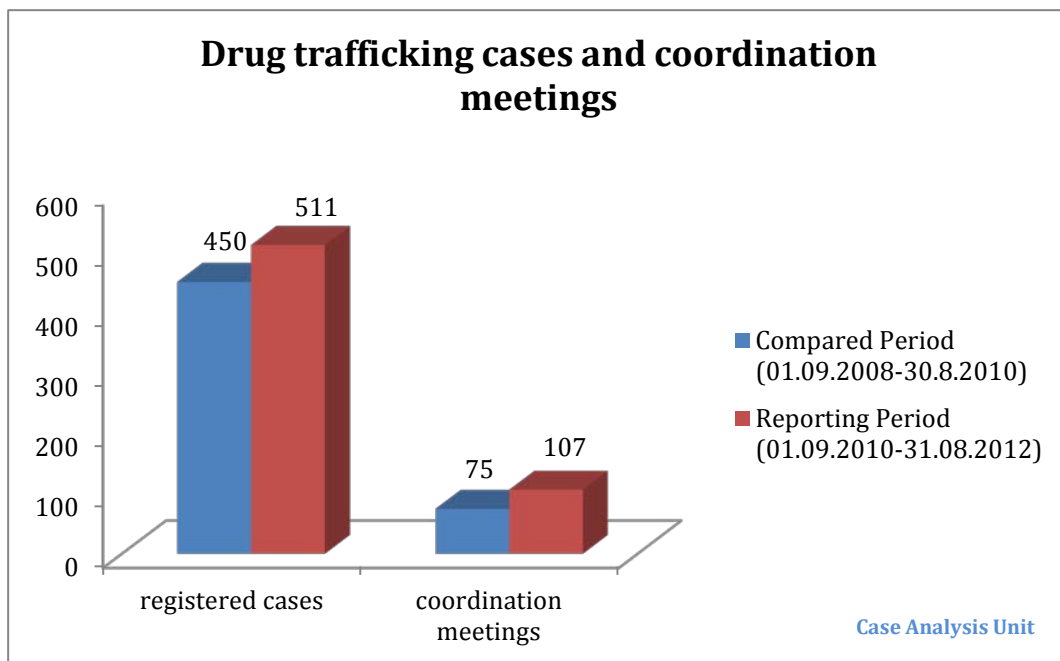
This Report provides a brief overview of operational drug trafficking cases registered at Eurojust during the Reporting Period and compares the Reporting Period with the Compared Period.

The following findings are based on quantitative data extracted from the CMS and the data on coordination meetings provided by the College Secretariat of Eurojust.

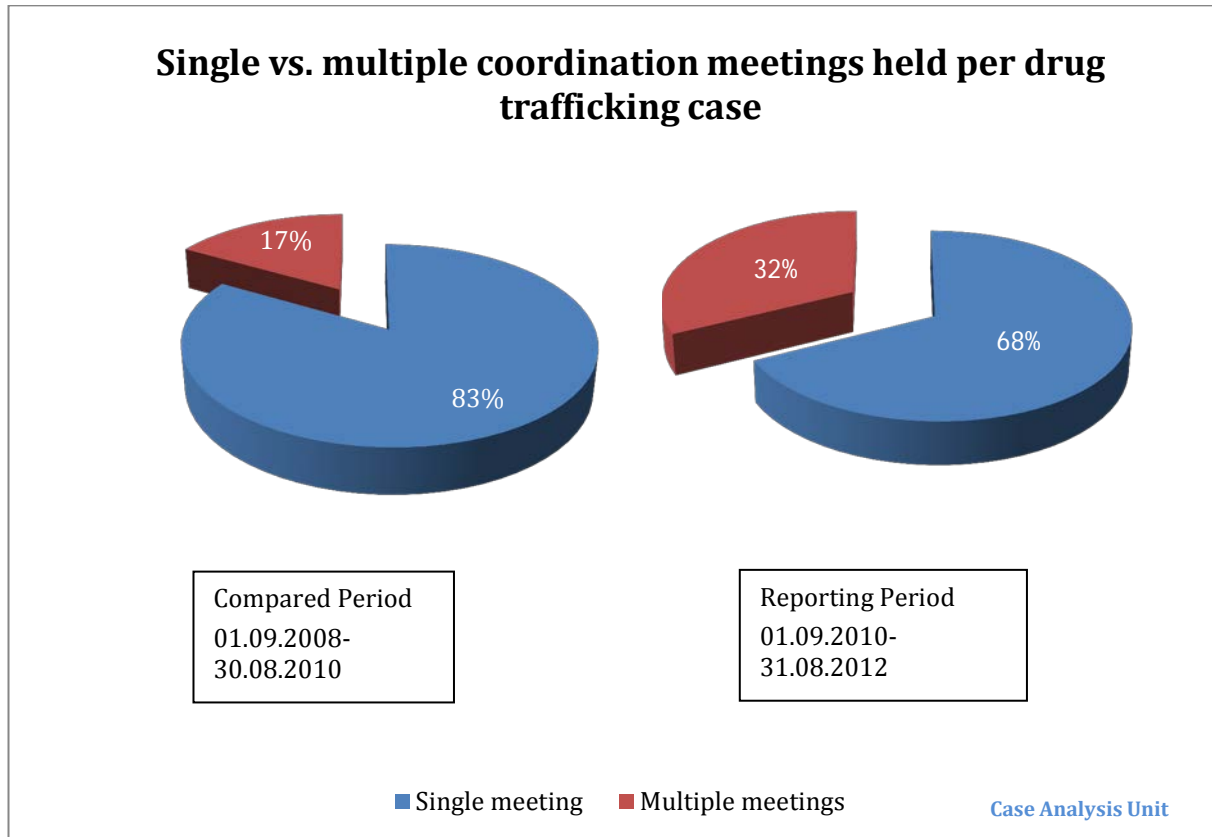
2.1. Statistics

During the Reporting Period, Eurojust registered 511 cases and organised 107 coordination meetings involving drug trafficking. During the Compared Period, the figures were 450 registered cases and 75 coordination meetings. Therefore, the number of cases involving drug trafficking increased by 12% in two years and the number of coordination meetings involving drug trafficking increased by 30%.

Chart 2.1: Drug trafficking cases and coordination meetings



As shown in Chart 2.2, during the Reporting Period there has been a clear increase in the number of coordination meetings per case compared to the Compared Period. In the Reporting Period, 32% of all drug trafficking cases had more than one coordination meeting, compared to only 17% in the Compared Period.

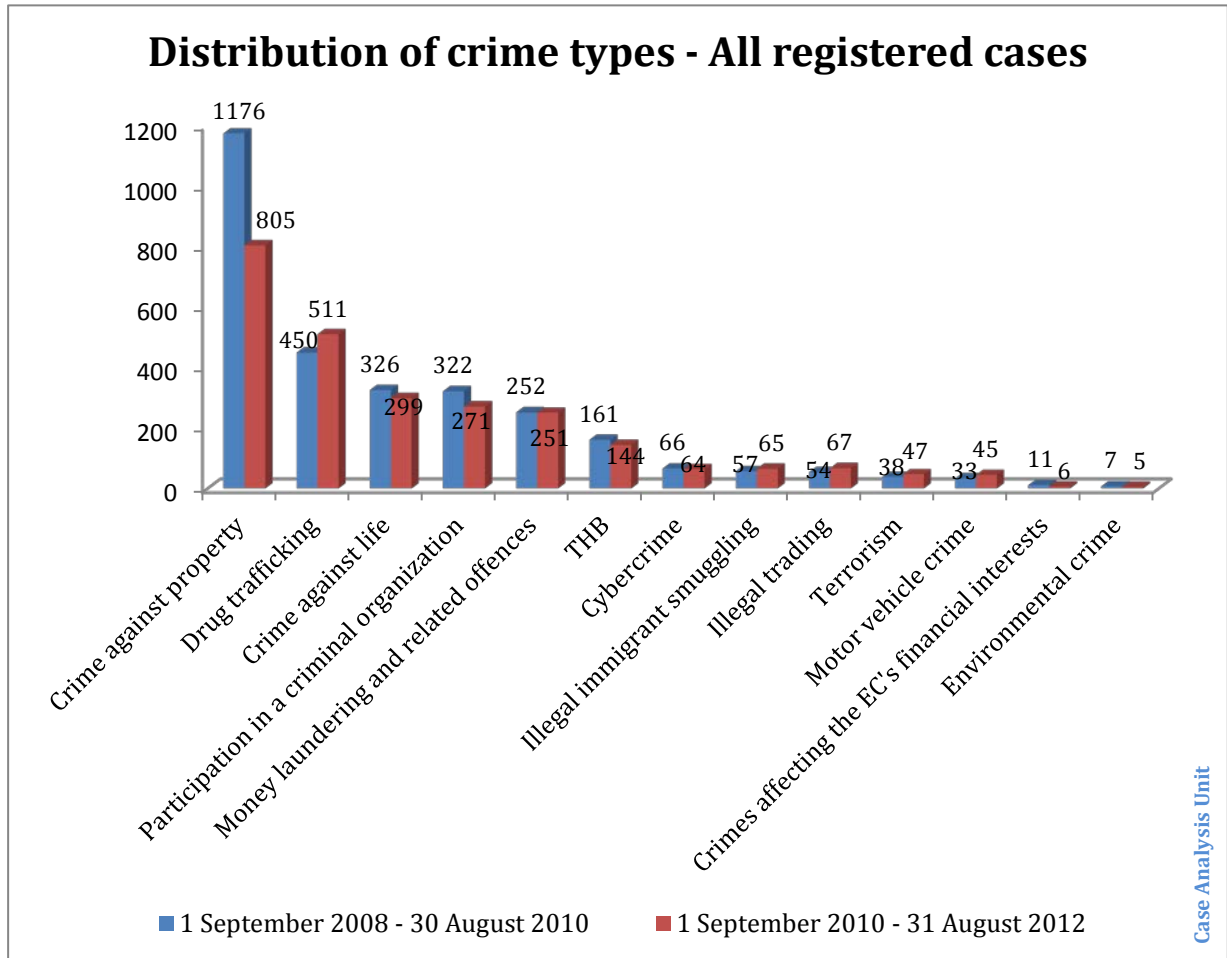
Chart 2.2: Single vs. multiple coordination meetings held per drug trafficking case

2.2. Drug trafficking vs. other crime types

The 511 cases involving drug trafficking represent 18% of the total figure of 2 821 operational cases registered during the Reporting Period, which shows a small increase from 450 (17%) cases from a total of 2 578 during the Compared Period.

As shown in Chart 3.1, drug trafficking was the most common separately measurable crime type in Eurojust's casework during both the Reporting and Compared Periods. Only crime against property was registered in greater numbers at Eurojust, because this is a cumulative crime type that includes several offences under the same heading.

Chart 3.1: Distribution of crime types

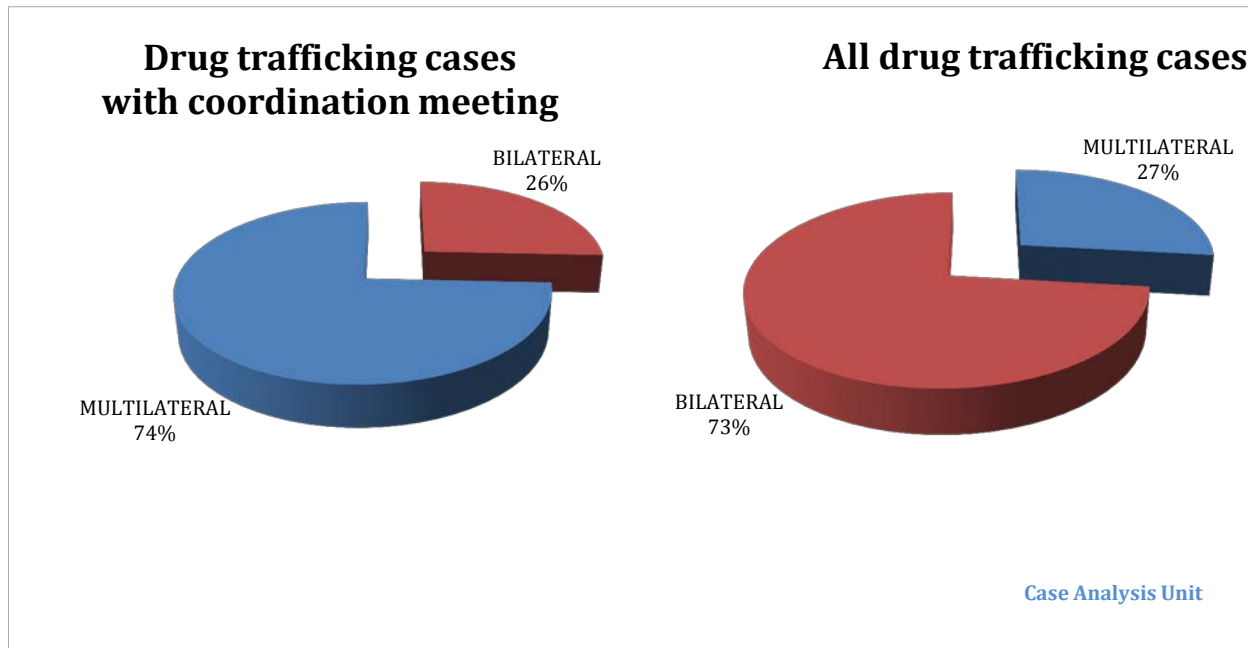


NOTE: The crime type list in the CMS was modified during the Reporting Period. Chart 3.1 reports crime types that have not changed denomination (e.g. drug trafficking, THB, corruption, etc.). Crime types that do not have a corresponding name on both lists have been left out (e.g. cigarette smuggling, product piracy, etc.), with the exception of “Participation in a criminal organisation” (currently named “Organised crime group involved”).

The percentage of coordination meetings held involving drug trafficking has remained steady. The total number of coordination meetings held by Eurojust in the Reporting Period was 382. Drug trafficking was dealt with in 19% of meetings, similar to the Compared Period.

2.3. Multilateral vs. bilateral

Chart 4.1: Bilateral compared to multilateral cases



2.4. Requesting and requested National Desks

Charts 5.1 and 5.2 provide an overview of the involvement of National Desks as requesting or requested in all drug trafficking cases registered during the Reporting Period.

The following National Desks are requested more frequently than others in this crime type: Spain, the Netherlands, France and Italy. Similarly, among cases with a coordination meeting, the most requested countries were France, the Netherlands, Spain, Belgium, Germany and the United Kingdom.

The following National Desks request more frequently than others in this crime type: France, Sweden and Italy. Similarly, among cases with a coordination meeting, the most frequently requesting Member States were France, Italy and the Netherlands. The involvement of Sweden, particularly in cases with coordination meetings, has increased from the Compared Period.

Chart 5.1: Requesting and requested Member States in all drug trafficking cases

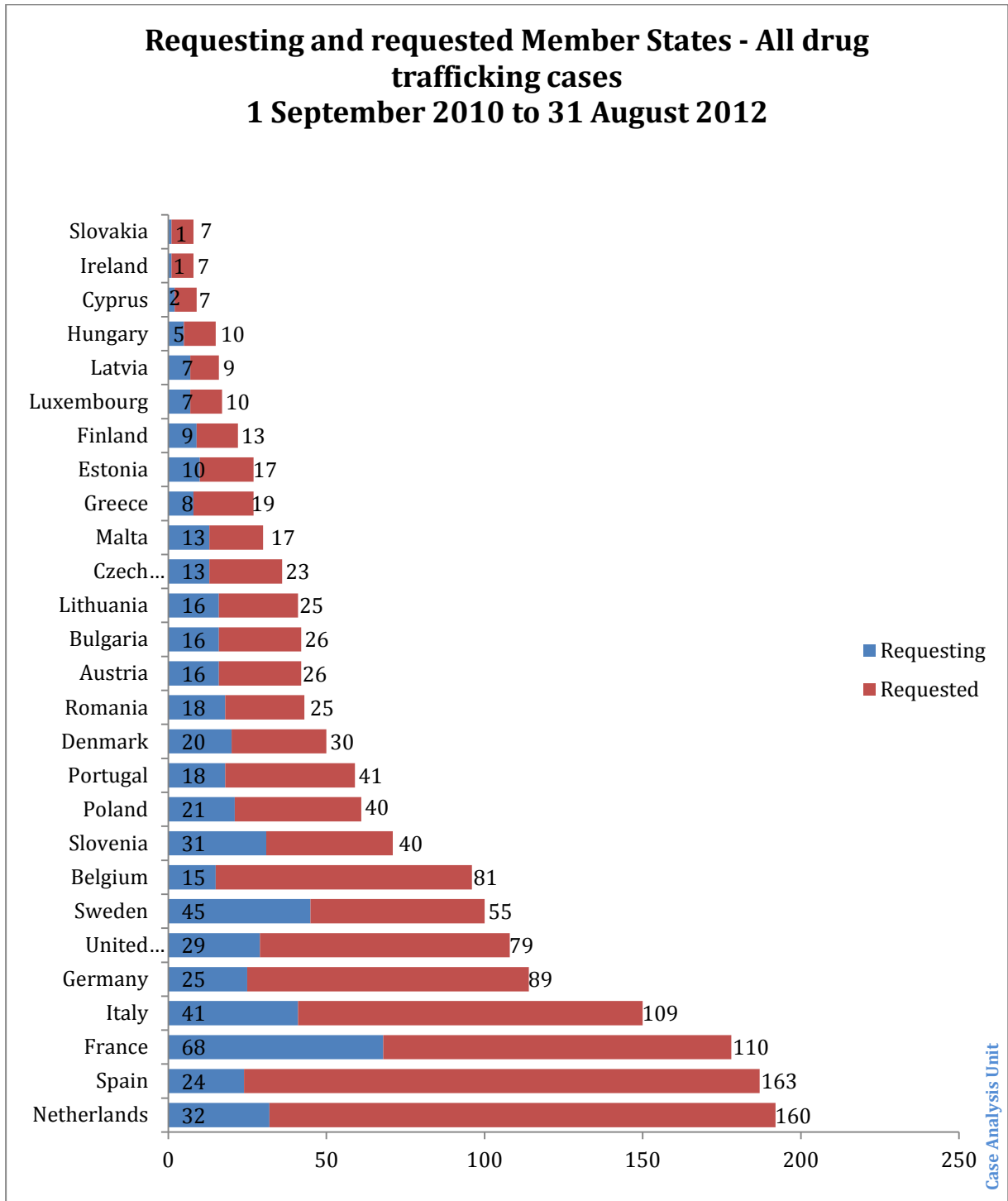
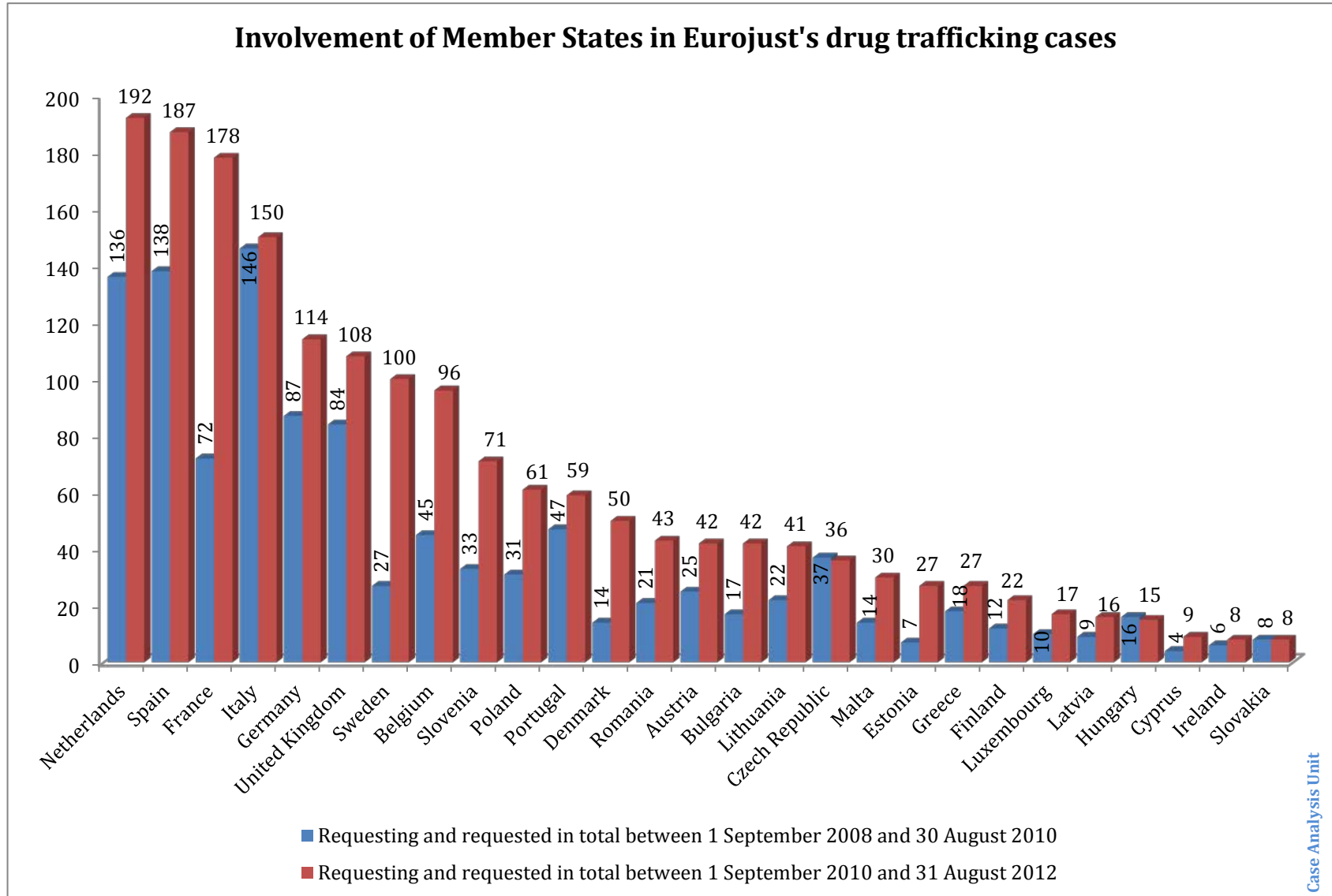
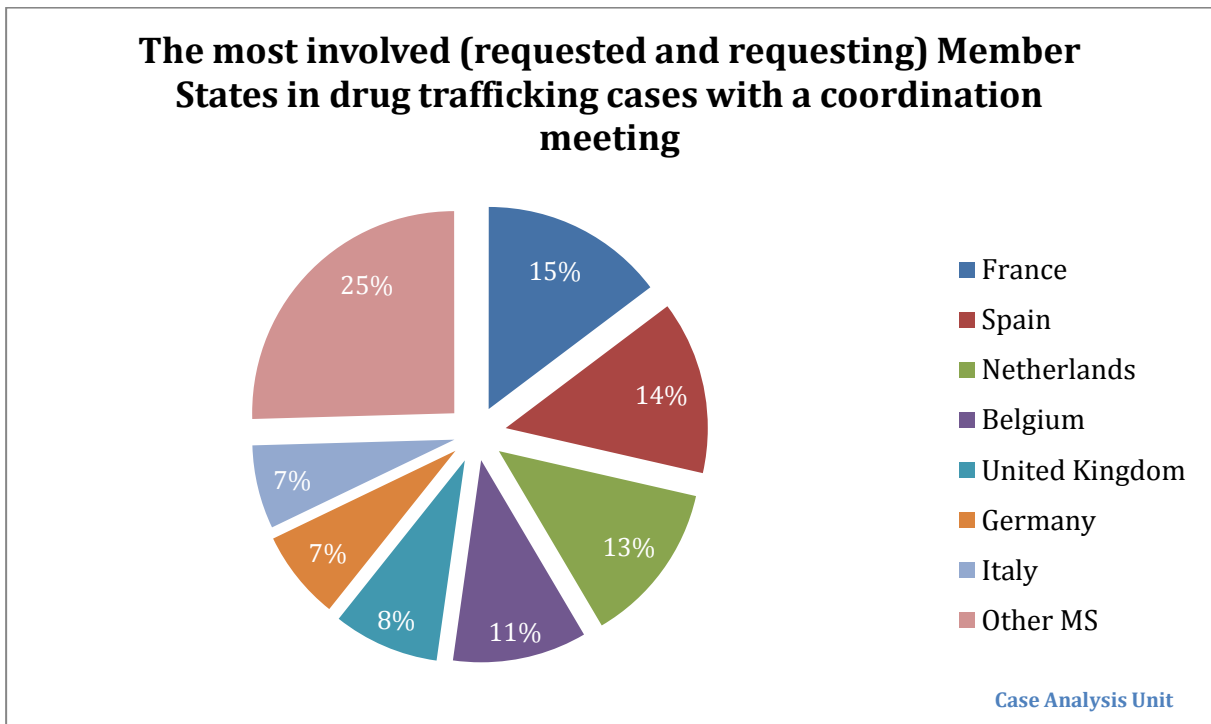


Chart 5.2: Involvement of Member States in Eurojust's drug trafficking cases



As shown in chart 5.3, during the Reporting Period the leading Member States were France, Spain, the Netherlands and Belgium, with 53% of cases with a coordination meeting. Italy, the Netherlands, France and Spain were involved in approximately 45% of cases with a coordination meeting in this crime type during the Compared Period.

Chart 5.3: Member States' involvement in drug trafficking cases with a coordination meeting



2.5. Third States and organisations

Eurojust registered drug trafficking cases with 21 different third States and organisations during the Reporting Period. The leading European third States involved in Eurojust's drug trafficking casework were Switzerland, Norway, Croatia⁴ and Albania. The most commonly involved non-European third States in drug trafficking casework were Turkey, Morocco, Brazil and the United States (Chart 6.1).

The involvement of Europol has increased remarkably in drug trafficking cases with coordination meetings. Where the Compared Period showed 22%, the level of involvement is now 66% of cases (Chart 6.2). The involvement of Europol in all Eurojust drug trafficking cases, however, has not increased as significantly.

⁴ Croatia became a Member State on 1 July 2013.

Chart 6.1: Third States and international/European bodies

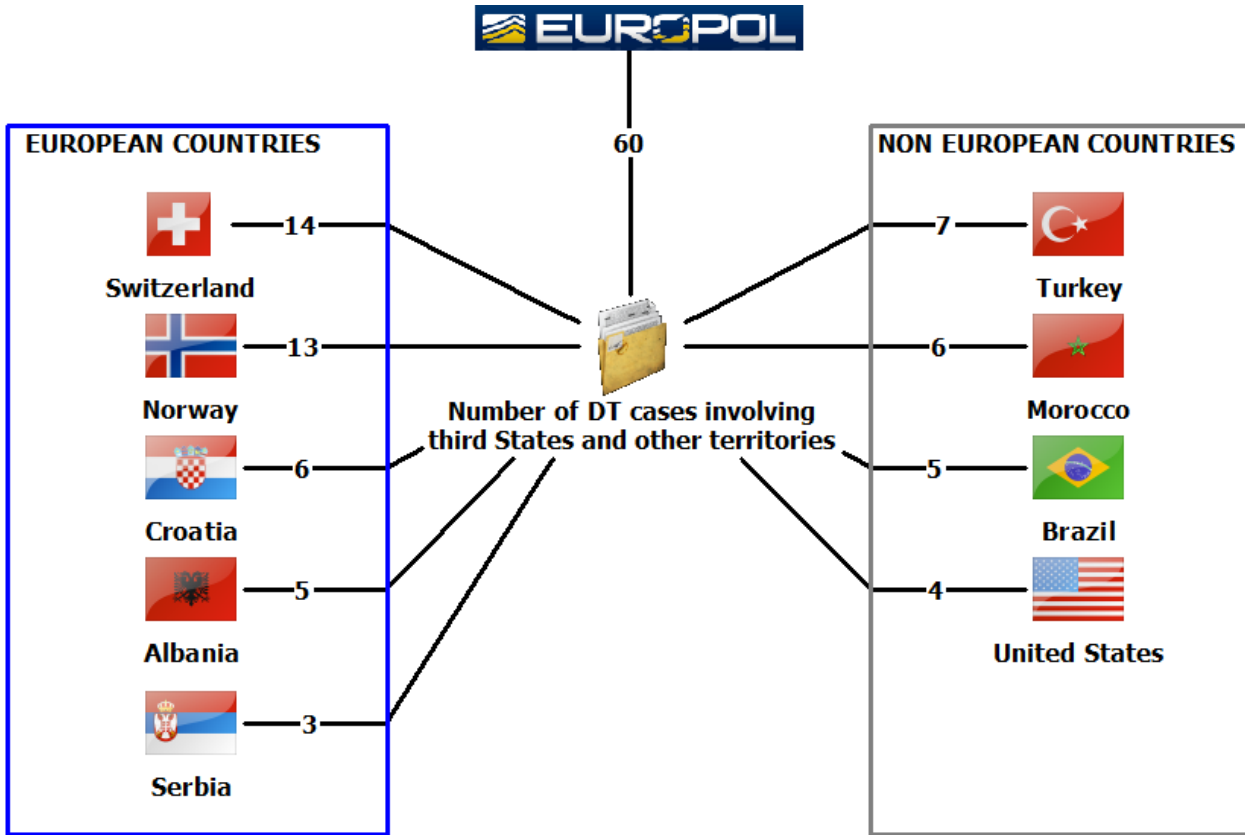
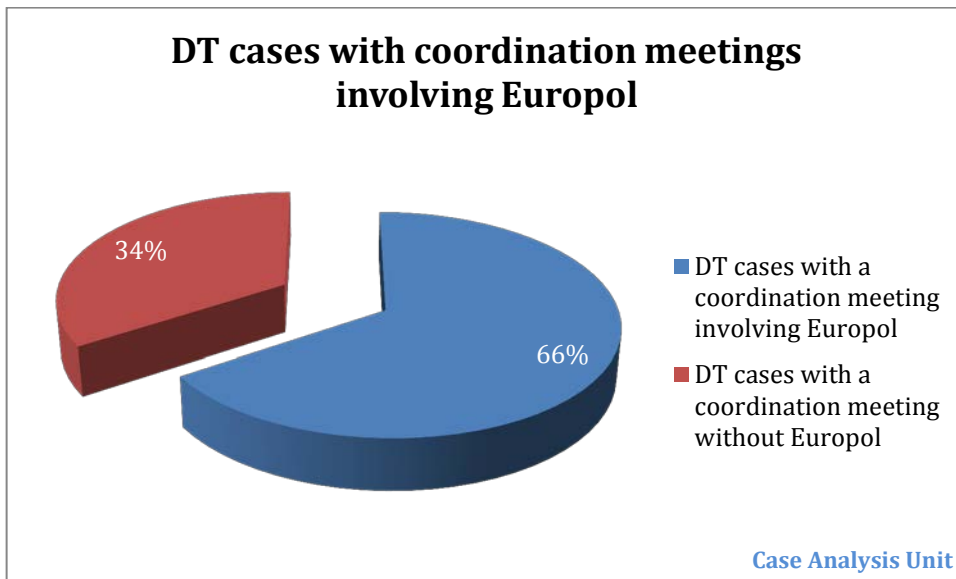


Chart 6.2: Drug trafficking cases with coordination meetings involving Europol



3. AREA 1: Coordination meetings

3.1. Recommendation from the Strategic Report

“Drafting and promoting use of best practice for consistent preparation, conduct and follow-up of coordination meetings” was recommended. The following KPIs were agreed for Area 1:

- collecting best practice
- revising guidelines on coordination meetings (including documentation handling)
- knowing outcome of the interventions of Eurojust in 75% of the coordination meeting cases

Area 8 of the Action Plan (Number of coordination cases) will be also dealt with in this section. The recommendation in this area was to increase the ratio between the number of coordination cases versus simple cooperation cases. The KPI is to increase number of coordination cases to one quarter of the total number of cases.

3.2. Implementation activity

The DT Project Team identified possible **best practice in coordination meetings (KPI 1.a)** starting with the strategic report “Enhancing the work of EUROJUST in drug trafficking cases”. Best practice has been structured by stage and developed into a document, “*List of Good Practices for a consistent preparation, conduction and follow-up of coordination meetings* (see Annex 2).

Concerning **KPI 1.b (drafting guidelines on coordination meetings)**, Eurojust undertook the following initiatives (not limited to drug trafficking cases):

- a project was launched in 2013 to develop an Operations Manual (a preliminary draft, focussing, *inter alia*, on coordination meetings, will be submitted to the College in the autumn of 2014);
- a working group was created on confidentiality issues to promote safer documentation handling, which proposed *Guidelines on Confidentiality and Disclosure within the framework of Eurojust coordination meetings*, approved by the College in April 2014;
- a new Case Evaluation Form was drafted at the beginning of 2014 and will be included in the Operations Manual.

As to the **knowledge of the outcome of Eurojust’s intervention (KPI 1.c)**, the DT Project Team adopted as a measurement the adherence to the conclusions of a coordination meeting by the participating national authorities.

During the Reporting Period, Eurojust’s conclusions have been fully followed up in 28 (40%) and partially in 16 (23%) of the 70 cases. They have not been followed up in 10 (14%) of the cases. This means that the outcome of Eurojust’s intervention was known in 77 % of the cases; thus, the KPI can be considered achieved by Eurojust.

More specifically, a coordination meeting led to the following types of action: a common action day in 17 (24%), establishment of a JIT in 23 (33%), issuance of a European Arrest Warrant (“EAW”) in 21 (30%) and initiating investigations in 25 (36%) cases. In 27 (39%) cases it led also to the use of other tools, e.g. issuance or execution of a Letter of Request, exchange of information, controlled delivery, surveillance and International Arrest Warrants.

Finally, as to **Area 8 (coordination)**, Eurojust appears to have slightly increased the ratio between coordination cases versus other cases.⁵ During the Reporting Period, 70 of the 511 (14%) registered drug trafficking cases, and during the Compared Period, 50 of the 450 (11%) registered drug trafficking cases had at least one coordination meeting. Some other cases require coordination, although a coordination meeting has not been used as a tool. According to the CMS, 100 (19%) of all registered drug trafficking cases during the Reporting Period and 81 cases (18%) during the Compared Period were referred to Eurojust for coordination purposes. The ratio between coordination cases and other cases has increased, but not yet to the recommended one-quarter of the total number of cases.

3.3. Future activities

The best practice identified by the DT Project team (Annex 2) has been used as a starting point for the creation of a basic protocol in the organisation of Level II meetings, coordination meetings and coordination centres held at Eurojust. This protocol has been detailed and included in the Operations Manual to be submitted to the College in the autumn of 2014.

The Operations Manual and the ongoing initiatives mentioned in the previous section are expected to develop the role of Eurojust in the coordination of cross-border cases.

4. AREA 2: Secure channels

4.1. Recommendation from the Strategic Report

The recommendation was to develop further secure channels for communication between Eurojust, national judicial authorities and Europol. The agreed KPI is that Eurojust has established secure and user-friendly connections with the judicial authorities of key Member States by December 2013.

4.2. Implementation activity

By the end of 2013, Eurojust had established secure network connections between five Member States and the Eurojust Case Management System. This figure has already increased to 10 Member States as of August 2014. There is a technical contact point confirmed in every Member State and 21 Member States have selected the most suitable technology to be used for the secure network connection. The connection is fully operational with Bulgaria, the Czech Republic, Finland, Hungary, Latvia, the Netherlands, Poland, Slovenia, Romania and Sweden. A pilot project has commenced with Belgium and Portugal to establish a secure connection.

In addition, Eurojust has established a secure connection with Europol and is now connected to SIENA (Europol's Secure Information Exchange Network Application), which allows an overall improvement in secure communication on operational matters. This secure communication is particularly important in view of the positive increase in interaction with Europol on cases (see next chapter).

4.3. Future activities

Eurojust will continue to establish secure network connections with Member States. It will assist Member States in selecting the most suitable technology for the network, continuing discussions with the Member States, initiating Pilot Projects to establish connections, signing Memoranda of Understanding and making the connections operational with all Member States.

⁵ For the purpose of this Report, a "coordination case" is a case that either had a coordination meeting or was registered in the CMS as a case requiring coordination tasks from the National Members (Article 6, para. 1c of the Eurojust Decision).

5. AREA 3: Europol and third States

5.1. Recommendation from the Strategic Report

Promoting the participation of Europol and/or third States in coordination meetings, where appropriate, was recommended. The KPI is to increase the number of coordination meetings attended by *Europol* (KPI 3.a) and third *States* (KPI 3.b) by 10%.

5.2. Implementation activity

Europol

Implementation of the recommendation

As to **KPI 3.a**, during the Reporting Period, Europol's attendance at drug trafficking coordination meetings tripled in contrast to the Compared Period, thus far exceeding the set KPI. Europol was represented at coordination meetings in 46 of the analysed 70 cases (66%) of the Reporting Period.

Further analysis

During the College discussions of 28 January 2014, greater in-depth analysis was proposed regarding cooperation with Europol to identify the value of its involvement. More specifically, the College requested that the Trafficking and Related Crimes Team (TRCT) pay special attention to the following questions when analysing cooperation with Europol:

- a) Did Europol contribute to the case?
- b) If Europol contributed, was it before or after the coordination meeting?
- c) What was the nature of Europol's contribution?
- d) What was the added value of Europol's involvement?
- e) Was Europol represented by a Liaison Bureau or a Focal Point?

The scope of this further analysis was limited to 2013, because several case files from previous years had already been destroyed in compliance with Eurojust's data protection rules. In 2013, Europol attended almost half of the coordination meetings held on drug trafficking (24 of 56), which is a slight decrease in percentage terms compared to the Reporting Period (September 2010-August 2012). Furthermore, in five of these 24 cases, there was little information available because the case file had been destroyed and information deleted from the system.

Taking all these limitations into consideration, the results of this further analysis and interviews with the owners of the cases are reported below and suggest the positive involvement of Europol in Eurojust's coordination meetings:

- a) Europol contributed to 20 cases by providing analytical or cross-match reports, exchanging intelligence, organising operational meetings or providing other types of intelligence support.
- b) In 17 cases, Europol provided continuous support before, during and after the meeting.
- c) In the majority of cases, the nature of Europol's contribution was specified as finding links and building a clear picture of organised crime groups and the scale of their activities. The intelligence picture built by Europol was perceived as assisting prosecutors attending coordination meetings at Eurojust to understand the differences between investigations in different countries, to obtain an overview of targets and to focus on the most important leaders of the Organised Crime Group. In addition, highlighting the high-value targets, real-time support during the joint operation and overall facilitation of information exchange enhancing cooperation were also mentioned as added value brought by Europol.

- d) Only in three cases did the owner of the case consider that there was no added value in Europol's involvement from their point of view. However, all these three cases were multilateral, and in two of the three cases, Europol contributed prior to the coordination meeting by either organising an operational meeting or providing analysis, which may have been of greater added value to the police conducting investigations than to the prosecutors dealing with the judicial aspects of the case.
- e) In 22 cases, a coordination meeting was attended by a Focal Point representative either alone or together with a representative of a National Liaison Bureau. National Liaison Bureaus attended 16 coordination meetings on drug trafficking in 2013.

Other developments

The progress described above may also be due to organisational and technical developments that occurred during the Reporting Period:

- In addition to Eurojust's existing association with Europol's Analytical Work Files (AWFs, now called Focal Points-"FPs") on Cocaine and Synthetic Drugs, association with FP Heroin and FP Cannabis was formalised in 2011.
- The revised cooperation agreement specifying the situations when casework cooperation is triggered between the two EU Agencies entered into force on 1 January 2010.
- To ensure the secure exchange of operational data, a secure information link was established in 2010.
- One year later, in 2011, an exchange programme for post holders of both agencies was initiated and the first reciprocal visits took place. The number of these visits increased substantially by 2012.

It can be concluded that all of the above activities had an impact in increasing the positive involvement of Europol in Eurojust's casework in the period 2012/2013, including in drug trafficking cases and related coordination meetings.

Third States

With regard to **KPI 3.b**, third States attended drug trafficking coordination meetings in 13 of the 70 cases (19%). During the Compared Period, third States attended 26% of the drug trafficking coordination meetings. Therefore, the goal of Eurojust to increase the level of attendance by 10% was not achieved.

Albania and Switzerland each participated in two drug trafficking coordination meetings during the Reporting Period; Colombia, the former Yugoslav Republic of Macedonia, Croatia, Norway and Turkey each participated in one. Previously, in the Compared Period, the following third States attended drug trafficking coordination meetings: Norway (six), Turkey (three), Switzerland (two), and the former Yugoslav Republic of Macedonia, Iceland, Serbia, Colombia and the USA (one each).

Liaison Prosecutors from Croatia, Norway and the USA were seconded to Eurojust throughout the entire Reporting Period. A newly concluded cooperation agreement with Switzerland entered into force on 22 July 2011. Over the entire Reporting Period the most frequent requests to Eurojust in terms of cooperation with third States were the speeding up and facilitating of mutual legal assistance, while delays in the execution of Letters of Request was identified as the most common obstacle. As the need and feasibility of involving third States in Eurojust coordination meetings should be identified on a case-by-case basis, it cannot be determined with certainty whether there was no urgent need for the participation of third States during the Reporting Period or whether other factors such as a lack of cooperation agreements or trust led to this development. In conclusion, further research into the

underlying reason is necessary before making a final assessment on the grounds of a declining trend in the participation of third States in coordination meetings related to drug trafficking casework.

Further analysis

During the College discussion of 28 January 2014, greater in-depth analysis was proposed to explore the reasons for inviting third States to coordination meetings on drug trafficking cases and to identify possible obstacles to their participation. Accordingly, the TRCT Project Team carried out a qualitative analysis, which is now included in *Issue in focus* number 3 (among the addenda of this report) to support the discussions to be held on 29 and 30 September at Eurojust's strategic meeting on drug trafficking.

5.3. Future activities

Cooperation between Eurojust and **Europol** will be further shaped by the future legal frameworks of both agencies, an assessment of which is beyond the scope of this Report. Generally, it is recommended to continue to foster mutual understanding through initiatives such as the existing exchange programme and direct contact with the responsible FP managers. The exchange of information has been enhanced by Eurojust's connection to SIENA, which has become the secure communication channel between both agencies. However, the preliminary results of a recent survey conducted at Eurojust shows that the use of SIENA has still to improve. In conclusion, it is recommended to pursue the course of cooperation with Europol that has developed in drug trafficking cases during and also following the Reporting Period.

Regarding the involvement of **third States** in Eurojust's drug trafficking-related coordination meetings, further in-depth research is required to enable an overall assessment of the reasons for decreased participation. A preliminary analysis carried out with reference to Eurojust cases registered in 2013 indicates that there were several reasons for inviting a third State to a coordination meeting: a criminal network was operating from a third State; the parties needed to clarify questions on legal assistance matters or extradition requests; a Member State wishes a third State to initiate investigations or discuss parallel investigations. In many of the analysed cases, at least one suspect was living or had assets in the territory of a third State. In most cases, a coordination meeting with a third State solved and clarified problems or potential problems with mutual legal assistance requests and facilitated the smooth exchange of information. The participation of third States was also mentioned as assisting to establish direct contacts and, in the best case, led to a successful joint operation with a third State in the context of a JIT. In this regard, it is worth mentioning that since the beginning of 2014, Eurojust has opened the possibility to also provide funding to third States participating in the JIT.

Finally, the conclusions of a recent study by the Commission⁶ identify possible methods of increasing the role of Eurojust in cooperating with Latin American and Caribbean (LAC) countries, which were considered during the discussions to be held on 29 and 30 September at Eurojust's strategic meeting on drug trafficking. They include the designation of further contact points in key third States, considering the opportunities offered by the Eurojust Decision in terms of posting of liaison magistrates, and the role to be played by Eurojust in establishing JITs with third States.

⁶ European commission (2013), *Study on judicial cooperation, mutual legal assistance and extradition of drug traffickers and other drug-related crime offenders, between the EU and its Member States and Latin American and Caribbean (LAC) countries*, available online at http://ec.europa.eu/justice/anti-drugs/files/study-lac-judicial-coop_en.pdf.

6. AREA 4: JITs and other coordination tools

6.1. Recommendation from the Strategic Report

Enhancing use of JITs, videoconferences (in combination with or instead of coordination meetings) and coordination centres via Eurojust. The following KPIs were agreed:

- increase in the use of JITs, videoconferences and coordination centres by 20%
- report on the results of JITs (and relevant jurisprudence) in cases referred to Eurojust

6.2. Implementation activity

A JIT was established in 21 of the 70 (30%) drug trafficking cases with a coordination meeting. All except one of the JITs were established as a positive result of a coordination meeting. During the Compared Period there were only two JITs established in the 50 drug trafficking coordination cases (4%). Eurojust set a goal of increasing the use of JITs, videoconferences and coordination centres by 20%. The goal was achieved and exceeded in the case of JITs. JITs funding, now provided by Eurojust from within its regular budget, certainly plays a positive role by ensuring that financial and other organisational constraints linked to the cross-border nature of cases do not hinder the establishment and operational needs of a JIT.

Comparing the use of **videoconferences** is difficult, because the initial project on coordination in drug trafficking cases did not analyse the use of videoconferences and the information is therefore not available. The concept of the coordination centre was introduced in 2011 and, therefore, evaluating the use of the tool is not yet applicable. During the Reporting Period there was a coordination centre established in three (4%) of the drug trafficking coordination cases. Videoconferences were used in nine (13%) of the cases.

The **JITs Network Secretariat** at Eurojust plays a significant role in the sharing of knowledge and best practice concerning the setting-up and running of JITs. In particular, as a follow-up to the 8th and 9th meetings of JIT experts, an evaluation form has been developed which is intended to assist the work of practitioners in evaluating the performance of the JIT, the results achieved and legal and practical difficulties encountered. The form supports an XML scheme to facilitate the importing and processing of the evaluation. A dedicated database is currently being prepared that will be a useful source of information. Finally, it is important to remind Member States of their obligations pursuant to Article 13 of the Council Decision on the strengthening of Eurojust.

6.3. Future activities

The use of JITs has proven a valuable tool and is increasingly used in drug trafficking cases. However, among drug trafficking cases with a coordination meeting during the Reporting Period, there was only one case in which a JIT was set up together with a third State. This experience was particularly positive and could be used as a model for further involvement of third States in JITs. In this respect, it is worth noting that since 2014, JITs funding can be used to cover costs incurred by third States involved in the JIT; in addition to training – to which Eurojust significantly contributes – this can play a positive role for the involvement of non-EU States in JITs.

In addition to direct contact, videoconferences should be used more often in the future as a tool during coordination meetings. Videoconferencing would facilitate cost- and time-efficient participation in a coordination meeting for those who would otherwise be unable to attend. Coordination Centres are a tool that needs to be utilized in cases where a wide-range of action is anticipated. In cases where Europol is involved, it is recommended to share the coordination centre with Europol, which can also provide useful technical equipment on site (e.g. mobile office).

7. AREA 5: Conflicts of jurisdiction

7.1. Recommendation from the Strategic Report

Preparing an analysis of possible overlaps in investigations prior to coordination meetings and developing guidelines for Article 7.2 of the Eurojust Decision was recommended. The agreed KPIs were the following:

- preliminary analysis to be provided prior to coordination meetings
- guidelines for Article 7.2 of the Eurojust Decision

7.2. Implementation activity

Preliminary analysis was provided in 19 (27%) of drug trafficking coordination cases. In 84% of these cases such analysis was requested by either France or Italy. In 55% of drug trafficking cases with coordination meetings registered by France or Italy, judicial analysis was provided prior to the meeting. Other Member States requested Eurojust to provide preliminary analysis only in three (4%) drug trafficking cases with a coordination meeting.

A coordination meeting helped to avoid or to resolve a possible conflict of jurisdiction fully or partially in 42% of cases. In 23 (32%) cases with a coordination meeting, there were no conflicts of jurisdiction or insufficient information available as to whether the coordination meeting helped to resolve or avoid a conflict. In 63% of cases, when preliminary analysis was provided, the coordination meeting was reported as helping to resolve or avoid a conflict of jurisdiction. Only in two cases, when preliminary analysis was provided, the conflict of jurisdiction could not be resolved or avoided. In five cases the information was not available.

The **Guidelines for the application of Article 7(2) and (3) of the Eurojust decision** were adopted by the College of Eurojust on 17 July 2012. The Guidelines establish an internal procedure for the opinion of Eurojust regarding the resolution of conflicts of jurisdiction and recurring refusals or difficulties concerning the execution of requests for judicial cooperation, including with regard to instruments giving effect to the principle of mutual recognition.

7.3. Future activities

There has been increase in use of preliminary analysis as recommended in the Strategic Report. In 27% of cases preliminary analysis was provided. However, there is still room and a need to extend the use of this tool. There is a need to use preliminary analysis in a standardized manner, at least in cases where sufficient data are available prior or as a follow-up to a coordination meeting. Preliminary analysis assists National Desks by providing a clearer picture of links in cases. This knowledge assists the identification of existing conflicts of jurisdiction or in foreseeing possible future conflicts.

8. AREA 6: Cross-border asset recovery

8.1. Recommendation from the Strategic Report

Encouraging the consideration of cross-border asset recovery procedures in cases referred to Eurojust was recommended. The agreed KPI is to include analysis of asset recovery possibilities in 30% of coordination meeting agendas.

8.2. Implementation activity

During the Reporting Period there has been an increase in the number of drug trafficking coordination meetings in which asset recovery matters were addressed by national authorities. Discussions on asset recovery possibilities were included in 23% (16 cases) of drug trafficking coordination meetings held during the Reporting Period. Furthermore, in two cases, although the analysis of asset recovery possibilities was not included in the agenda of the coordination meetings, financial investigations (possibly leading to asset recovery) were discussed.

In view of implementing the recommendations of the Action Plan, Eurojust has also worked to increase awareness of national authorities with regard to the role of Eurojust in coordinating asset recovery cases. In this respect, the importance of tracing, freezing and confiscating the proceeds of crime has been addressed in several meetings and seminars organised by Eurojust in 2012 and 2013 (e.g. the Strategic Meeting on *Trafficking in Human Beings* (April 2012), the Seminar on *Confiscation and Organised Crime: procedures and perspectives in international judicial cooperation* (May 2012), the Workshop on the *Application of the Mutual Legal Assistance and Extradition Agreements between the European Union and the United States of America* (October 2012) and the Strategic Seminar on *Cross-border Excise Fraud* (November 2013)).

Furthermore, a project on *Non-conviction Based Confiscation* was launched at Eurojust in May 2012 to identify differences between the legal provisions of Member States with respect to non-conviction based confiscation and, consequently, any problems preventing mutual cooperation between Member States in the fight against transnational organised crime. A report containing the results of the project was released in March 2013 and distributed to national authorities.

8.3. Future activities

Despite the increase in the number of cases where asset recovery matters were discussed during coordination meetings in drug trafficking cases, the role of Eurojust appears to remain limited.

It is therefore recommended that Eurojust:

- continues to encourage national authorities to refer drug trafficking cases where matters related to asset recovery need to be resolved. In this respect, Eurojust shall raise **awareness** of the advantages of requesting support from Eurojust in asset recovery matters, such as (i) speeding up and facilitating Mutual Legal Assistance (“MLA”) requests for tracing, freezing and confiscating assets; (ii) clarification of the conditions for freezing, confiscating, sharing and returning confiscated assets in the Member States; (iii) legal advice in drafting freezing and confiscation orders; and (iv) advising on practical solutions to overcome possible legal obstacles for the execution of freezing and confiscation orders; etc.
- conducts an analysis (not limited to drug trafficking cases) of cases which discussed asset recovery matters at coordination meetings. Such analysis is likely to reveal best practice and obstacles encountered by national authorities in asset recovery cases.

9. AREA 7: Controlled deliveries

9.1. Recommendation from the Strategic Report

Providing a practical overview of controlled delivery procedures and competent authorities was recommended. The KPI is to produce a report on practical experience with controlled deliveries by December 2013.

9.2. Implementation activity

Although frequently used in drug cases, this tool is rarely mentioned on the agenda of coordination meetings at Eurojust. Namely, controlled delivery was discussed in 17 (24%) of drug trafficking coordination meeting cases. Few National Members have the power to authorise a controlled delivery on the spot. Differences between the powers of National Members might therefore also jeopardise the use of this instrument.

It has been noted that some Member States prefer to use the Europol channel instead of Eurojust for controlled deliveries. A possible reason for this is that in several Member States, controlled deliveries are directly managed at police level and Europol has built up a wealth of experience on the subject (manual on controlled deliveries published and updated since 1997).

Meetings at working level with the EMCDDA have taken place to discuss the subject of joint reporting on controlled deliveries. A preliminary review of the existing materials on the subject led to the conclusion that there are already several publications on the subject, including an extensive EU manual (131 pages) on controlled deliveries drafted by Europol and a review of the legal aspects compiled by the EMCDDA (<http://www.emcdda.europa.eu/html.cfm/index44352EN.html>). In addition, Europol hosts a platform of experts on the subject where controlled delivery practices are discussed.

On 28 January 2014, the College of Eurojust considered the findings of the Implementation Report and advocated greater in-depth analysis to be conducted in this area, in particular by gathering and disseminating best practice and information on obstacles in judicial cooperation. Accordingly, *Issue in focus* number 1 (to be found in the Addenda to this Report) addresses the theme of controlled deliveries from the perspective of judicial cooperation based on the results of two questionnaires distributed to national judicial authorities and Eurojust National Members. A table is attached to *Issue in focus* number 1 that aims to collate - in a simple overview - the most relevant information for practitioners.

9.3. Future activities

As controlled deliveries are a useful tool in cross-border cases, the DT Project Team recommends publishing the results of *Issue in focus* number 1 (as finalised after the strategic meeting in September 2014) and establishing a link to Europol's and other reports and platform of experts on controlled deliveries from the Eurojust website. A restricted area could be made accessible to practitioners for this purpose.

A Memorandum of Understanding ("MoU") with the EMCDDA was signed in July 2014. This MoU will allow the development of the project on the joint publication. The initiation of this project was already foreseen in the Annual Work Programme of the EMCDDA for 2014 with the identification of the topic, launching of a questionnaire to collect information and organisation of a panel to discuss the results during the 2014 Eurojust strategic meeting on drug trafficking.

10. Conclusions and recommendations

The analysis conducted in the previous sections shows that Eurojust made good progress in enhancing its work in drug trafficking cases during the period 2012/2013 (see paragraph 10.1, *Achievements*). At the same time, not all of the foreseen goals have been fully achieved and there is room for improvement (see paragraph 10.2, *Work in progress*).

Accordingly, the DT Project Team has identified recommendations to fully implement the objectives set out in the Action Plan published in January 2012 and to further address the areas of concern emerging from the analysis of recent Eurojust casework as well as during the discussions that took place during the strategic meeting on drug trafficking (see below in Section 10.3).

For the easy reference of readers, Annex 1 provides a one-page table overview including the status of the implementation of the Action Plan with reference to each KPI, together with the recommendations for improvement.

10.1. Achievements

Eurojust has fully met six of the 13 KPIs established in the Action Plan for 2012-2013 (i.e. KPI numbers 1.1, 1.3, 3.1, 4.1, 5.1 and 5.2). Most notably, the use of **Joint Investigation Teams** and **the involvement of Europol in Eurojust's coordination meetings** have increased beyond expectations (see previous analysis under Areas 3 and 4).

On 17 July 2012, Eurojust adopted **guidelines on Article 7.2** of the Eurojust Decision, which established an internal procedure regarding the opinion of Eurojust regarding the resolution of conflicts of jurisdiction and recurring refusals or difficulties concerning the execution of requests for judicial cooperation, including with regard to instruments giving effect to the principle of mutual recognition.

Best practice in coordination meetings identified in the Strategic Report *Enhancing the work of EUROJUST in drug trafficking cases* has been collected, structured by stage and developed by the DT Project Team (see Annex 2, implementing KPI 1.1). Best practice appears to be increasingly used during coordination meetings, even in the absence of formal guidelines. For instance, the outcome of coordination meetings (i.e. how national authorities followed-up on the conclusions) appears to be known in the majority of cases. Furthermore, preparation of coordination meetings has been improved by more frequent provision of preliminary case analysis which facilitates discussions during the meeting.

10.2. Work in progress

Good progress was also made on five other indicators: KPI numbers 1.2, 2.1, 4.2, 6.1 and 8.1.

Concerning the KPIs for Area 1 of the Action Plan (1.2-**drafting guidelines on coordination meetings**), Eurojust undertook several initiatives that are not limited to drug trafficking cases:

- a project was launched in 2013 to develop an Operations Manual (a preliminary draft, focussing, *inter alia*, on coordination meetings, will be submitted to the College in the autumn of 2014);
- a working group was created on confidentiality issues to promote safer documentation handling, which proposed *Guidelines on Confidentiality and Disclosure within the framework of Eurojust coordination meetings*, approved by the College in April 2014,

- a new Case Evaluation Form was drafted at the beginning of 2014 and will be included in the Operations Manual.

All of these initiatives are expected to promote full implementation of KPI 1.2.

Concerning the KPIs for Area 2 of the Action Plan, the road towards full implementation of KPI 2.1, which foresees **secure connections** to all Member States, is still long, but concrete steps have been undertaken with secure connections established with 11 Member States and with Europol, which permitted - in addition - the connection of Eurojust to SIENA.

As to KPI 4.2, the JITs Network Secretariat dedicated the latest meeting of JITs experts to the **evaluation of JITs** (see outcome in Council Document 7241/13 of 7 March 2013).

The analysis of casework presented in the first chapter confirms that Eurojust has made substantial progress with regard to KPIs 6.1 (**asset recovery** discussion dealt with in almost 30% of the cases) and 8.1 (the ratio between **coordination cases** and simple cooperation cases has increased to almost one-quarter).

10.3. Recommendations and follow-up actions for 2015

The following recommendations are based on the results of the Action Plan and are in line with the discussions and outcome of the strategic meeting on drug trafficking held by Eurojust on 29 and 30 September 2014. Accordingly, the recommendations focus primarily on two areas considered critical during the implementation of the Action Plan: **controlled deliveries** (from a judicial perspective) and presence of **third States** at coordination meetings (which decreased during the Reporting Period). Other areas for further consideration (judicial aspects in the field of **precursors and NPS** and challenges for prosecutors in cases involving drugs sold over the so-called "**Darknet**") were identified in the course of 2014 on the basis of issues emerging from Eurojust casework and also in the context of the drafting of strategic plans for the EU policy cycle 2014-2017 (priorities: Synthetic Drugs, Heroin and Cocaine).

RECOMMENDATION 1 – Analysing judicial aspects of controlled deliveries

Background. The DT Project Team collated and updated key information for practitioners dealing with controlled deliveries from the perspective of judicial cooperation in a table attached to **Issue in focus number 1**. This document includes analysis of the replies from the national authorities to the Eurojust questionnaire, which were discussed during the dedicated workshop at the strategic meeting in September 2014.

Follow-up action. The strategic meeting on drug trafficking participants will be requested to validate the table attached to *Issue in focus* number 1 in view of its publication on the Eurojust website.

RECOMMENDATION 2 – Increasing the presence of third States in coordination meetings.

Background. In **Issue in focus number 3**, the DT Project Team carried out further analysis of the involvement of third States. This document, together with the results of a recent study from the Commission, formed the basis of the discussions during a dedicated workshop at the strategic meeting in September 2014.

Follow-up action. Eurojust will attempt to increase the number of contact points in key third States and will discuss the possibility of (temporarily) posting Eurojust liaison magistrates in key geographical areas for drug trafficking.

RECOMMENDATION 3 – Joint analyses on NPS and on the use of the “Darknet” to sell drugs

Background. The DT Project Team carried out an analysis of the approach of Member States to the issue of non-regulated precursors and NPS, which is included in ***Issue in focus number 2***. Extensive discussions took place during the dedicated workshop, which pointed out several issues for judicial cooperation in this field. The signing of the MoU with the EMCDDA on 15 July 2014 also provides an opportunity to further jointly analyse these topics in the context of the development of drug supply indicators. Additionally, a recent trend in Eurojust casework points to the exploitation of the “Darknet” by criminals to sell drugs, thus posing further challenges to the prosecution of drug cases. This issue was raised in the 2015 Operational Action Plans related to the EU crime priorities on Synthetic Drugs, Cocaine and Heroin.

Follow-up actions

- The strategic meeting on drug trafficking participants will be requested to validate the table attached to *Issue in focus number 2* in view of its publication on the Eurojust website. This analysis will form the basis for a joint publication with the EMCDDA in 2015.
- Eurojust will perform an analysis of drug trafficking cases referred to Eurojust involving the use of the “Darknet” (or other web-based platforms to sell drugs online) to identify judicial cooperation issues in this area.

Annex 1 - Action Plan (summarising table with state of play)

AREAS FOR IMPROVEMENT	RECOMMENDATIONS ACTION PLAN 2012/2013	KEY PERFORMANCE INDICATORS	STATE OF PLAY (Achieved: Yes/No/Ongoing) AND RELATED RECOMMENDATIONS
AREA 1. Coordination meetings	<i>Draft and promote use of best practice for consistent preparation, conduct and follow-up of coordination meetings.</i>	a) Collection of best practice.	Best practice collected and organised into stages.
		b) Revised guidelines on coordination meetings (including documentation handling).	Confidentiality and disclosure guidelines approved in 2014. Operations Manual: section on coordination meetings was drafted (also on the basis of best practice) and approved by the College in October 2014.
		c) Outcome of Eurojust's intervention known in 75% of coordination meeting cases.	Outcome known in 77% of cases with reference to conclusions of coordination meetings.
AREA 2. Secure channels	<i>Develop further secure channels for communication between Eurojust, national judicial authorities and Europol.</i>	a) Secure and user-friendly connections established with the judicial authorities of Member States.	11 secure connections established with Member States. Connection to Europol and SIENA. Secure connection projects to be continued.
AREA 3. Europol and third States	<i>Promote, where appropriate, participation of Europol and/or third States in coordination meetings.</i>	a) Number of coordination meetings attended by Europol increased by 10%.	Attendance of Europol tripled in percentage and input is considered beneficial according to further analysis conducted on coordination meetings organised in 2013. Initiatives by the Europol Team to be continued (exchange of list of coordination meetings, exchange programmes, coordination association with FPs).
		b) Number of coordination meetings attended by third States increased by 10%.	Attendance by third States decreased by 6%. Further research has been carried out to enable assessment of the reasons for the decrease in participation and how to enhance Eurojust's casework with third States (see <i>Issue in focus</i> number 3). Eurojust will attempt to increase the number of contact points in key third States and will discuss the possibility of (temporarily) posting Eurojust liaison magistrates in key geographical areas for drug trafficking.
AREA 4. JITs and other coordination tools	<i>Enhance use of JITs, videoconferences (in combination with or instead of coordination meetings) and coordination centres via Eurojust.</i>	a) The use of JITs, videoconferences and coordination centres increase by 20%.	JITs used in 30% of cases (compared to previous 4%).
		b) Report on JITs results (and relevant jurisprudence) in cases referred to Eurojust.	JITs Network Secretariat organised JITs expert meeting in 2013 on evaluation of JITs. Other ongoing initiatives to be continued (e.g. new JITs evaluation form).
AREA 5. Conflicts of jurisdiction	<i>Prepare, prior to coordination meetings, an analysis of possible overlap in investigations and develop guidelines for Article 7.2 of the Eurojust Decision.</i>	a) Preliminary analysis to be provided before coordination meetings.	Preliminary analysis was provided in 27% of drug trafficking coordination cases. Increase in trends to be continued.
		b) Guidelines for Article 7.2 of the Eurojust Decision.	Guidelines for Article 7.2 of the Eurojust Decision adopted by the College on 17 July 2012.
AREA 6. Cross-border asset recovery	<i>Encourage consideration of cross-border asset recovery procedures in cases referred to Eurojust.</i>	a) Analysis of asset recovery possibilities included in 30% of coordination meeting agendas.	Discussions on asset recovery possibilities were included in 23% of coordination meetings. Initiatives to raise awareness of Eurojust's role to be continued (e.g. seminars, reports such as the <i>Non-conviction Based Confiscation Report</i> , etc.).
AREA 7. Controlled deliveries	<i>Provide a practical overview of controlled delivery procedures and competent authorities (in cooperation with the EMCDDA and Europol).</i>	a) Joint report on practical experience with controlled delivery.	Controlled delivery was discussed in 24% of drug trafficking coordination meetings. Material/experience was deemed insufficient to produce a thorough report. A questionnaire was launched to support discussions to be held during a dedicated workshop in the context of the Eurojust strategic meeting on drug trafficking in September 2014 (see <i>Issue in focus</i> number 1). A table was used to collate information from several sources (Europol, the EMCDDA and the EJM), which was then updated to provide some key information for practitioners dealing with controlled deliveries from the perspective of judicial cooperation.
AREA 8. Number of coordination cases	<i>Increase the ratio between the number of coordination cases vs. simple cooperation cases.</i>	a) Increase number of coordination cases to one-quarter of total number of cases.	The number of coordination cases increased (19% of the total number of drug trafficking cases during the Reporting Period). Ongoing initiatives under the KPI in Area 1 are believed to be able to further increase this ratio.

Annex 2 - Best Practice (summarising table with brief descriptions)

The following table provides a summary of the “**best practices for a consistent preparation, conduction and follow-up of coordination meetings**” (DT Action Plan KPI 1.1).

The DT Project team identified best practice starting from the Strategic Report *Enhancing the work of EUROJUST in drug trafficking cases* and developed this through team discussions and the updated analysis conducted for this Report. The results of the discussions were structured into the following table by stage, brief title and brief description of best practice, including the reasons for using the best practice (WHY), the description of the actions to be taken (WHAT), the tools to be used to facilitate the adoption of the best practice (HOW), the responsible actors (WHO) and related timetable (WHEN).

Stage	Short title	Brief description
Preparation	1. Level 2 meetings	<ul style="list-style-type: none"> • <i>WHY: To prepare coordination meetings in advance with involved participants from Eurojust's National Desks</i> • <i>WHAT: Presentation of the case, internal discussion of the logistics, objectives and issues at stake (e.g. date of the coordination meeting , possible JITs/asset recovery issues, possible involvement of third States and Europol, details on execution of MLAs/EAWs, etc.)</i> • <i>HOW: Checklist of to-do actions prior to coordination meeting. Tool for monitoring preference of dates with deadlines for replies. Distribution of a Preliminary Case Note in English summarising the main elements of the case as communicated by the organising National Desk, requests and attaching relevant reference documents</i> • <i>WHO: Organising National Desks/CAU (for Preliminary Case Note)</i> • <i>WHEN: Prior to the coordination meeting dates (ideally the delay between the Level 2 and coordination meetings should be such as to allow the participants to read the preparatory documents and undertake the requested preparatory actions)</i>
	2. Initial information exchange	<ul style="list-style-type: none"> • <i>WHY - To anticipate the themes of the discussion at the coordination meeting</i> • <i>WHAT - Collection of available information from national authorities involved (e.g. state of investigations, cooperation requests and related state of play, potential targets, asset recovery needs)</i> • <i>HOW - Request by the organising National Desk with deadlines for replies</i> • <i>WHO - Organising National Desk (request), involved National Desks (to provide information), Europol (for preliminary cross-check if involvement is agreed following Level 2 meeting)</i> • <i>WHEN - Initial information collected one week prior to the coordination meeting</i>
	3. Case analysis note	<ul style="list-style-type: none"> • <i>WHY - To provide a common document to be used as reference during the coordination meeting</i> • <i>WHAT - Update the preliminary case note with the results of the initial information exchange and, when relevant, with the outcome of specific open-source research on issues at stake. The document should identify the connections/reciprocal needs among the participating countries and facilitate the discussion on main topics for discussion (e.g. potential conflicts of jurisdiction, need to initiate new investigations, for a JIT and for third State involvement, etc.)</i> • <i>HOW - Analysis of available information and drafting of note to be distributed to all National Desks involved</i> • <i>WHO - Case Analysis Unit</i> • <i>WHEN - Provided shortly before the day of the coordination meeting</i>
Conduct	4. Joint strategy	<ul style="list-style-type: none"> • <i>WHY - To encourage common understanding of and coordinated action on a case with cross-border implications</i> • <i>WHAT - Discussion on activities to be undertaken for the success of the case in the countries involved (including possibility of interaction with third States, special investigative techniques and asset recovery aspects). Analysis of legal/practical viability possible solutions and tools (e.g. forming JITs, keeping/opening parallel investigations, concentrating investigations, transfer of proceedings, joint action day with or without a coordination centre). Identify stages of investigations/prosecutions and related needs. Verify possibility by participants to coordinate timing/modalities of activities</i> • <i>HOW - Drafting of an “action plan” for the case with actors, timing and contents of the activities. Attach contact list (possibly at both judicial and police level) for agreed activities and real time information exchange</i> • <i>WHO – Chair of the meeting in agreement with involved participants</i> • <i>WHEN – By the end of the coordination meeting</i>
	5. MLAs/EAWs	<ul style="list-style-type: none"> • <i>WHY - To facilitate and speed up the execution of judicial requests</i> • <i>WHAT - Identify competent authorities and channels. Discuss possible translation or other drafting problems, reasons for delay, etc.</i> • <i>HOW - Provide list of judicial requests and state of play in their execution. Discuss with participants feasibility of the requests and possible reformulation</i> • <i>WHO - Chair of the meeting in agreement with involved participants</i> • <i>WHEN – By the end of the coordination meeting</i>
	6. Conclusions	<ul style="list-style-type: none"> • <i>WHY - To ensure understanding of the positions expressed by the participants and their commitment to the agreed actions</i> • <i>WHAT - Conclusions summarised at the end of the meeting to be distributed in written to all participants shortly after the coordination meeting</i> • <i>HOW – Brief document (not including personal details) to allow easier distribution</i>

		<ul style="list-style-type: none"> • <i>WHO – Chair summarising conclusions at the end of the meeting. CAU to draft the document immediately afterwards</i> • <i>WHEN – Draft to be ready on the day of the meeting when possible; in the next two days in more complex cases</i>
Follow-up	7. Follow-up	<ul style="list-style-type: none"> • <i>WHY - To ensure that actions /other commitments agreed in conclusions are carried out</i> • <i>WHAT - Stimulate feedback from national authorities on e.g. execution of Letters of Request, arrests, convictions, and assets recovered</i> • <i>HOW - Requests for updates based on agreed conclusions</i> • <i>WHO – Organising National Desks (sending reminders on providing updates on the implementation of the agreed actions) and involved National Desks (to stimulate replies)</i> • <i>WHEN – After the coordination meeting until closure of the case (specific timing according to the conclusions)</i>
	8. Written opinions	<ul style="list-style-type: none"> • <i>WHY – To promote cooperation/coordination in case of difficulties to reach an agreement during the coordination meeting about a conflict of jurisdiction or about the refusal or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including regarding instruments giving effect to the principle of mutual recognition</i> • <i>WHAT – Referral of the problem to the College and drafting of written opinions based on Articles 7.2 and 7.3 of the Eurojust Decision</i> • <i>HOW – Note to the College on the outcome of the coordination meeting and the problems encountered which were not possible to resolve</i> • <i>WHO – Organising National Desk in cooperation with involved National Desks</i> • <i>WHEN - In the cases foreseen by the Eurojust Decision (Articles 7.2 and 7.3 of the Eurojust Decision)</i>
	9. Coordination Centres	<ul style="list-style-type: none"> • <i>WHY – Facilitate execution of coordinated action (e.g. simultaneous arrests, house searches etc.), when appropriate.</i> • <i>WHAT – Setting up of coordination centre at Eurojust to ensure real time exchange of information and solution of possible problems during the action day.</i> • <i>HOW – Following agreement during coordination meeting, establish contact list including Europol Mobile Office participation and prepare relevant documentation to support the action day, including overview of targets, links and localisation</i> • <i>WHO – Case Analysis Unit on request of organising National Desk.</i> • <i>WHEN – In case of agreement on joint action day(s)</i>
	10. Case Evaluation Forms	<ul style="list-style-type: none"> • <i>WHY – Ensure that experience gained during coordination meetings is collected and retained for future use in operational cases (lessons learned) and for strategic reporting (e.g. Annual Report)</i> • <i>WHAT - Share experience and analyse recurring issues in judicial cooperation and best practice developed to overcome them.</i> • <i>HOW – Completing a Case Evaluation Form (“CEF”).</i> • <i>WHO – Case Analysis Unit in agreement with organising and involved National Desks</i> • <i>WHEN – CEF created immediately after the coordination meeting and updated regularly in the event of developments in the case</i>

Annex 3 - Acknowledgements

The Trafficking and Related Crimes Team (TRC Team) appointed a working group (the so-called “DT Project Team”) to draft the current report and its addenda. The DT Project Team consisted of the following persons (listed in reverse alphabetical order):

- Benedikt Welfens, Deputy National Member for Germany and Chair of the TRC Team.
- Thea Warmerdam, Assistant to the National Member for the Netherlands
- Virve Toivanen-Schagen, Case Analysis Unit
- Anna Richterova, Deputy National Member for the Czech Republic
- Ioana van Nieuwkerk, Legal Service
- Federica Curtol, Case Analysis Unit

Jocelyn Dannhauer and Francesca Spinella, working respectively as interim assistant and intern at the Case Analysis Unit, provided valuable support to the DT Project Team.

The elaboration of the three *Issues in focus* included in the appendices of this report would have not been possible without the valuable contribution of national authorities and those Eurojust National Members who replied to the related questionnaires.

Our thanks go also to the Information Management Unit of Eurojust and the JITs secretariat, which provided the DT Project Team with progress reports on the Secure Connection Project and JIT developments.

Dr Paolo Campana, University Lecturer Institute of Criminology (University of Cambridge) and Associate Member Department of Sociology (University of Oxford), provided comments to earlier drafts of this work, which allowed the DT Project Team to improve the methodology followed in the project.

Last but not least, we are very grateful to the colleagues from Eurojust’s Press & PR Service who carried out the proofreading and editing of this report and addenda.



Eurojust, Johan de Wittlaan 9, 2517 JR The Hague, Netherlands
Phone: +31 70 412 5000 - E-mail: info@eurojust.europa.eu - Website: www.eurojust.europa.eu

Catalogue number: QP-02-17-925-EN-N • *ISBN:* 978-92-9490-167-5 • *Doi:* 10.2812/23481