EUROJUST

The European Union Agency
for Criminal Justice Cooperation

EUROJUST ANNUAL REPORT 2020

Criminal justice across borders

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The statistics on Eurojust cases included in this report were produced on the basis of data contained in the Eurojust Case Management System (CMS). The numbers were extracted in January 2021 and reflect the data available at that moment. Due to the ongoing nature of cases, possible discrepancies with previously reported numbers may exist, and statistics may be updated in the future.

Acronyms and abbreviations

CAAR	Consolidated Annual Activity Report
CJEU	Court of Justice of the European Union
CJM	Cybercrime Judicial Monitor
CTR	Counter-Terrorism Register
CMS	Case Management System
EAW	European Arrest Warrant
EC3	European Cybercrime Centre
EIO	European Investigation Order
EJCN	European Judicial Cybercrime Network
EJN	European Judicial Network
EJR	Eurojust Regulation
EMPACT	European Multidisciplinary Platform Against Criminal Threats
EPPO	European Public Prosecutor's Office
EUIPO	European Union Intellectual Property Office
EUROMED	Euro-Mediterranean Partnership
EUROPOL	European Union Law Enforcement Agency
FPI	Foreign Policy Instrument
FTF	Foreign terrorist fighter
INTERPOL	International Criminal Police Organization
IP	Intellectual property
JHAAN	Justice and Home Affairs agencies' network
JIT	Joint investigation team
MLA	Mutual legal assistance
MOCG	Mobile organised crime group
OAP	Operational Action Plan
OCG	Organised crime group
OLAF	European Anti-Fraud Office
PIF	Protection of the financial interests of the European Union
SIRIUS	Scientific Information Retrieval Integrated Utilisation System
TCM	Terrorism Convictions Monitor
THB	Trafficking in human beings

Foreword

When the COVID-19 crisis hit in March 2020, citizens, businesses and governments faced the most significant and unpredictable challenges in decades. From the outset, it became clear that closed borders and lockdowns do not stop criminals. While they adapted quickly to the changing circumstances, Eurojust succeeded in doing the same.

Our immediate priority was the continuation of our operational support to national judicial authorities in the fight against cross-border organised crime and terrorism. Less than a week after the outbreak of the pandemic, we offered them the possibility to meet virtually through our secure IT infrastructure while we rapidly transitioned nearly all of our staff to remote working.

By making sure the Member States' access to our unique services and legal expertise was uninterrupted, we managed to open 4 200 new cases – an impressive 8% increase compared with 2019. 164 of these cases were directly related to the COVID-19 crisis, including fraud with medical equipment, inadequate face masks or cyberattacks on hospitals. We also supported more than 230 joint investigation teams and enabled the execution of 1 300 European Arrest Warrants and 3 100 European Investigation Orders. Most importantly, this contributed to the arrest of 2 200 suspects, the freezing of EUR 1.9 billion in criminal assets and the seizure of drugs worth EUR 3 billion.

Eurojust Presidency (clockwise):
Klaus Meyer-Cabri, Vice-President; *Boštjan Škrlec*, Vice-President; *Ladislav Hamran*, President

It is not just in our operational casework that we thrived. We continued to bring experts together for thematic conferences and published several strategic reports. We welcomed new Liaison Prosecutors for Serbia and Georgia to the Eurojust family and became a full partner to the Sirius project with Europol. We also started hosting the EuroMed Justice Programme, which marks an important intensification in our cooperation with the Southern Partner Countries. And, just before the year ended, we laid the foundations for a new working relationship with the United Kingdom.

As we respond to and recover from the crisis, our focus turns to the lessons it has taught us. One of our key findings is that the pandemic has confirmed the need to further digitalise the way European prosecutors and judges work together across borders. I therefore warmly welcome the Communication on the Digitalisation of Justice in the EU, presented by the European Commission in December 2020, and the vision it entails for the future of criminal justice cooperation in the European Union. I am convinced that this will be a real game-changer in the fight against organised crime and terrorism and look forward to working closely together with the Commission on implementing the measures that were announced.

In October, I received the great honour of being re-elected by my peers for a second term as President of Eurojust. I not only vowed to steer the organisation towards further digitalisation but also to strengthen and expand our partnerships with stakeholders inside and outside the European Union. Building the trust on which these partnerships are based requires patience and diplomacy and – above all – is best done in person. So, no matter how grateful I am for the many possibilities that modern technologies have to offer, I look forward to the day when the COVID-19 restrictions are lifted and I can welcome you again to Eurojust's premises in The Hague.

~ *Ladislav Hamran*, President of Eurojust

1. A decisive judicial response to cross-border crime

In spite of the COVID-19 pandemic that affected the world so profoundly in 2020, judicial authorities across the European Union and beyond continued to intensify their cooperation and provide a decisive judicial response to serious cross-border crimes and terrorism.

In close partnership with law enforcement and other partners in the criminal justice chain, judicial authorities used Eurojust as a hub to connect and share information, drawing on the support of tailored instruments, judicial cooperation expertise and funding.

This cooperation contributed to the arrest of 2 200 suspects, the freezing of EUR 1.9 billion in criminal assets and the seizure of drugs worth EUR 3 billion.

NB: Some of these operational outcomes were achieved through cases that were opened before 2020 and were also included in the reporting on operational outcomes in Eurojust's 2019 Annual Report. The outcomes of these cases are included again in the reporting on 2020, since the cases were still ongoing.

SCALE OF THE CHALLENGE

Prosecutors from across the EU turned to Eurojust for support in cross-border criminal investigations involving:

12 722 suspects

1 534 cases involving organised crime groups

€14.5 bn in damages

94 651 victims of crime

PRACTICAL SUPPORT

EUROJUST

8 799 cases

1 519 rapid responses to judicial cooperation requests

1 360 large-scale operations

EFFECTIVE USE OF JUDICIAL COOPERATION TOOLS

1 284 *European Arrest Warrant* cases

3 159 cases with *European Investigation Orders*

262 joint investigation teams

3 367 *Mutual Legal Assistance* cases

2 209 suspects arrested and/or surrendered

905 agreements on where to prosecute a suspect

1 276 witnesses
250 witness hearings by video conference

€1.9 billion in criminal assets seized/frozen

€3 billion worth of drugs seized

32 976 kg cocaine

874 151 kg synthetic drugs

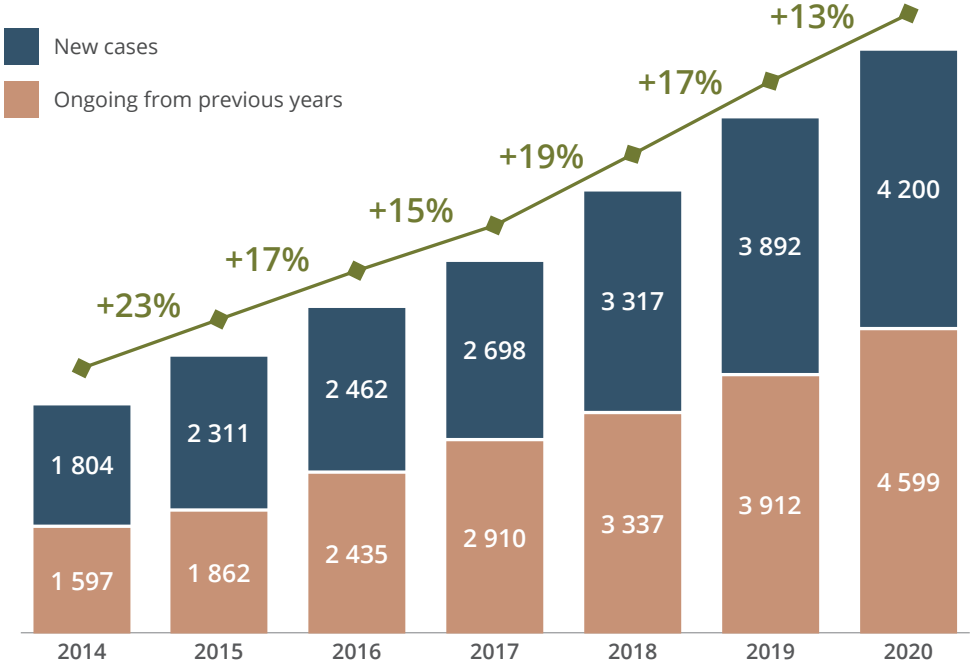
35 638 kg cannabis

9 182 kg heroin

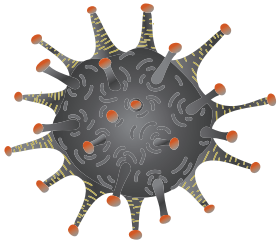
2. Practical support to 8 800 cross-border criminal investigations

During 2020, prosecutors from across the European Union and beyond turned to Eurojust for assistance in **nearly 8 800 cross-border criminal investigations**, an increase of 13% compared with 2019 in terms of total number of cases supported by the Agency.

About half – 4 200 – were new cases opened during 2020, in spite of the challenging circumstances imposed by the many measures introduced as of March to deal with the COVID-19 pandemic. The other nearly 4 600 cases were ongoing from previous years, reflecting a growing level of complexity in cross-border criminal investigations, which increasingly last more than one year. This confirms a recent trend of cases referred to Eurojust becoming more and more complex and requiring support over longer periods.



3. Full operational continuity during COVID-19 pandemic



The COVID-19 crisis has been a challenge for society and the judiciary across the European Union. In 2020, Eurojust continued to be fully operational in assisting prosecutors in all Member States, ensuring cross-border crime is tackled and decisive action is taken against criminals abusing the situation.

3.1 Operational continuity

From the time of the outbreak of the pandemic, Eurojust opened **3 240 new cases**, including **164 directly related to the COVID-19 crisis**. During the same period, Eurojust organised **286 coordination meetings** (of which 232 were held via video-conference), **14 coordination centres** and supported the establishment of **58 new joint investigation teams**.

In some of these cases, Member States asked Eurojust's support in specific COVID-19-related offences such as fraud related to the selling of face masks. In other cases, Eurojust has intervened to facilitate the execution of judicial cooperation instruments, such as European Arrest Warrants (EAWs) and European Investigation Orders (EIOs), impacted by the application of the COVID-19-related measures.

3.2 Guidance and support

To further support practitioners, in April 2020, the Council gave a mandate to Eurojust and the European Judicial Network (EJN) to prepare a compilation of all information collected on the impact on judicial cooperation in criminal matters of measures taken in the Member States, Iceland and Norway to combat the spread of COVID-19. The report analysed the main practical and legal issues arising from the current COVID-19 crisis as reported by the national authorities.

This compilation was updated at least every two weeks and published as a Council document [LIMITE].

The COVID-19 crisis had a considerable impact on the application of all judicial cooperation instruments. The execution of judicial cooperation requests that require cross-border movement or physical presence of persons – such as EAWs and the extradition and transfer of sentenced persons – had been most affected. This was mainly caused by the closure of borders and cancellation of flights.

The restriction of physical movement has led most States to rely on alternative digital solutions, such as email or videoconferencing, for the execution of requests for judicial cooperation. In this way, for example, the hearing of persons can take place via a videoconference or requests and procedural documents be transmitted electronically.

The COVID-19 crisis has shown even more clearly that digitalising the way investigators, prosecutors and judges work together is the future of judicial cooperation in criminal matters for a safe and just Europe.

Eurojust also developed *Guidelines on Operational Support during the COVID-19 pandemic* to facilitate the execution of its core business activities during the physical restrictions imposed by the COVID-19 crisis. The guidelines cover, in particular, the use of secure videoconferencing systems to allow prosecutors to still meet under the auspices of Eurojust and discuss cooperation strategies on common cases during the pandemic.

Eurojust reviewed the COVID-19-related casework to analyse common issues and solutions. The Report on the impact of COVID-19 on Eurojust casework is expected to be released at the beginning of 2021.

3.3 Events and activities

Eurojust supported the Commission in analysing business needs concerning the digitalisation of judicial cooperation in criminal matters (Digital Criminal Justice). As the pandemic has confirmed, it is crucial to establish a digital infrastructure that enables the fast and secure exchange of information and evidence between prosecutors across Europe.

In spite of the pandemic, Eurojust successfully launched the Focus Group on Migrant Smuggling to provide a platform for prosecutors to exchange good practice and discuss issues on this topic.

Eurojust ensured full operational continuity in the work of the hosted networks (European Judicial Network, JITs Network, Genocide Network and European Judicial Cybercrime Network) during the COVID-19 crisis.

As the 2020 chair of the Justice and Home Affairs agencies' network (JHAAN), Eurojust organised virtual meetings and coordinated several joint publications related to the operational continuity during the COVID-19 crisis.

Eurojust published several reports with detailed analyses and conclusions based on its casework, such as the *Memorandum on Battlefield Evidence*, the *Report on Eurojust's casework in the field of the European Investigation Order*, the *Report on national legislation and Eurojust casework analysis on sham marriages*, and the report *Challenges and best practice from Eurojust's casework in the area of cybercrime*.

Eurojust organised virtual expert workshops on topics such as right-wing extremism and terrorism, and sham marriages. The aim of these workshops is to provide insights into legal and operational challenges in investigating and prosecuting such offences, and drawing lessons and best practice from concrete case examples.

3.4 Cross-border crimes related to the COVID-19 crisis

Eurojust supported 164 cases that presented issues related to the COVID-19 crisis. Many of them concerned particular cross-border crimes exploiting the COVID-19 crisis:

- In Germany, judicial and law enforcement authorities uncovered a large-scale fraud with an offer of 10 million face masks for EUR 15 million, for which one German state had shown an interest. Alleged suppliers in Asia were supposed to deliver the masks to a German sales company, via other European distributors, to be finally handed over in the Netherlands. The perpetrators tricked the German sales company into paying an advance of EUR 2.4 million to accounts in other European countries. On the day of the planned delivery in the Netherlands, it became clear that the German sales company had become the victim of fraud. The German Desk at Eurojust provided active support to the investigations, ensuring judicial cooperation with three countries. Two suspects were arrested in the Netherlands and over EUR 2 million in assets have been frozen.

- In France, a company in Dijon became the victim of swindling by unknown perpetrators using a Hungarian enterprise, supposedly selling protection masks and hydro-alcoholic hand gel. The French company ordered protection supplies for an amount of EUR 132 500, which were never delivered, while the money had immediately been transferred to Hungary. The Public Prosecutor's Office of Dijon issued a European freezing order to recover the money and requested Eurojust to facilitate its urgent execution. Via rapid and close collaboration between the French and Hungarian National Desks, the total amount was frozen on the Hungarian bank account. Further investigations are ongoing in this case.

- In Brno in the Czech Republic, most of the computer system of a hospital was hacked by a criminal organisation, which had encrypted the communications. This forced the temporary shutdown of the entire hospital despite the ongoing COVID-19 emergency as hospital staff were unable to obtain adequate information on patients. Via Eurojust, EIOs and requests for mutual legal assistance were issued to France and Switzerland to follow up investigations.

4. Enhancing judicial cooperation policy and instruments

As the EU centre of judicial and legal expertise in criminal justice cooperation, Eurojust continued to carry out a strategic analysis of the functioning of judicial cooperation instruments to identify obstacles to judicial cooperation, recommend possible solutions and collect best practice throughout 2020. Several new reports and workshops for judicial experts fostered new insights into legal and operational challenges in investigating and prosecuting particular crime types. Other activities, projects and publications focused on key challenges in judicial cooperation and cross-border criminal investigations.

4.1 Support to 262 joint investigation teams

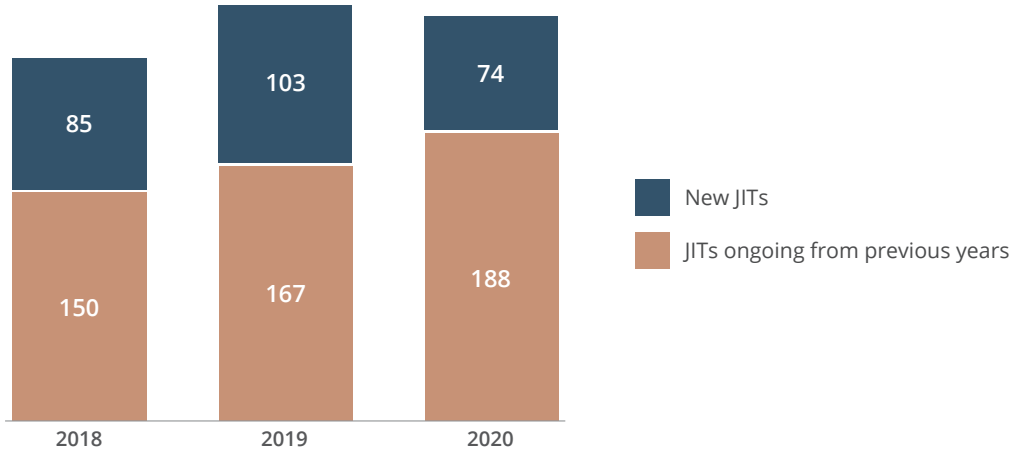
In 2020, Eurojust provided legal, financial and/or operational support to **262 JITs**. During 2020, 74 JITs were established and 188 were ongoing from previous years. Several measures were taken to make sure the assistance to JITs, including funding, could remain fully available after the onset of the COVID-19 pandemic.

The support covers the entire life cycle of a cross-border investigation, from the planning, setting up of the JIT, and legal and practical aid during the operational phase and the evaluation.

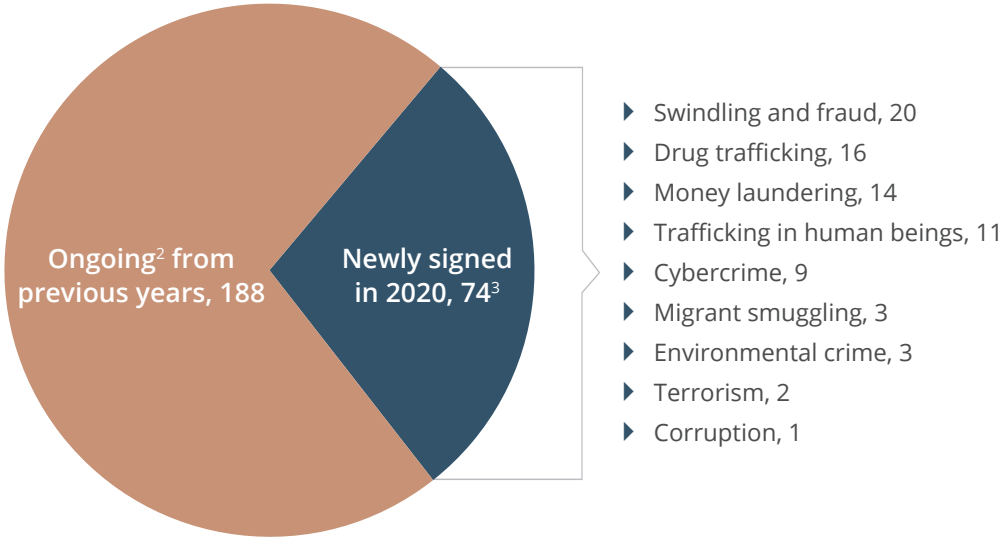
The JITs active in 2020 focused on a wide range of crime types, predominantly swindling and fraud, drug trafficking and money laundering.

In 2020, 116 of the active JITs were also funded by Eurojust to cover costs for travel and accommodation, interpretation and translation, and the transfer of items seized during JIT operations. The total budget allocated for this purpose was EUR 1.46 million. As part of its JIT funding activities, Eurojust also continued lending equipment such as mobile telephones, laptops, mobile printers and scanners.

> *"Positioned at the centre of gravity of the criminal justice system within the European Union, Eurojust has a unique perspective on how legal instruments, from Conventions and Framework Decisions adopted under the former Third Pillar to Directives and Regulations adopted post-Lisbon, work in practice.*
>
> *Supporting and enhancing cooperation between national authorities – from the gathering of evidence and all the specificities such a process implies, to the seizure and confiscation of assets or other requests and decisions based on instruments giving effect to the principle of mutual recognition – is therefore at the heart of the operational and strategic component of Eurojust's activity.*
>
> *While the reports and services are intended primarily for the judiciary and other national authorities, they also provide EU institutions and policy makers with important insights."*
>
> **Mariana Radu**, Chair of the Judicial Cooperation Instruments Team of the College of Eurojust



JITs supported in 2020[1]



[1] Eurojust support to JITs includes financial and operational support. Of the 262 JITs supported, **116 were funded by Eurojust**.
[2] As of January 2021. Due to the ongoing nature of the cases, these figures may change after the reporting period.
[3] One JIT can deal with more than one crime type.

4.1.1 JIT funding

The budget earmarked for JIT funding has steadily increased from EUR 500 000 in 2015 to nearly EUR 1.5 million in 2020. While several measures were taken to make sure the assistance to JITs, including access to funding, could remain fully available after the onset of the COVID-19 pandemic, the challenging global situation resulted in fewer funding requests than initially expected. The total budget consumption during the year was, therefore, comparable to that in 2019. To meet the expected growing demand for JIT funding by national judicial and law enforcement authorities as societies open up again, the budget earmarked for JITs in 2021 has been increased by 33% to EUR 1.94 million.

The JITs funding programme is managed by the JITs Network Secretariat, which is hosted by Eurojust. It encourages and promotes best practice in the use of JITs and supports and stimulates the activities of the JITs Network, a network of relevant national experts.

Since Eurojust and Europol can provide financial support to JITs, in 2020 both organisations prepared a joint *Funding Schemes* flyer on their respective funding possibilities, which was presented during the 16th annual meeting of the JITs' national experts. The flyer gives a comprehensive overview of the available funding opportunities offered by both agencies to national law enforcement and judicial authorities in need of financial support, providing initial knowledge and stimulating contact to find out which funding scheme is most suitable.

4.1.2 Growing involvement of third countries in JITs

One of the main conclusions of the *Third JIT Evaluation Report* is that JITs with third countries are becoming more successful while the number of JITs involving third countries has also increased over the years.

The report was published in March 2020 by the JITs Network Secretariat together with Eurojust and is based on almost 100 evaluations performed by JIT practitioners between November 2017 and November 2019. While focusing on setting up and operation of JITs in practice, a special chapter, it contains information on Eurojust's experience concerning JITs involving third countries, the main challenges and best practices identified and the possibilities of additional support by Liaison Prosecutors posted from several third countries at Eurojust.

4.1.3 Towards further digitalisation of JITs

During 2020, the COVID-19 pandemic clearly demonstrated the evolving need for the digitalisation of cross-border judicial cooperation, including JITs. The 16th Annual Meeting of National Experts on JITs, which took place online, focused on how to enable the further digitalisation of investigations. Among other issues, the

participants exchanged their views on the need to have a secure and fast exchange of information and evidence within the scope of a JIT. This is in line with the proposal by the European Commission in December 2020 to establish a joint investigation teams collaboration platform as part of the new Digital Criminal Justice initiative.

4.2 Operational guidance on the application of EU judicial cooperation instruments

4.2.1 The European Arrest Warrant: Follow-up on the case law of the Court of Justice and increased operational support in times of COVID-19

The COVID-19 pandemic and the travel restrictions imposed in many Member States had immediate consequences on the way judicial authorities could implement EAWs. The requests to Eurojust focused on questions regarding the possibility to postpone the surrender, transits and precautionary measures to be observed. Judicial authorities also sought guidance on more general issues such as mutual understanding of the legal systems of the Member States involved, facilitation of contacts between judicial authorities, coordination, legal and practical information, and translations and advice on competing EAWs.

In addition to the support to implementation of the EAW in individual cases, the EAW was an important element of the weekly analysis and compilation of the effect of the COVID-19 pandemic on judicial cooperation instruments in the Member States, Iceland and Norway.

Finally, Eurojust updated two key practical guides directly related to developments in the case law of the Court of Justice of the European Union (CJEU) ensuring that they remain fit for purpose for judicial authorities at national level and EU partners:

1. Overview of case law of the CJEU on the EAW. Since 2007, Eurojust regularly updates its overview of the case law of the CJEU on the application of the EAW. The latest update, published in May 2020, contains summaries of 13 additional judgments. Several chapters were also updated, including the scope of the EAW, the content and validity of the warrant (particularly in view of the landmark judgments on whether a public prosecutor's office can be an 'issuing judicial authority'), the scrutiny of human rights and the chapters on the grounds for refusal (particularly the ground related to residents), guarantees, time limits and requests for additional information.

2. Country-by-country overview on questions surrounding the concept of issuing and executing judicial authority in relation to the EAW covering the EU Member States, the United Kingdom and Norway. It includes information on who the competent issuing and executing authorities are in each Member State and on the available effective judicial protection (in particular, the possibility to contest a prosecutor's decision to issue/execute an EAW). First published in July 2019, this practical tool was drawn up by Eurojust and the EJN to help judicial authorities act correctly in light of the groundbreaking rulings by the CJEU in May 2019. At the time, the Court decided that German public prosecution offices could no longer issue EAWs since they were found not to have sufficient independence from the executive branch of government. A series of further judgments on this topic have followed and are (up until and including December 2020) reflected in the most recent edition, which was published in January 2021.

These tools give judicial authorities quick access to:

- concise information on which judicial authorities ultimately are empowered to take the decisions to issue or execute EAWs;
- information on whether national law affords public prosecutors a guarantee of independence from the executive branch;
- new national legislation following the CJEU rulings;
- certificates in which Member States ensure compliance with the requirements set by the Court.

4.2.2 In-depth analysis of the first years of the application of the European Investigation Order (EIO)

The European Investigation Order Directive, which establishes a single regime for obtaining evidence held and gathered in another EU Member State, applies to all EU Member States bound by it (Ireland and Denmark are not bound by it). In 2020, 1 772 new cases coordinated through Eurojust included EIOs,

both bilateral and multilateral. These included different aspects of the EIO and/or different phases in the life cycle of an EIO, including its scope, content, form and language, how they are issued and transmitted, recognised and executed, and cases concerning EIOs requesting specific investigative measures. Issues, however, still arise in practice, and Eurojust has played an important role in facilitating cooperation and ensuring coordination, especially when dealing with urgent and/or complex cases.

In November 2020, Eurojust published its *Report on Eurojust's casework in the field of the European Investigation Order*. The report is primarily based on the analysis of cases addressing issues related to the EIO registered at Eurojust between May 2017 and May 2019 and input from Eurojust National Desks. It identifies solutions and best practice but also stresses some challenges that one should be aware of and sets out several conclusions and recommendations. For example, the need to further clarify the scope of the EIO Directive as well as the scope and meaning of several crucial concepts such as the interception of telecommunications, the temporary transfer to the issuing state, the speciality rule or cross-border surveillance. Other important aspects identified concern a correct and restrictive interpretation of the grounds for non-execution and advice on how to speed up the execution of EIOs, address language issues and ensure coordination of the execution of EIOs in different Member States, possibly together with other instruments.

4.2.3 Extradition of EU citizens to third countries

In December 2020, Eurojust and the EJN published a joint report at the request of the Council on the practical experiences with the extradition of EU citizens to third countries. It analyses the case law on extradition that was confirmed after the ruling by the CJEU in the *Petruhhin case* in 2016 and concerns cases in which an EU Member State is faced with an extradition request from a third country concerning a citizen of another EU Member State. Since the application of the case law has proved difficult in practice, in June 2020, the Council invited Eurojust and the EJN to analyse the reasons.

The report confirms that application of the case law raises several practical and legal issues, often leading to duplication of effort, uncertainty and confusion, including a lack of clarity on the obligations under EU law on the one hand, and bilateral and multilateral extradition treaties on the other. In the vast majority of analysed cases, the consultation procedure activated by the requested Member State did not lead to the prosecution of the EU citizen in its Member State of nationality. The consultation procedure appeared to be most beneficial where parallel proceedings were already ongoing against the requested person in the Member State of nationality.

The casework reviewed to prepare the report also demonstrates that Eurojust and the EJN continue to play an important role in facilitating cooperation between the involved Member States and sometimes also with third countries.

4.2.4 Solving and preventing conflicts of jurisdiction

In recent years, the increase in European cross-border crime has led to a growing number of cases in which multiple Member States have jurisdiction to prosecute and take such cases to trial. Parallel proceedings, in which investigations into the same crime take place in two or more Member States, can be beneficial in combating crime more effectively, provided coordination is ensured.

However, in certain situations, the parallel progression of cases in separate jurisdictions can compromise the outcome of investigations, eventually resulting in a violation of the ne bis in idem principle, also known as double jeopardy. As part of its mission to facilitate judicial cooperation, Eurojust often assists national authorities in preventing conflicts of jurisdiction and in facilitating the transfer of proceedings.

To give judicial practitioners more guidance, in April 2020, Eurojust published an updated overview of case law by the CJEU on the principle of *ne bis in idem*. The new document provides summaries on five additional CJEU judgments, compared with the previous edition of 2017. In total, information is now available on 20 judgments.

4.2.5 Guidance on the application of new EU legislation on freezing and confiscation

Cross-border judicial cooperation is essential to freeze and confiscate the instrumentalities and proceeds of crime and is, therefore, an essential

Extradition of EU citizens to third countries

Main conclusions of a joint report by Eurojust and the EJN

Basis of the joint report

In September 2016, the **Court of Justice of the European Union** (CJEU) rendered a judgment in the *Petruhhin case*, to be subsequently confirmed in case-law, on the issue of extradition, where an EU Member State is faced with an extradition request from a third country concerning a citizen of another EU Member State.

In its judgement, the CJEU introduced an obligation to carry out a **consultation procedure** between the *requested Member State* and the *Member State of nationality* of the EU citizen, to give the latter an opportunity to prosecute its citizen.

The **application of the case law** has proved difficult in practice, and in June 2020, the Council invited Eurojust and the EJN to analyse the reasons.

Scope of the analysis

- Eurojust's analysis is based on **72 cases** involving extradition requests from third countries for EU citizens, registered in its case management system by the Desks of **10 Member States**.
- The EJN analysis is based on exchanges of experience within the context of an **EJN reference group** dedicated to the question of extradition of EU citizens, composed of EJN contact points from **15 Member States** and **4 third countries**.
- Both Eurojust and the EJN used **questionnaires** to collect further relevant information.

"The report confirms that the application of the CJEU's case-law on the extradition of EU citizens raises several practical and legal issues"

Main difficulties identified

- **Uncertainty** about which authority to approach in the *Member State of nationality*, which Member State should deal with and bear the costs of translation, and/or which judicial cooperation instrument is best applied to ensure prosecution in the *Member State of nationality*.
- **Different practices** related to the extent of information provided, deadlines given for replies and decisions, and types of assessments carried out.
- **Tensions between obligations** under EU law on the one hand, and bilateral and multilateral extradition treaties on the other.
- **Several parallel channels** used to inform and transmit information, often leading to duplication of effort, uncertainty and confusion.

Main conclusions

- The consultation procedure is viewed by many practitioners as a bureaucratic formality that is costly and time-consuming.
- The consultation mechanism can be beneficial in cases where parallel criminal proceedings for the offence mentioned in the extradition request are ongoing in the *Member State of nationality*.
- Questions remain on how CJEU case-law should be applied to extradition requests for the execution of custodial sentences where the requested person is not a long-term resident of the *requested Member State*.
- Conditions required for the consultation procedure are not always verified or systematically checked.
- Authorities face many practical and legal questions when carrying out the consultations.
- Both Eurojust and the EJN play a key role in facilitating and supporting the consultation procedure.
- Procedural differences across national legal systems and the specific circumstances of each case call for more clarity as well as flexibility.

Eurojust and the EJN play an important role in:

- Identifying the competent authority in the *Member State of nationality* to receive information on an extradition request;
- Facilitating exchanges of information, and speeding up the processing of requests;
- Clarifying practical issues regarding e.g. deadlines, documents to be provided, and translations of information exchanged;
- Clarifying legal issues related to judicial cooperation instruments;
- Clarifying applicable national requirements and procedures;
- Providing translation services in certain urgent situations (Eurojust);
- Facilitating and coordinating discussions on which country is best placed to prosecute (Eurojust);
- Potentially using the EJN's specialised website repository to host information on the competent authority to approach in each country.

part of the EU's strategy to ensure an area of freedom and justice for its citizens. To ensure the effective mutual recognition of freezing orders and confiscation orders, the European Union has agreed on new rules that oblige a Member State to recognise, without further formalities, the freezing orders and confiscation orders issued by another Member State under criminal proceedings and to execute those orders within its territory.

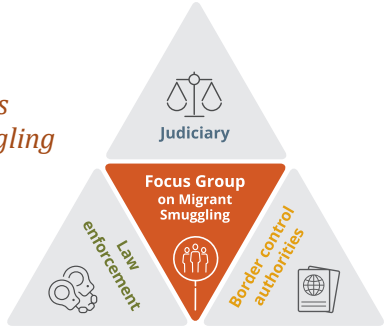
This new Regulation, which came into force on 19 December 2020, introduces a new legal framework in the European Union, governing judicial cooperation in the field of asset recovery and replacing the legal instruments applicable so far.

Since it brings significant changes and new developments that might affect the everyday casework of practitioners in the Member States, Eurojust has published a guidance note for prosecutors and investigative judges to make them aware of its coming into force and to bring key aspects of the new legal framework to their attention. The note is available in all official EU languages.

4.3 Projects, reports and expert workshops

4.3.1 Migrant smuggling

The creation of a new Focus Group of Prosecutors and Investigative Judges Fighting Migrant Smuggling



To further strengthen the fight against migrant smuggling, Eurojust launched a Focus Group of Prosecutors and Investigative Judges Fighting Migrant Smuggling in April 2020. It is composed of prosecutors and investigative judges from EU Member States specialised in migrant smuggling cases and brings together all concerned actors in the security and criminal justice chain. Europol's European Migrant Smuggling Centre (EMSC) also joined this new initiative.

The focus group serves as an important hub to regularly connect the key judicial actors at national level in the EU Member States who are responsible for tackling migrant smuggling crimes, to support their joint operational response. One of the fundamental aims is to establish a reinforced relation among practitioners in the field of smuggling migrants and to enhance the sharing of their expertise, with the support of Eurojust.

> *Smuggling migrants is not only a crime against international conventions and the interest of the States to control and protect their borders but also a crime against human dignity because smugglers exploit vulnerable individuals and their expectations for a better life. With the focus group, we wish to bring together all actors in the security and criminal justice chain across the European Union to advance the Union's response against these hideous crimes.*
>
> **Filippo Spiezia**, National Member of Eurojust for Italy and Chairman of Eurojust's Anti-Trafficking Team

Key activities include:

- sharing best practice from landmark migrant smuggling investigations;
- analysing trends and new developments in the operating tactics by organised crime groups (OCGs) active in migrant smuggling;
- studying the impact of shifts in migrant smuggling routes;
- gathering input from judicial practitioners on current specific challenges and discussing the opportunities of judicial cooperation in fighting this specific type of cross-border crime.

At the first annual meeting, which took place online in November 2020, the focus group *inter alia* discussed new smuggling trends, practitioners' experience and the Eurojust casework report on sham marriages.

Analysis of sham marriages as a driver of migrant smuggling

Since 2012, the European Union has firmly stressed the importance of effective cooperation in tackling marriages of convenience as a key means of facilitating irregular migration. In a casework report published in November 2020,

Eurojust presented a new overview of cross-border investigations tackling sham marriages since 2012. It explains how human trafficking and migrant smuggling networks lure mainly women into exploitation and even physical abuse via marriages of convenience. The victims are attracted by what seems to be 'easy money' but instead become trapped in a web of exploitation and abuse.

It also demonstrates how OCGs exploit differences in national legislation by 'shopping around' and concluding marriages in the jurisdictions that apply the lowest penalties or do not criminalise these acts. Based on the findings, Eurojust recommended a broad common approach, involving administrations such as civil registries and consulates, as instrumental to tackle this form of fraud and abuse. In addition, the further enhancement of judicial cooperation and the coordination of investigations at EU level in particular through JITs would provide extra impetus to thwart those arranging marriages of this kind.

4.3.2 Cybercrime

Addressing the challenges of encryption

While encryption is essential to ensure cybersecurity and the protection of personal data, it is also used by criminals to avoid detection. A recent example is EncroChat, an encrypted phone network widely used by criminal networks to exchange millions of messages planning serious crimes. The abuse of encryption by criminal organisations is likely to continue and requires a common knowledge of best practice and efficient international judicial cooperation.

In January 2020, Eurojust, in cooperation with Europol, published the *Second report of the observatory function on encryption*. The observatory function on encryption, supported by EC3 (Europol, Eurojust and the European Judicial Cybercrime Network (EJCN)), was proposed by the European Commission in 2017 to achieve an effective and genuine 'Security Union'.

After the first report from early 2019, the 2020 report provides an update of technological challenges and developments, as well as the existing legal landscape to address encryption in criminal investigations.

The 9th Plenary Meeting of the EJCN examined the topic 'Goodware' and lawful access to digital evidence. The focus of the discussion was the use of encryption technology by international criminal organisations and technical solutions needed by competent authorities to obtain the encrypted data concerning those criminal activities, as seen in the EncroChat case.

Improving access to electronic evidence through the SIRIUS project

More than half of all criminal investigations today include a cross-border request to access electronic evidence (e-evidence) such as texts, emails or messaging apps. As one response to the increasing need for transnational access to e-evidence, the SIRIUS project was launched in late 2017. Funded by the European Commission's Service for Foreign Policy Instruments, it aims to foster the co-development of practical and innovative tools and solutions for EU law enforcement and judicial authorities in the area of cross-border data acquisition from US-based service providers.

Eurojust has been making a significant contribution to the SIRIUS project since early 2018 by developing the judicial component of the project. For example, co-developing the second annual edition of the *SIRIUS EU Digital Evidence Situation Report* with Europol, which was published in December 2020.

In late 2020, FPI, Eurojust and Europol signed an agreement formalising Eurojust's involvement in the project and further expanding inter-Agency partnership in supporting the law enforcement and judicial authorities with

> ***"This joint report clearly shows the great impact of electronic evidence on all partners of the EU's security chain. Prosecutors and judges from across the continent have helped us identify the obstacles and opportunities in their daily work, resulting in this overview for policymakers who want to learn more about how electronic evidence is affecting the judiciary. I am convinced that the SIRIUS project will continue to play a pivotal role as a platform for practical knowledge exchange."***
>
> **Ladislav Hamran**, President of Eurojust

cross-border access to electronic evidence. This new agreement extends the duration of the project until June 2024 and reinforces the financial support.

Under this new agreement, Eurojust becomes a full partner and beneficiary of the funding in the SIRIUS project. The practical measures outlined in the new agreement aim to:

- exchange experiences aimed at strengthening and speeding up direct cooperation between law enforcement authorities and online service providers with a view to accessing e-evidence;
- allow for the exchange of best practice and training for the practitioners of EU Member States on applicable rules in the United States related to the mutual legal agreement procedures;
- expand the geographical focus of SIRIUS beyond the cooperation with the United States to develop collaboration on existing initiatives and projects with selected third countries based on the interests of EU Member States.

Cybercrime Judicial Monitor

The 5th CJM, focusing on virtual currencies, was published in December 2019. Published once a year, the CJM is based on input from the EJCN and distributed to judicial and law enforcement authorities active in fighting cybercrime and cyber-enabled crime. In addition to the updates on legislative developments and case law on cybercrime, cyber-enabled crime and e-evidence in 2019, the focus of this issue of the CJM was the 'handling of virtual currencies in criminal investigations and proceedings'. The report looks at the legal framework and policies in different countries, and the challenges and obstacles encountered when seizing and possibly converting virtual currencies at different stages of an investigation.

4.3.3 Terrorism

Supporting the increasing use of battlefield evidence in criminal prosecutions in Europe and cumulative charges of terrorism and core international crimes

In 2020, Member States opened 12 new cases at Eurojust, focusing on the prosecution of genocide, crimes against humanity and war crimes.

> ***Living without receiving justice is another kind of torture. For that reason, the gravest crimes should never go unpunished.***
>
> **Nadia Murad**, Nobel Peace Prize Laureate 2018 and a keynote speaker at the 2020 EU Day against Impunity

Evidence gathered in areas of armed conflict, or battlefield evidence, including photos depicting crimes committed against civilians and fingerprints on explosive devices, is used in core international crimes cases, as well as in cases against suspects of terrorism, including returning Foreign Terrorist Fighters (FTFs). The *2020 Memorandum on Battlefield Evidence*, produced together with the Genocide Network and published in September 2020, shows that while there are many challenges in obtaining such data and making sure it is admissible in court, such information is increasingly used to bring both suspects of terrorism and suspects of core international crimes to trial in Europe.

Returning FTFs can be prosecuted for all the acts committed, including terrorism-related offences and core international crimes. This approach was the main theme of the 2020 edition of the EU Day Against Impunity, organised online using Eurojust's YouTube channel on 23 May due to COVID-19 restrictions. Keynote statements featured the Minister of Justice of Croatia, the EU Commissioner for Justice and Consumers, Ms Nadia Murad, a Yazidi human rights activist and Nobel Peace Prize Laureate. National prosecutors from Germany, the Netherlands and France presented cases that illustrate possibilities for national authorities to prosecute returning FTFs for terrorism-related offences such as membership in a terrorist organisation and war crimes including pillage, slavery, enlisting child soldiers or inhumane and degrading treatment of dead persons.

A key message of the event was that terrorism charges could also be brought cumulatively with crimes against humanity or the crime of genocide. The President of Eurojust, Mr Ladislav Hamran, and the Head of the Genocide Network Secretariat, Mr Matevž Pezdirc, also provided introductory statements to the celebration. All video statements are available on Eurojust's

YouTube channel. Together with the statements, an expert report of the Genocide Network on the cumulative prosecution of FTFs and a factsheet on *Supporting judicial authorities in the fight against core international crimes* were published. The EU Day against Impunity is also devoted to the remembrance of victims.

4.4 Stepping up the support to victims of crime

Eurojust joins the EU Victims' Rights Platform

In 2020, Eurojust supported more than 8 800 criminal investigations, contributing to justice being delivered for nearly 95 000 victims of all forms of serious, cross-border crime. The interests of victims is one of the factors Eurojust considers when advising Member States on judicial issues, such as in the case of parallel proceedings or conflicting EAWs/extradition requests. The impact on victims is a particularly central element of Eurojust's cases addressing trafficking in human beings.

At the High-level Conference on the EU Strategy on Victims' Rights, organised by the European Commission together with the German Presidency in 2020, Eurojust announced its active participation in the new Victims' Rights Platform created following the adoption of the first EU Strategy on Victims' Rights.

> ***"The interest of victims of crime is at the heart of every criminal investigation. Safeguarding their rights and positions can be particularly challenging if the crime is of a cross-border nature. Victims of human trafficking are often reluctant to provide evidence or testify at trial because they fear retaliation from members of organised crime groups. They also need support in dealing with the physical and emotional harm they have suffered. Victims of terrorist attacks and their families often face great difficulty in safeguarding their rights to remediation, legal assistance and compensation. Victims of cybercrime may suffer major economic loss but may not be located in the same jurisdiction as where perpetrators have committed the crime. Eurojust has long-standing experience in successfully overcoming any cross-border challenges and will use that very experience in more pronounced ways in the interest and service of victims of cross-border crime."***
>
> **Klaus Meyer-Cabri**, Vice-President and National Member of Eurojust for Germany

Expert discussion on victims of malware

In June 2020, the EJCN organised an online expert meeting focused on support to victims of malware, which often are spread over many countries. Topics included the various legal and practical aspects of remediation for victims of malware and similar cases of cybercrime and solutions on how malware could be disabled in victim's computers.

5. A gateway to 55 jurisdictions worldwide

In 2020, Eurojust continued to expand its close-knit international network, which by the end of the year had formed a true gateway for prosecutors across the European Union to 55 jurisdictions worldwide.

- Eurojust and Georgia signed a cooperation agreement in March 2019 and the first Liaison Prosecutor, Mr *Giorgi Gorgadze*, took up his duties in June 2020.
- Uzbekistan, Sri Lanka, Mexico and Kosovo[1] joined the network of Eurojust Contact Points.
- Cooperation with the Western Balkan region was further extended by the arrival of the Liaison Prosecutor for Serbia, Ms *Gordana Janicijevic*, who started in March 2020.
- In December, the Albanian authorities appointed Ms *Fatjona Memçaj* to be deployed as Liaison Prosecutor at Eurojust.
- Mr *Jo Christian Jordet* was appointed as the new Liaison Prosecutor for Norway in August 2020.
- To further step up the judicial cooperation between the European Union and its South Partner Countries (SPC) on criminal matters, Eurojust became the host of the next phase of the EuroMed Justice Programme.
- Eurojust and IberRed, the Ibero-American Network of International Legal Cooperation, agreed on improving the exchange of information and its communication with judicial authorities in Latin America via broader access to the Iber@ Secure Communication System.
- In the summer of 2019, the United Kingdom opted in to the new Eurojust Regulation. As of 1 February 2020, the status of the United Kingdom at Eurojust was changed in line with the Withdrawal Agreement, under which the United Kingdom continued to be represented as an operational partner in cases opened at Eurojust during the transition period. To implement the EU-UK Agreement at Eurojust, negotiations on a working arrangement were started and led to the appointment of Ms *Samantha Shallow* as the Liaison Prosecutor for the United Kingdom at Eurojust as of 1 January 2021.

> *"Joining forces with judicial authorities in the Western Balkans is of great strategic and operational importance for us. Criminals increasingly operate on a global scale and we need to make sure that cooperation between prosecutors and judges also extends beyond the borders of the European Union. Recently, we have witnessed how quickly organised crime groups adapted to the current COVID-19 crisis, but I am proud to conclude that not even a pandemic could stop us from achieving impressive operational results together with our partners in the Western Balkans."*
>
> **Ladislav Hamran**, President of Eurojust

5.1 Western Balkans

Eurojust concluded international agreements with North-Macedonia, Montenegro, Serbia and Albania and, in March 2020, welcomed the arrival of the Liaison Prosecutor for Serbia, Ms Gordana Janicijevic. In December, the Albanian authorities appointed Ms Fatjona Memçaj, soon to be deployed as Liaison Prosecutor.

In 2020, Western Balkan countries represented at Eurojust registered 137 new cases. Tangible results during 2020 included the successful cooperation between Albania and Italy, coordinated via Eurojust, which led to the arrest of 37 suspects allegedly involved in a drug smuggling network. The excellent results have been achieved thanks to a prolonged common investigation carried out by a joint investigation team (JIT) set up by Italy and Albania and strongly supported by Eurojust.

[1] This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence.

In April, Serbia joined forces with Austria, Bulgaria and Germany to dismantle two organised crime groups (OCGs) suspected of large-scale investment fraud in cyber-trading. Just a few weeks after taking office, the new Liaison Prosecutor for Serbia at Eurojust was fully involved in this operation, enabling the arrest of six suspects and the seizure of EUR 2.5 million in criminal proceedings.

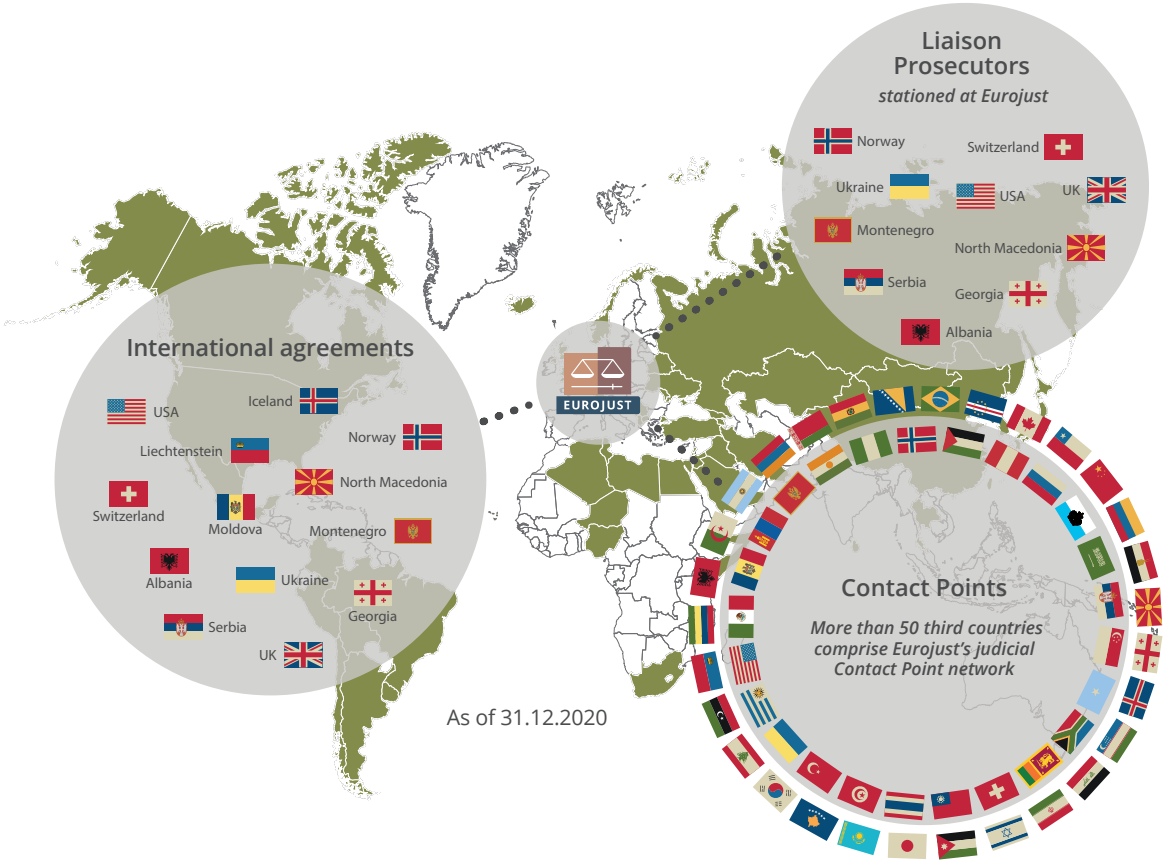
In an operation in Hungary, Austria, the Czech Republic, Slovakia and Serbia, coordinated by Eurojust and supported by Europol, the Hungarian authorities arrested two leaders of an OCG suspected of massive VAT fraud involving the sale of sugar and cooking oil imported from EU Member States.

Eurojust is a key partner in the implementation of the Instrument for Pre-Accession Assistance, which includes assistance for enhancing judicial cooperation to fight cross-border crime.

5.2 EuroMed Justice Programme

To step up the fight against cross-border crime and further enable judicial cooperation between the European Union and its South Partner Countries (SPCs), Eurojust is hosting the new phase of the EuroMed Justice Programme. By linking competent authorities in the Member States and partner countries Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine[2] and Tunisia, the programme will contribute to the fostering of judicial cross-border strategic and operational collaboration in criminal matters and improve the capacity of SPCs to engage in cooperation more efficiently.

Eurojust manages the new phase of this cross-regional European Commission-funded programme via a dedicated team and assists in working towards a long-term regional cooperation mechanism.



> *I welcome this new EuroMed Programme and the next phase of cooperation with our South Partner Countries. It is essential that we continue our good cooperation and see how we can step up the fight against cross-border crime in the interest of all States concerned. Eurojust is best placed to serve as the link between the partner countries and the EU Member States in improving cooperation and information exchange.*
>
> **Didier Reynders**, European Commissioner for Justice

[2] This designation is not to be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

The EUR 5 million programme, which started in May 2020, was set up to help protect the citizens of EU neighbouring countries against criminal activities, while respecting the rule of law and fundamental human rights. More specifically, the programme aims to strengthen strategic cooperation in criminal matters in three major areas: (1) between national judicial authorities in SPCs; (2) between the authorities of SPCs and EU Member States; and (3) in instances of EU judicial cooperation.

The EuroMed Justice Programme is an important turning point in Eurojust's history, as it is the first time the Agency has hosted and implemented a programme outside the EU's borders.

5.3 Latin America

In June 2020, Eurojust took a big step to improve the exchange of information and communication with judicial authorities in Latin America by agreeing on broader access to the Iber@ Secure Communication System. The Ibero-American Network of International Legal Cooperation (IberRed) and Eurojust then signed an *Implementing Arrangement* to their 2009 *Memorandum of Understanding*, which will open the system to all National Desks at Eurojust. This will enable safe, real-time communication with the IberRed Contact Points in Latin America, who are experienced judges, prosecutors and central authorities with competence in international legal cooperation matters in their countries.

> ***"Nowadays, information and communication technology and networking are the best formulas and strategic allies for justice in fighting organised transnational crime. Particularly in the global context of COVID-19, Iber@ facilitates the partnership of Eurojust and IberRed through the instantaneous exchange of information on a secure platform, allowing competent authorities to be more efficient in cross-border cooperation."***
>
> **Enrique Gil Botero**, IberRed Secretary General

5.4 Norway

Mr *Jo Christian Jordet* was appointed as the new Liaison Prosecutor for Norway in August 2020. During the year, Norway opened 40 new cases at Eurojust.

In August 2020, Norway took part in a large operation between the US authorities and multiple EU Member states and counterparts around the world, against an alleged criminal network of copyright-infringing hackers, mainly responsible for pirating movies and hosting illegal digital content.

Another major operational result was achieved in March 2020 when the German and Norwegian authorities took down an OCG involved in the trafficking of illegal drugs between the two countries.

5.5 Ukraine

Ukraine, represented at Eurojust since 2018 by its Liaison Prosecutor, Ms *Myroslava Krasnoborova*, opened 58 new cases during 2020.

A successful case involving France, Slovakia and Poland concerned the illegal sale of dangerous steroids in France, which included a controlled delivery in which authorities in Ukraine dismantled a criminal network selling large quantities of illegal and dangerous anabolic steroids, mainly on the French market.

During the Eurojust Open Day in October 2020, Ms Krasnoborova was the main speaker in a webinar focusing on drug trafficking.

5.6 United States of America

The US relationship with Eurojust is long-standing and includes a cooperation agreement that has been in place since 2006. In 2020, the Liaison Prosecutor for the United States of America, Ms *Rachel Yasser*, participated in 38 new cases at Eurojust.

One of the major cases initiated by the United States in 2020 was Operation Sundance, leading to the shutdown of one of the biggest online piracy groups in the world in August 2020.

> *Why do we, as a third country, think it's important to maintain a relationship with Eurojust? From a US perspective, there are three main reasons. First, Eurojust's capacity for organising coordination meetings across jurisdictions, bringing the right people together to discuss cases and case strategy (with the assistance of interpretation services). Second, operational support for joint action days is top rated. Third, Eurojust leadership in programme areas, such as in the area of Battlefield Evidence.*
>
> **Rachel Yasser**, Liaison Prosecutor for the United States of America, speaking at the interparliamentary committee meeting organised by the LIBE Committee of the European Parliament, 2 December 2020

5.7 Switzerland

In 2020, the Liaison Prosecutor for Switzerland, Ms Tanja Bucher, opened 145 new cases at Eurojust.

In November 2020, at the request of the Swiss authorities, Eurojust coordinated an action day against large-scale piracy and copyright infringements via the illegal streaming of television series and films operating in Switzerland. A total of 11 servers, all offering illegal access to films and TV series without the consent of the rights holders and depriving legitimate businesses of over EUR 1.9 million, were taken down in France, Germany, Monaco, the Netherlands and Switzerland. Three suspects were arrested by the Swiss authorities. The website promoting the illegal service was blocked and eight bank accounts in Switzerland were seized.

5.8 Looking ahead

The application of the Eurojust Regulation, which began in December 2019, transformed Eurojust's external relations policy. The Agency now works closely with the European Commission on developing four-year strategies to enhance its international reach at operational level. These strategies specify the third countries and international organisations with which there is an operational need for cooperation. At the Commission's recommendation, international agreements for cooperation with Eurojust are concluded by the Council.

Based on a proposal by Eurojust, the Commission submitted a recommendation to the Council for a decision authorising the opening of negotiations for cooperation agreements with Eurojust between the European Union and 10 third countries, namely Algeria, Armenia, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey. The Council put forward a decision that expands the list by three more countries in Latin America: Argentina, Brazil and Colombia. The European Data Protection Supervisor issued its opinion on 17 December 2020. The Council Decision has yet to be adopted.

6. Close cooperation with EU partners

As an agency of the European Union, Eurojust is financed by the EU budget and its activities are subject to the scrutiny of the European Parliament. Further, the European Commission is represented in Eurojust's governance structure.

As a centre of expertise in cross-border judicial cooperation, Eurojust represents the perspective of judicial practitioners in discussions shaping the criminal justice agenda and maintains close relationships with key actors in the EU internal security chain, including the European Commission, the European Parliament and the Council. Eurojust also works closely with EU agencies and bodies in the Justice and Home Affairs (JHA) domain, including the European Public Prosecutor's Office (EPPO), Europol and the European Anti-Fraud Office (OLAF).

6.1 European Commission: A key partner in the governance of Eurojust

The European Commission is a key partner in the governance of Eurojust. A Commission representative participates in the new Executive Board, which was established in 2020, and the College of Eurojust when it exercises its management functions.

In 2020, Eurojust and the Commission deepened cooperation on the judicial dimension of several strategic projects in the fight against cross-border crime at EU level, including:

Further extension of judicial cooperation in criminal matters beyond EU borders

In the autumn of 2020, as a follow-up to Eurojust's four-year strategy specifying the third countries and international organisations with which there is an operational need for cooperation, the Commission submitted a Recommendation to the Council to obtain a mandate for negotiations with a number of third countries.

Eurojust, for its part, began hosting the new phase of the EuroMed Justice Programme funded by the Commission to further strengthen the strategic and operational cooperation in judicial criminal matters in the Euro-Mediterranean area.

Digitalisation of criminal justice cooperation

As partners in the Digital Criminal Justice study since 2019, Eurojust and the Commission assessed the needs of judicial practitioners in terms of digital tools and infrastructure. The outcome were several proposals for digital solutions to enable the exchange of judicial cooperation requests, information and evidence electronically across borders in a secure way.

Following the Commission's communication in December 2020 on the next steps, Eurojust is prepared to continue the strong cooperation with the Commission and the other JHA agencies and EU bodies to bring its support capabilities to the judicial authorities of the Member States into the digital age.

Improving access to electronic evidence

Eurojust became a full partner to the SIRIUS project, a central reference point in the European Union for knowledge sharing on digital cross-border investigations for law enforcement and judicial authorities that has received funding from the Commission's Service for Foreign Policy Instruments.

6.2 The Justice and Home Affairs Council and cooperation with the EU Presidencies

As a unique expert body for judicial practitioners in cross-border criminal justice cooperation, Eurojust worked closely with the Member States holding the EU Presidency in 2020 to provide timely input on the judicial dimension of discussions at various levels on matters concerning the fight against cross-border crime and judicial cooperation instruments.

Notably, together with the European Judicial Network (EJN), Eurojust compiled regular information on the impact of COVID-19 measures on judicial cooperation between the EU Member States, Iceland and Norway, and analysed the main practical and legal issues arising from the situation. The

> *The German Council Presidency in 2020 was shaped by the COVID-19 crisis. The German Presidency made sure the necessary amendments to Eurojust's governance system were swiftly adopted. Our working relationship with our fellow judicial EU body, the EPPO, was created in principle. The first Interparliamentary Committee on Eurojust, held under the German Presidency, proved that Eurojust is a mature organisation that can and should look to the future with confidence as an irreplaceable part of the EU security system. This support for Eurojust by the Council, Commission and, above all, European Parliament secured a sufficient financial basis for the work of Eurojust for the next seven years.*

Klaus Meyer-Cabri, National Member for Germany and Vice-President of Eurojust, reflecting on the German Council Presidency in 2020

Council Conclusions on Eurojust adopted under the German Council Presidency confirmed an increased appreciation for the work of Eurojust and noted that the evolving security threat landscape requires an effective response from law enforcement and the judiciary to achieve an ever-stronger EU security chain.

6.2.1 The judicial dimension of the EU Policy Cycle

During 2020, Eurojust represented the judicial dimension within the EU Policy Cycle for cross-border and serious international crime and European multidisciplinary platform against major criminal threats (EMPACT). As a co-leader in several EMPACT Operational Action Plans (OAPs), in particular concerning criminal finances, asset recovery, migrant smuggling and cybercrime, Eurojust also contributed to the operational response.

In the independent evaluation of the EU Policy Cycle 2018-2021, approved in December 2020, the Council stressed the need to increase awareness of the EMPACT platform for cooperation among national prosecutors. The Council asked Eurojust to take the lead and, together with the EJN and Europol, develop a campaign in 2021 that will specifically address national judicial actors, explain the EMPACT process and emphasise the possible synergies and areas of cooperation between law enforcement and judicial actors in fighting cross-border crime.

Throughout 2020, Eurojust President Mr *Ladislav Hamran* gave the European ministers in the Justice and Home Affairs (JHA) Council updates on Eurojust's full business continuity and support to national judicial authorities during the COVID-19 pandemic. He also stressed how the current crisis confirmed the need to further digitalise the way prosecutors and judges work together across the European Union.

6.2.2 Art meets justice at Eurojust

As part of an established tradition, the country that holds the rotating EU Presidency has the opportunity to display selected artwork in the lobby and on public floors in the Eurojust building.

During the Croatian Presidency, in the first six months of 2020, Eurojust staff and external visitors coming to the building had the opportunity to admire the paintings of Croatian artist Mr *Velimir Trnski.*

During the German Presidency, which began on 1 July 2020, Eurojust was honoured to exhibit artwork by sculptor and painter Mr *Stefan Pietryga* of the group of German-Dutch artists known as 'Die Potsdamer Gruppe'.

6.3 Democratic oversight by the European Parliament

The European Parliament plays a key role in shaping EU legislation in the field of judicial cooperation in criminal matters by making fighting crime and corruption a political priority. On 1 December 2020, Eurojust's contributions towards a safer Europe were presented in a virtual meeting of the Interparliamentary Committee organised by the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament. It was the first time since the Eurojust Regulation became applicable in December 2019 that Members of the European Parliament and the Member States' national parliaments jointly evaluated the Agency's activities. Key topics included judicial cooperation since the outbreak of the COVID-19 pandemic, the need for further digitalisation of the judiciary, the future cooperation between Eurojust and the EPPO, cooperation with Liaison Prosecutors posted to Eurojust from third countries and Brexit-related challenges.

6.4 Operational and strategic cooperation with Europol

Because the judiciary and police play complementary roles in criminal investigations, Eurojust continued to cooperate closely on operational work and analytical projects throughout 2020 with Europol, the European Union Agency for Law Enforcement Cooperation.

National judicial authorities requested Europol to be a full partner in 40 large actions coordinated through Eurojust in 2020, including the JIT to dismantle EncroChat, an encrypted phone network widely used by criminal networks.

Beyond close cooperation in casework, Eurojust and Europol worked together on strategic projects to provide efficiency and synergies in the fight against complex cross-border crimes, such as encryption. The SIRIUS project, which supports law enforcement and judicial authorities with knowledge-based products on cross-border access to electronic evidence from US-based Service Providers, has expanded via the formalisation of the partnership between the two agencies. Eurojust became a full co-beneficiary to the second phase of the SIRIUS project lasting until mid-2024.

6.5 Building relations with the European Public Prosecutor's Office and the European Anti-Fraud Office

Throughout 2020, Eurojust was in continuous contact with the EPPO to lay the groundwork for a privileged working relationship and close cooperation

> *"I believe it is crucial not only for our Agency but also for the European Union as a whole that we reinforce the democratic legitimacy of the European institutions, bodies and agencies. Let today be the start of a fruitful and continuous dialogue between Eurojust and you as representatives of the European people."*
>
> **Ladislav Hamran**, President of Eurojust

> *The EPPO and Eurojust have different, complementary competences and tools but the same assignment: to combat crime. I want the EPPO to become a centre of excellence for the seizure of criminal assets and a game-changer in the fight against cross-border VAT fraud. I look forward to engaging in efficient and pragmatic cooperation with Eurojust with this objective in mind.*
>
> **Laura Kövesi**, European Public Prosecutor, during her visit to Eurojust in March 2020

in combating crimes against the financial interests of the European Union. The Agency also built further on the close cooperation with OLAF, including through cooperation in casework.

6.5.1 Establishing working relations with the European Public Prosecutor's Office

The European Union is working towards setting up the EPPO, which will be an independent, decentralised prosecution office of the European Union with a mandate to investigate, prosecute and bring to justice the perpetrators of crimes affecting the EU budget.

The EPPO will work hand in hand with national authorities and will be a privileged partner to Eurojust. Throughout 2020, the two institutions were in close contact to lay the foundations for a working arrangement, which was signed on 11 February 2021 and will govern the cooperation at strategic, operational and administrative level.

6.5.2 Close cooperation with the European Anti-Fraud Office

Eurojust has maintained cooperative relations with OLAF since 2008 to enhance the fight against crimes affecting the financial interests of the European Union. Building on an upward trend in OLAF's participation in cases coordinated through Eurojust, OLAF took part in a JIT between Belgian and Romanian authorities that successfully unveiled a money laundering scheme associated with an EU-funded railway infrastructure project in Romania.

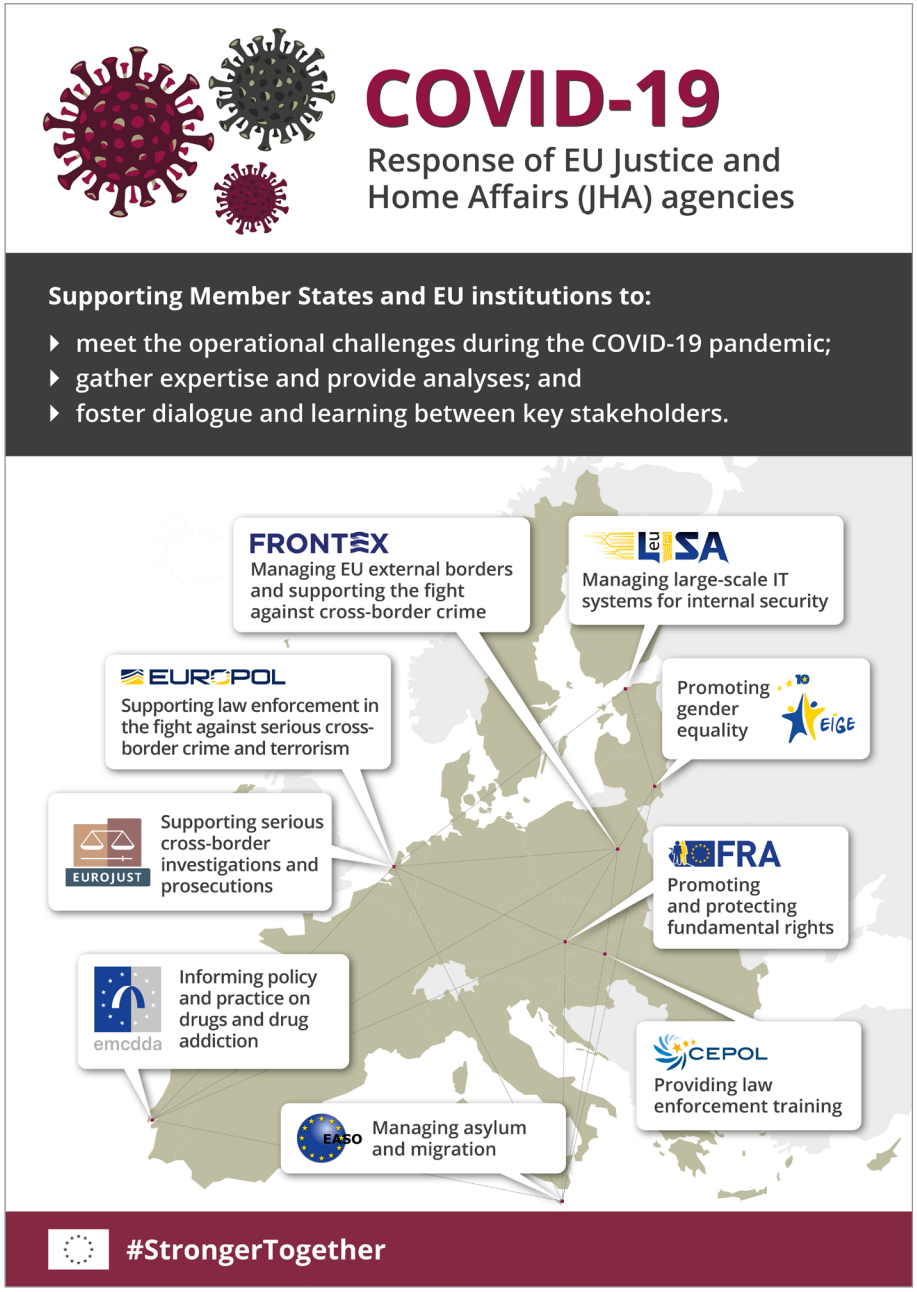
In June 2020, Eurojust organised a training, which was hosted digitally by OLAF for approximately 50 OLAF investigators. The training included a hands-on exchange of best practice of judicial cooperation between the institutions, and ways to enhance these practices were jointly explored.

6.6 Fostering dialogue on crisis response and digitalisation in the Justice and Home Affairs agencies' network

Eurojust hosted the Justice and Home Affairs agencies' network (JHAAN) in 2020, the year the network celebrated its 10th anniversary.

In July 2020, the Heads of JHA agencies discussed the impact of the pandemic on the work of the agencies on the basis of the *Joint Paper of the JHA agencies' network on the COVID-19 response*, which outlined the activities by each agency as well as joint efforts to deal with the impact of the pandemic. The heads of the agencies also discussed the fundamental rights implications of government COVID-19 measures, the quick adaptation of organised crime to the changing circumstances and the recent surge in drug use, domestic violence and child abuse. The Joint Paper was updated in January 2021 to reflect further initiatives in the second half of the year.

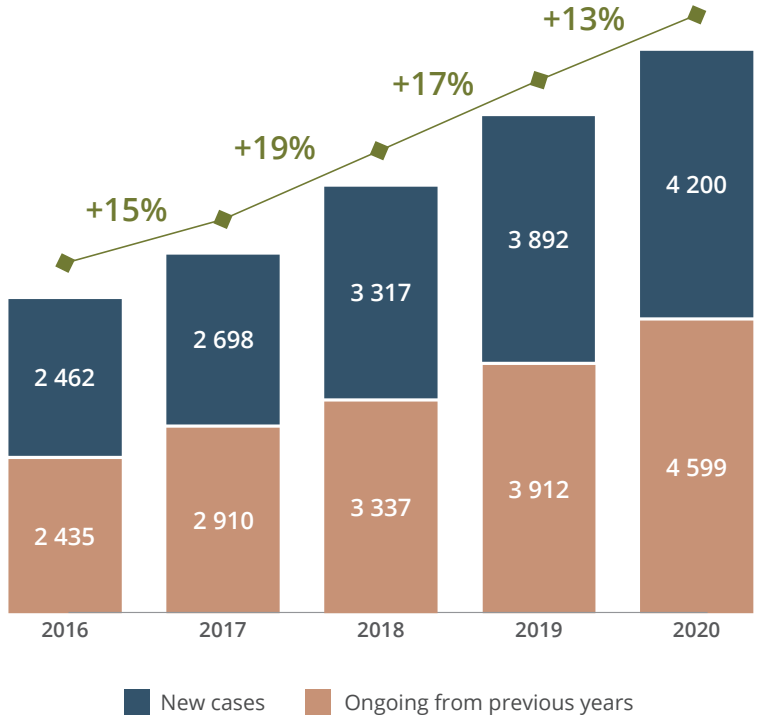
The annual meeting of Heads of JHA agencies on 20 November focused on digitalisation and the first exchange on artificial intelligence and digital capacity building, training tools and innovative learning. With the COVID-19 pandemic having served as a catalyst for teleworking and videoconferencing, the agencies agreed to explore avenues for closer cooperation to shape the digital future of law enforcement, border management and justice in full respect of fundamental rights.



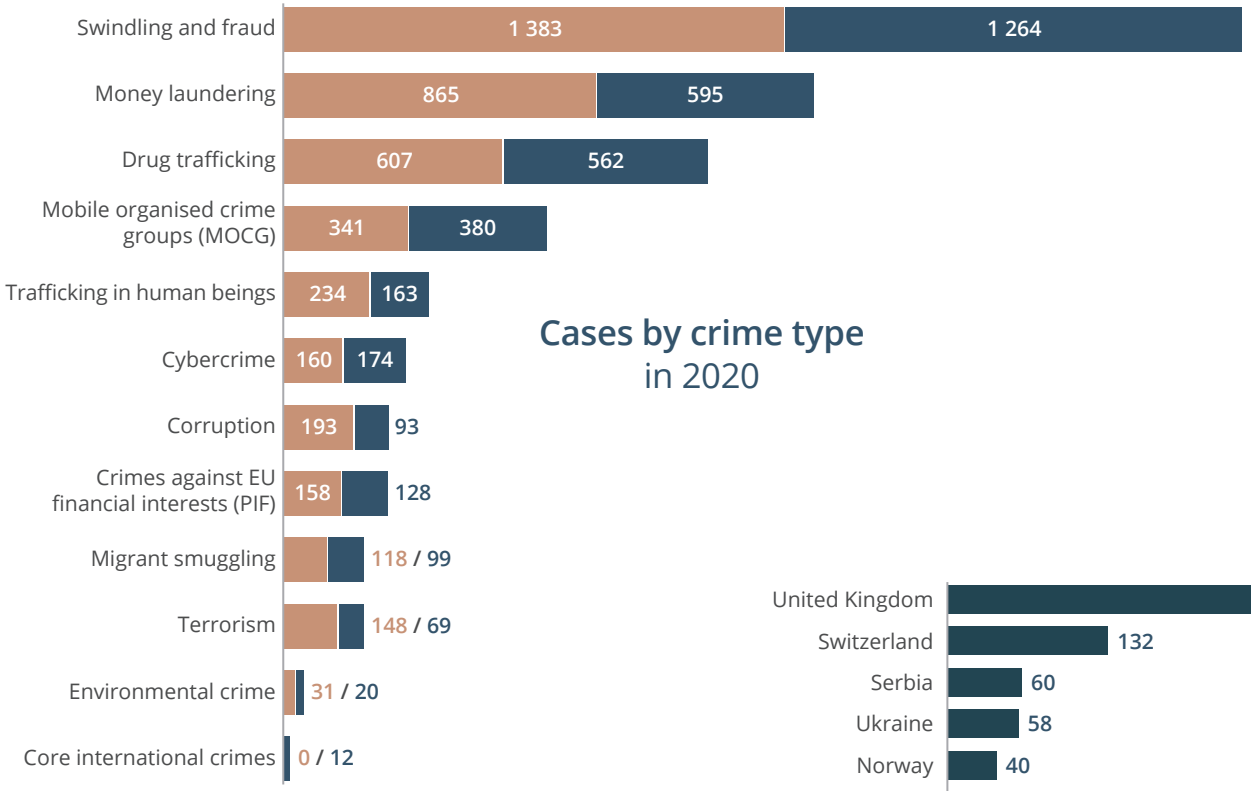
7. Casework per crime type

Eurojust's casework is demand-driven, and the five main crime types concerned in new cases registered in 2020 were swindling and fraud, money laundering, drug trafficking, investigations targeting mobile organised crime groups (MOCGs) and cybercrime.

7.1 Statistics on casework in 2020



Practical support to **8 800 criminal investigations** in 2020

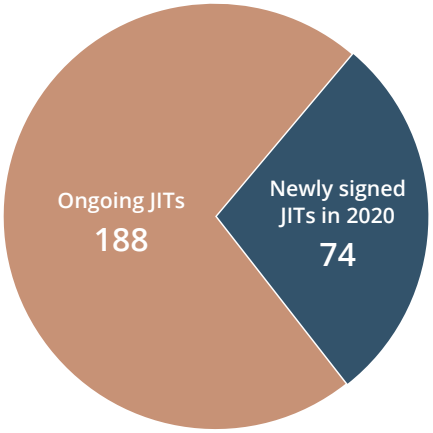


Cases by crime type in 2020

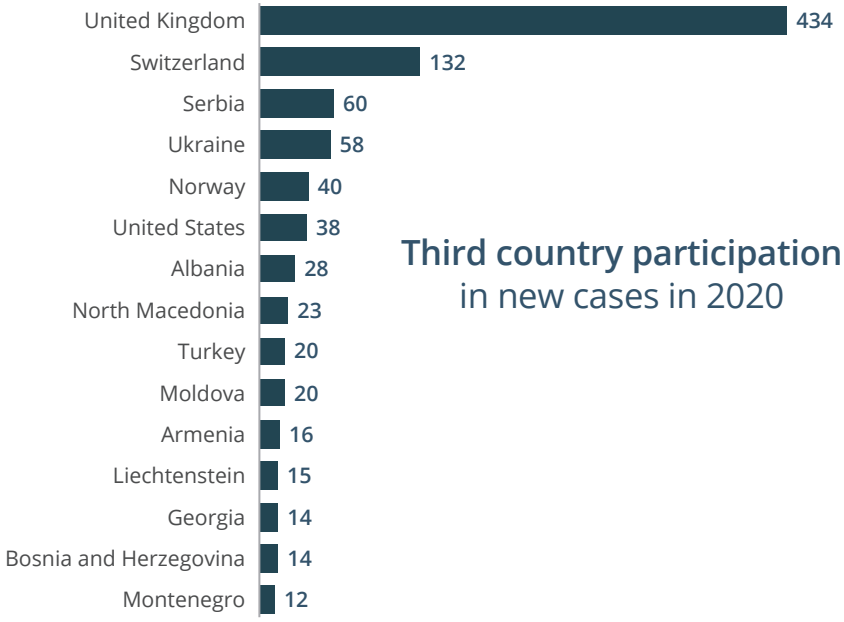
New cases

Ongoing from previous years

A single investigation can fall into several crime categories if several types of crime are concerned. For further information, see the Data Annex.



Support to over **260 joint investigation teams**



Third country participation in new cases in 2020

7.2 EncroChat: Dismantling of an encrypted network used by criminal groups

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On 2 July 2020, French and Dutch law enforcement and judicial authorities, Europol and Eurojust presented the impressive first results of a joint investigation to dismantle EncroChat, an encrypted phone network widely used by criminal networks across the European continent and beyond.

By lawfully intercepting, sharing and analysing millions of encrypted messages exchanged via the platform, unprecedented volumes of new evidence of acts of organised crime could be secured. Qualifying as admissible in national criminal courts, this evidence can be used by national judicial authorities to effectively prosecute suspects of serious crime.

The intensive judicial cooperation through Eurojust made it possible to progressively extend the information sharing towards other countries concerned by the criminal activities discovered through EncroChat. The case has grown to include 13 countries, triggering a multitude of new investigations at national level and with a cross-border dimension. A total of 9 coordination meetings were organised to bring all involved parties together in a secure environment, identify parallel or linked investigations, decide on the most suitable framework for cooperation and solve potential conflicts of jurisdiction. Nearly 170 European Investigation Orders (EIOs) have been facilitated through the French Desk at Eurojust.

What was EncroChat?

EncroChat phones were presented as guaranteeing perfect anonymity (no device or SIM card association on the user's account, acquisition under conditions guaranteeing the absence of traceability) and perfect discretion both of the encrypted interface (dual operating system, the encrypted interface being hidden so as not to be detectable) and the terminal itself (removal of the camera, microphone, GPS and USB port). It also had functions intended to ensure the impunity of users (automatic deletion of messages on the terminals of their recipients, specific PIN code intended for the immediate deletion of all data on the device, deletion of all data in the event of consecutive entries of a wrong password), functions that apparently were specially developed to make it possible to quickly erase compromising messages, for example at the time of arrest by the police. In addition, the device could be erased from a distance by the reseller/helpdesk.

EncroChat sold the cryptotelephones at a cost of about EUR 1 000 each at international scale and offered subscriptions with worldwide coverage, for EUR 1 500 for six months with 24/7 support.

How the investigation unfolded

In recent years, European countries have been increasingly affected by organised crime groups (OCGs) that are pervasive and highly adaptive, posing one of the most pressing security challenges faced by law enforcement and judicial authorities. In this regard, the abuse of encrypted communication technologies is a key facilitator of their criminal activities.

Since 2017, the French *Gendarmerie* and judicial authorities had been investigating phones that used EncroChat, after discovering that the phones were regularly found in operations against OCGs and that the company was operating from servers in France. Eventually, it was possible to put a technical device in place to go beyond the encryption technique and have access to the users' correspondence.

In early 2020, EncroChat was one of the largest providers of encrypted digital communication, with a very high share of users presumably engaged in criminal activity. User hotspots were particularly present in source and destination countries for the cocaine and cannabis trades, as well as in money laundering centres.

Given the widespread use of the encrypted telephone solution by EncroChat among international criminal networks around the world, French authorities decided to open a case at Eurojust towards the Netherlands in 2019.

Further developments in the investigations led to organising the processing of the data, which was captured on the basis of the provisions of French law and with judicial authorisation, through the frameworks for international judicial and law enforcement cooperation. Some of this information was also immediately relevant in ongoing criminal investigations, resulting in the immediate disruption of ongoing criminal activities including violent attacks, corruption, attempted murders and large-scale drug transports.

The interception of EncroChat messages came to an end on 13 June 2020, when the company realised that a public authority had penetrated the platform. EncroChat then sent a warning to all its users with the advice to immediately throw away the phones.

The role of Eurojust and Europol

In April 2020, Eurojust facilitated the creation of a JIT between France and the Netherlands and with the participation of Europol. The JIT members have since organised nine coordination meetings at Eurojust to bring all involved parties together in a secure environment, identify parallel or linked investigations, decide on the most suitable framework for cooperation and solve potential conflicts of jurisdiction.

Intensive judicial cooperation through Eurojust made it possible to extend the information sharing towards other countries concerned by the criminal activities, including through the extensive use of European Investigation Orders (EIOs).

Europol was actively involved in the investigations led by France and the Netherlands since 2018, relating to the provision and use of encrypted communication services by OCGs. As a result of this investigation and through its role as an information hub and its extensive analytical and technical support system, Europol was able to create and provide a unique and global insight on the scale and functioning of organised crime. This will help law enforcement to combat organised crime in the future more successfully. A large, dedicated team at Europol investigated in real time millions of messages and data received from the JIT partners during the investigation. The team cross-checked and analysed the data and provided and coordinated with the JIT partners the information exchange to concerned countries.

France

In France, where the operation took place under the code name 'Emma 95', the *Gendarmerie* had set up a task force in March 2020. With more than 60 officers, the *Gendarmerie* lead the investigations targeting the EncroChat encrypted telephone solution under the supervision of the magistrates of the JIRS of Lille.

© Gendarmerie Nationale (FR)

The task force had been monitoring the communications of thousands of criminals, leading to the opening of a wide range of incidental proceedings. France does not wish to communicate further on these ongoing investigations nor on the results obtained. The considerable resources deployed demonstrate the importance of these investigations and the importance attached to their success in France.

The Netherlands

In the Netherlands, where the operation went under the code name 'Lemont', hundreds of investigators, with the authorisation of the examining magistrate, followed the communications of thousands of criminals day and night since the operation began to unravel and act on the intercepted data stream. The criminal investigation was led by prosecutors from the Dutch National Public Prosecution Service and the information has been made available to about a hundred ongoing criminal investigations.

The investigation has so far led to the arrest of 60 suspects, the seizure of drugs (more than 10 000 kg cocaine, 70 kg heroin, 12 000 kg cannabis, 1 500 kg crystal meth and 160 000 litres of a substance used to produce synthetic drugs), the dismantling of 19 synthetic drugs labs, the seizure of dozens of (automatic) fire weapons, expensive watches and 25 cars, including vehicles with hidden compartments, and almost EUR 20 million in cash. The expectation is that information will be made available in more than 300 investigations. In several cases, more arrests are very likely to follow in the coming period.

Effects all over the European Union and beyond

A large number of suspects were also arrested in several countries that were not participating in the JIT but particularly affected by the illegal use of these phones by individuals active in organised crime, including in the United Kingdom, Sweden and Norway. Many of these investigations were connected with international drug trafficking and violent criminal activities.

Norway: A total of 12 investigations were started based on the data received from EncroChat, and the information was also relevant to ongoing investigations. In total, 31 people were initially arrested, and over 500 kg of drugs, guns and hand grenades, EUR 83 000 in cash, luxury goods and properties have been seized.

United Kingdom: As of 19 January 2021, there had been 1 239 arrests in the United Kingdom arising from EncroChat.

Sweden: In Sweden, about 90 investigations started as a result of the cooperation through Eurojust and Europol, many of them regarding murder and attempted murder or conspiracy to murder. So far, about 230 suspects have been detained and there have been convictions in 15 cases with punishment of up to 14 years' imprisonment. Goods seized included about 50 firearms, explosives and several hand grenades, 1 300 kg of narcotics and EUR 53 000 in cash. Several court proceedings are expected to take place during 2021.

7.3 Economic crime

In 2020, national judicial and law enforcement authorities seized or froze about EUR 1.9 billion in operations coordinated through Eurojust.

Economic crime remained a major focus of Eurojust's casework in 2020, which covered investigations into a wide range of offences, including swindling, fraud, tax evasion, money laundering and corruption, as well as environmental and intellectual property crime. Criminal investigations primarily tackling some other form of crime, such as drug trafficking, terrorist activities or trafficking in human beings (THB), often also included economic crimes such as money laundering.

In addition to the extensive casework tackling economic crime, the Economic Crime Team of the College of Eurojust monitored the changing crime typologies of economic crime to collect, collate and rationalise lessons learnt and best practice which arises from Eurojust's casework. The results serve to provide a practitioner's perspective to the national and EU legislators seeking to combat these developments and guide prosecutors at national and international level, such as the *Report on Eurojust's Casework on Environmental Crime* (published in January 2021). Other ongoing projects focus on money laundering, corruption, investment fraud and mutual recognition of freezing and confiscation orders due to come to fruition in 2021/2022 and guidance for judicial practitioners on the new EU legal framework governing judicial cooperation in the field of asset recovery, which became applicable in December 2020.

SWINDLING & FRAUD CASES IN 2020

2 647 CASES
(1 264 *new cases*, 1 383 *ongoing from previous years*)

68
JOINT INVESTIGATION TEAMS
(20 *new cases*, 48 *ongoing*)

91
CASE-SPECIFIC COORDINATION MEETINGS

8
Coordinated ACTION DAYS

7.3.1 Swindling and fraud

In 2020, nearly 1 300 cases and 68 JITs supported by Eurojust involved crimes of swindling and fraud. These crimes come in many shapes and forms, such as investment fraud, insurance fraud, benefit fraud, tax and excise fraud, or consumer fraud. The cases resulted in the organisation of 61 coordination meetings, 8 joint action days and the corresponding creation of coordination centres during the year.

> ***The range and type of economic crime offences being committed across the European Union are constantly evolving and developing. In particular, the COVID-19 pandemic has contributed to the development and growth of fraudulent activity committed through the Internet.***
>
> **Frank Cassidy**, National Member of Eurojust for Ireland and Chair of the Eurojust College economic crime team

Action against large-scale investment fraud

EUROJUST

Across Europe and beyond, thousands of victims were lured into investing money through fake online trading platforms. The money paid by unsuspecting investors was, in reality, redistributed to a complex money laundering network operating across Europe. Companies at the end of the money laundering chain were under the control of the criminals, allowing them to withdraw the funds themselves.

In Germany, hundreds of people were defrauded through this scheme, with damages exceeding EUR 16 million. Austria reported around 850 victims, with presumed damages of at least EUR 2.2 million. Eurojust supported the cross-border investigation with logistical and financial backing for a joint investigation team, coordination meetings and a coordinated action day targeting two different groups of perpetrators, thereby ensuring judicial support and effective exchanges of information and evidence.

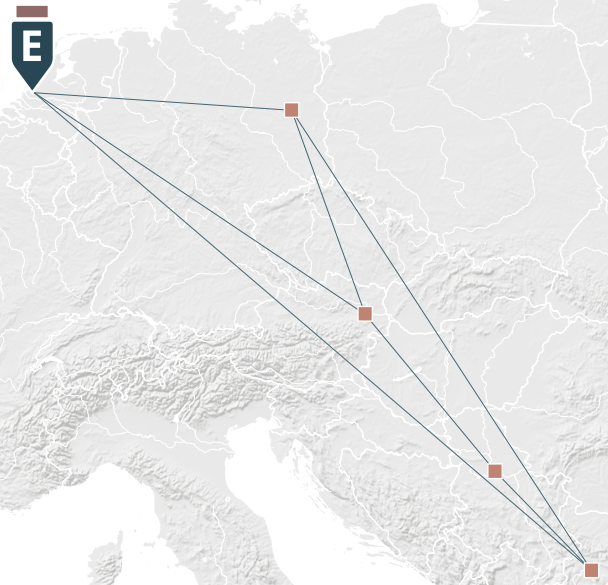
4 April 2020 – Based on information gathered during the action day, Serbian authorities engaged in another operation against a company in Belgrade, resulting in a further suspect being arrested and several servers, IT equipment, and documents being seized.

2 April 2020 – A **joint action day** coordinated in real time from Eurojust, involving police and judicial authorities from Austria, Germany, Bulgaria and Serbia, resulted in:

- **simultaneous arrests of suspects** in Bulgaria (4) and Serbia (5),
- the **freezing of EUR 2.5 million** in Germany, and
- the **seizure of assets** (apartments, cars, a considerable amount of cash and IT equipment) and more than 30 bank **accounts being put under surveillance** in Serbia

Spring 2020 – **Coordination meetings**, involving Germany, Austria, Bulgaria and Serbia were held both at Eurojust premises in The Hague and via videoconference.

24 February 2020 – National authorities from Germany and Austria formed a **joint investigation team** supported by Eurojust and Europol.



#JusticeDone for fraud with pension funds

In 2016, the Swedish authorities launched a criminal investigation into the suspected gross fraud of about SEK 2 billion in pension savings, which affected tens of thousands of individual savers and the Swedish State. Since it quickly became clear that the fraud scheme was organised at international level, the Swedish Desk at Eurojust opened a case. Since then, about 20 countries in and outside the European Union have assisted in the Swedish criminal investigations and a JIT was formed with Malta.

In 2020, a Swedish court convicted four people of involvement in the fraud scheme and sentenced them to a total of 21 years and 3 months in prison for the offences of gross infidelity against the principal, aggravated fraud, aggravated money laundering and aggravated bribery. Furthermore, approximately SEK 300 million was confiscated from those convicted. Another charge has been brought and a verdict for that part of the investigation is expected in early 2021.

> ***This is the result of excellent teamwork for a long time that has involved in principle all professional groups at the Swedish Economic Crime Authority as well as several qualified investigators from the Tax Crime Unit at the Swedish Tax Agency. All of them have worked hard to bring together the preliminary investigation, which concerns, among other things, transactions with foreign financial instruments and international payment flows. Our collaboration with authorities in other countries, Eurojust and Europol has also been of great importance for the success of the investigation.***
>
> **Jerker Asplund**, Prosecutor at the Swedish Economic Crime Authority and Head of the Preliminary Investigation

Stopping VAT fraud in Hungary

In an operation in Hungary, Austria, the Czech Republic, Slovakia and Serbia in July 2020, coordinated by Eurojust and supported by Europol, the Hungarian authorities arrested two leaders of an OCG responsible for massive VAT carousel fraud involving the sale of sugar and cooking oil imported from EU Member States.

In total, 33 locations in five countries were searched, unravelling a two-year scam to avoid paying VAT to the Hungarian authorities, who consequently missed out on approximately EUR 10 million in revenue. The operation had no impact on the end-users of the sugar and cooking oil. In the run-up to the action day, Eurojust facilitated direct contact between the national judicial and law enforcement authorities from all five countries involved, helping to map out the criminal activity and providing translations and hands-on operational support.

Eurojust also supported the Hungarian judicial authorities with the execution of EIOs and other judicial instruments for the other countries involved, resulting in numerous witness hearings, house searches and document seizures executed outside Hungary.

During the action day, 11 simultaneous searches and 12 witness hearings took place in Austria, the Czech Republic, Slovakia and Serbia, in addition to 22 house searches in Hungary. Altogether, nine suspects were interrogated, two of whom were arrested, and real estate was seized. More than 110 officers were deployed in the operations on the ground.

In November, the Hungarian authorities dismantled an OCG engaging in large-scale VAT fraud through fictitious sales of perfume, with the support of Eurojust and law enforcement authorities in Austria, the Czech Republic and the Slovak Republic. During the joint action day, seven Hungarian suspects were arrested and several premises in Hungary and one in the Slovak Republic were searched. The authorities of the participating countries intervened through the timely seizure of relevant documents, enabling real estate and other proceeds of crime assets to be secured in Hungary. Eurojust supported the investigation by facilitating multiple judicial requests.

7.3.2 Money laundering

Organised criminal activity is profit-driven. The introduction of illegally obtained assets into the legal financial and economic cycle aims to provide

MONEY LAUNDERING CASES IN 2020

1 460 CASES
(595 *new cases*, 865 *ongoing from previous years*)

64
JOINT INVESTIGATION TEAMS
(14 *new cases*, 50 *ongoing*)

101
CASE-SPECIFIC COORDINATION MEETINGS

7
Coordinated ACTION DAYS

criminals with explainable and seemingly legal resources that make it increasingly difficult to trace them back to their true source.

The effective prosecution of money launderers, including the recovery of illegally obtained assets, contributes significantly to successfully combating organised crime. As profits are taken away from perpetrators, crime becomes less attractive. At the same time, decisive action against money laundering prevents assets from being used to commit further criminal offences.

In 2020, nearly 600 cases and 64 JITs supported by Eurojust involved money laundering, leading to the organisation of 101 coordination meetings and 7 joint action days as well as the corresponding creation of coordination centres.

Key operational results included:

- the dismantling of a criminal network in Italy and Romania responsible for *large-scale financial fraud, cybercrime and money laundering*. In July 2020, judicial authorities and police in Italy and Romania arrested 12 suspects, including the two leaders of the OCG that committed financial fraud and various forms of cyber scam. The criminals were tricking victims across Europe into making wire transfers to Italian bank accounts, owned by entities used as 'money mules' to launder the illicit profits estimated to be over EUR 20 million.

- the unveiling of a *money laundering scheme associated with an EU-funded railway infrastructure project in Romania* in July 2020 by a JIT involving the Belgian and Romanian authorities. The JIT was set up with the support of Eurojust and the participation of the European Anti-Fraud Office (OLAF). Four people (two of Romanian origin and two Italians) were charged with money laundering, influence peddling and tax evasion; various assets were seized and bank accounts were frozen.

7.3.3 Corruption

Corruption undermines the functioning of the state and public authorities at all levels and is a key enabler of organised crime.

7.3.4 Environmental crime

Environmental crime is the fourth-largest criminal activity in the world, growing at a rate of between 5% and 7% per year, according to an Interpol and UN Environment Programme estimate. This increase, combined with the organised, transnational nature of environmental crime, requires administrative, law enforcement and judicial authorities to adopt a coordinated approach at national and international level.

A new casework report on environmental crime, prepared during 2020 and published in January 2021, showed that early Eurojust involvement allows for effective international cooperation, coordination from the start of investigations, the effective exchange of information and the development of common strategies.

JITs have proven particularly efficient to the prompt and direct exchange of evidence in several of Eurojust's environmental crime cases. The overview of challenges and best practice in cross-border environmental crime cases provided in the report can not only facilitate the work of practitioners but also inform decisions of EU policymakers, particularly in the frame of the ongoing revision of the Environmental Crime Directive.

CORRUPTION CASES IN 2020

286 CASES
(93 *new cases*, 193 *ongoing from previous years*)

5
JOINT INVESTIGATION TEAMS
(1 *new case*, 4 *ongoing*)

8
CASE-SPECIFIC COORDINATION MEETINGS

ENVIRONMENTAL CRIME CASES IN 2020

51 CASES
(20 *new cases*, 31 *ongoing from previous years*)

6
JOINT INVESTIGATION TEAMS
(3 *new cases*, 3 *ongoing*)

6
CASE-SPECIFIC COORDINATION MEETINGS

EU-wide action against illegal pay-tv streaming

In 2019, **Spanish authorities launched an investigation into an organised crime group (OCG)** offering illegal streaming of TV programmes, series and films from platforms such as Netflix, Amazon and HBO to close to 2 million subscribers worldwide. **A parallel criminal investigation had been ongoing in Sweden** since 2017, focusing on services targeting the Swedish market.

03 June 2020: in a coordinated action supported by Eurojust and Europol, **50 servers were taken down** simultaneously in France, Germany, the Netherlands, Belgium, Denmark, Sweden, the Czech Republic, Poland and Spain. The action also resulted in **11 arrests**, the **seizure of criminal assets worth EUR 4.8 million**, and the **freezing of EUR 1.1 million** in various bank accounts.

Eurojust organised two coordination meetings in preparation for this action day, and supported the Spanish authorities with the execution of *European Investigation Orders* and requests for *Mutual Legal Assistance*. Europol provided analytical support to the operation.

Crackdown on one of the world's largest online piracy groups

In 2016, the **United States authorities launched an investigation into the *Sparks Group***, engaged in 'cracking' the copyright protection of CDs/DVDs/BDs and hosting illegally obtained digital audio-visual content on servers located in several countries around the globe, including the Czech Republic, Denmark, France, Germany, Latvia, Romania, Poland, Portugal, Spain, Sweden, Switzerland, the Netherlands, Norway, the United Kingdom and the Republic of Korea.

May 2020: **US authorities contacted Eurojust and Europol**, through their liaisons, to discuss joint actions. Eurojust facilitated the transmission of 30+ *Mutual Legal Assistance* (MLA) requests to the relevant authorities in each country involved.

July 2020: Eurojust organised a coordination meeting with representatives from over 15 countries to discuss the MLA requests and prepare the joint action day.

25 August 2020: **Over 60 servers were taken down** in North America, Europe and Asia and **several key suspects were arrested** during the coordinated action.

2020 actions against intellectual property crime

Organised crime groups (OCGs) selling illegal online streaming services and pirated movies and TV series on the Internet, in violation of audiovisual copyright, cause major losses to the film production industry.

In four major coordinated cross-border actions in 2020, more than 5600 servers were taken down to stop this form of online piracy.

Crackdown on illegal use of pay-TV signals

In 2019, a major operation led by the Italian desk at Eurojust against an OCG involved in large scale pay-TV piracy and fraud, resulted in over 200 servers being taken down. **Investigations into the activities of this criminal network, which involved illegal online streaming through cheap set-top boxes, continued into 2020**.

Three coordination meetings were held at Eurojust in 2020 to exchange information, resolve judicial and operational issues, and organise an action day at the request of the Italian authorities.

11 November 2020: in a joint action monitored in real time from Eurojust's coordination centre, **over 5 550 computer servers** used to illegally transmit and store television broadcasts, live sports games and films **were taken down** in Italy, Bulgaria, France, Germany, Lithuania, Malta, Romania, Slovenia, Sweden and the Netherlands. The action also resulted in the **arrest in Italy of the alleged leader of the OCG**. More than **700 police officers were deployed** in the countries involved during this operation.

Eurojust provided rapid assistance with the execution of *European Investigation Orders*.

Coordinated action against illegal streaming

In 2019, **American film studios lodged complaints with the Swiss authorities about K-boxes used for illegal audiovisual streaming services** in more than 20 000 households.

The **Swiss authorities requested support from Eurojust through their Liaison Prosecutor** based at the Agency. This included organising a coordination meeting between the various authorities involved in Switzerland, France, Germany, the Netherlands and Monaco, enabling the swift execution of *Mutual Legal Assistance* requests, and preparing for a coordinated action day. Europol supported the investigation with operational coordination and analysis.

10 November 2020: in simultaneous actions monitored from Eurojust's coordination centre, **11 servers were taken down** in France, Germany, Monaco, the Netherlands and Switzerland.

In addition, **three suspects were arrested** by the Swiss authorities, **computer equipment and communication tools were seized**, the **website promoting the illegal service was blocked**, and **eight bank accounts were frozen**.

7.3.5 Intellectual property crime

Eurojust supports national judicial authorities in dealing with infringements of intellectual property rights, which are often related to other crime types such as tax fraud, cybercrime, crimes against human health or trafficking in substandard products.

Eurojust supported a growing number of large cases tackling this form of crime in 2020, notably several large-scale operations tackling illegal online streaming services and pirate-copied movies and TV series, including Operation Sundance, initiated by the Liaison Prosecutor of the USA. Another major coordinated action concerned 'K boxes' used for illegal audiovisual streaming services in more than 20 000 households and was initiated at the request of the Liaison Prosecutor of Switzerland.

During 2020, Eurojust also intensified the cooperation both with the European Union Intellectual Property Office (EUIPO) and with Europol.

7.4 Drug trafficking

In 2020, national judicial and law enforcement authorities tackled EUR 3 billion worth of illicit drugs trade in operations coordinated through Eurojust. In 2020, nearly 1 200 cases and 50 JITs supported by Eurojust concerned drug trafficking, leading to the organisation of close to 90 coordination meetings and 4 joint action days, so-called coordination centres.

Key operational results included:

- the *dismantling of a drug trafficking network exploiting vulnerable people as street dealers* in Ireland;
- *Operation Los Blancos*, which successfully targeted one of Europe's most active Albanian cocaine trafficking networks;
- *Operation Wave*, in which more than 200 arrests were made in a coordinated action against a Nigerian drug trafficking network.

> *The first preliminary judgment issued by the competent national Court in the Pollino Case constitutes the highest recognition of the top-quality level of our work, ensuring the full effectiveness of our action in a very complex procedure, with respect for human rights and the rule of law.*
>
> **Filippo Spiezia**, National Member for Italy at Eurojust and Chair of the College Trafficking Team

#JusticeDone

In November 2020, the first *42 suspects* that had been arrested in the context of *Operation Pollino*, a major crackdown on the 'Ndrangheta mafia in Europe in late 2018, were *sentenced to a total of over 389 years' imprisonment* in a special trial in Reggio Calabria.

DRUG TRAFFICKING CASES IN 2020

1 169 CASES
(5602 *new cases*, 607 *ongoing from previous years*)

50
JOINT INVESTIGATION TEAMS
(16 *new cases*, 34 *ongoing*)

87
CASE-SPECIFIC COORDINATION MEETINGS

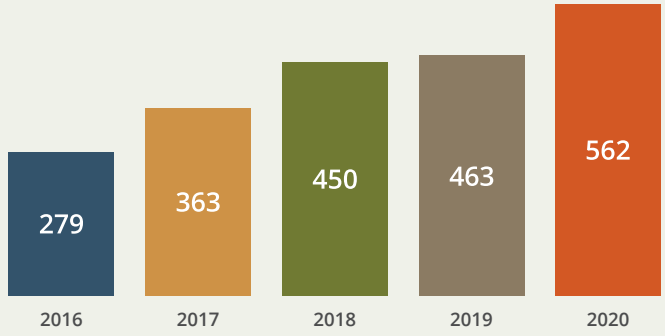
4
Coordinated ACTION DAYS

National authorities face many obstacles in judicial cooperation in drug trafficking cases. Differences in substantive and procedural law can cause delays or even refusals to execute mutual legal assistance (MLA) requests, for example when the quantity of drugs involved is not considered significant by a Member State or when the substance in question is not illegal in a Member State. The same differences can also present obstacles to effective cooperation in the area of controlled deliveries – when consignments are allowed to cross State borders so authorities can identify those involved in the entire chain of the drug trafficking.

Eurojust casework on DRUG TRAFFICKING 2016 – 2020

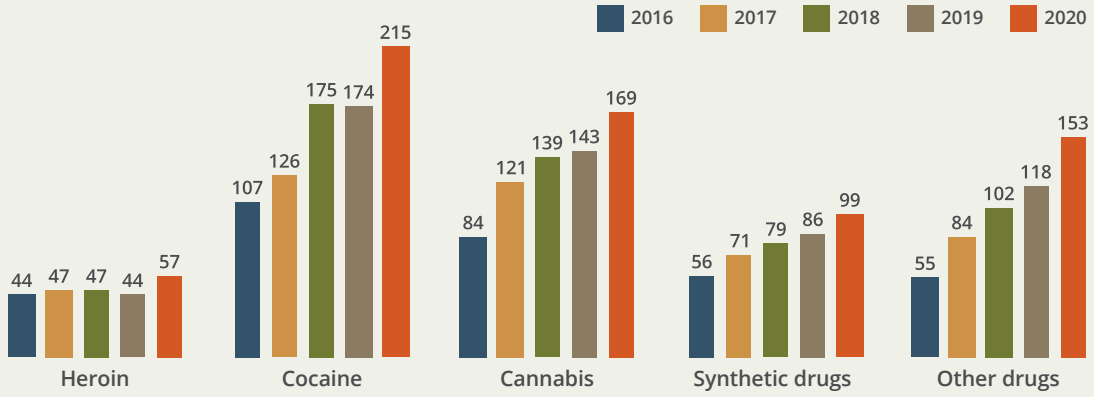
Drug trafficking cases registered

The last 5 years have seen a **steady increase in case numbers**



Main drug types identified

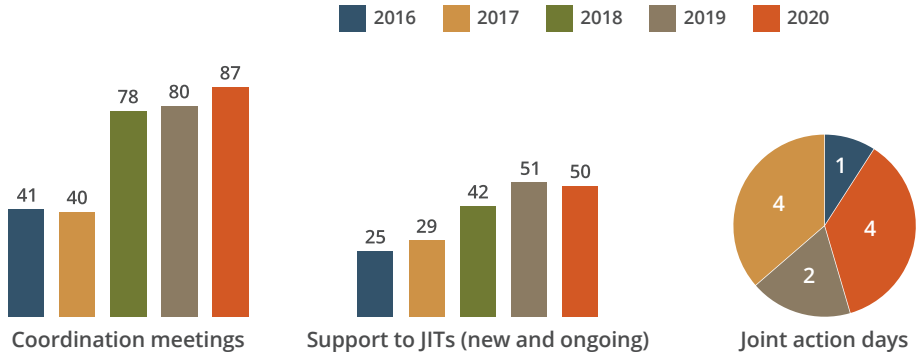
Most of the cases registered involved the **trafficking of cocaine and cannabis**



Drug trafficking networks operating in Europe and worldwide exploit the porousness of international borders and use increasingly sophisticated means to commit their crimes. Through its coordination of national efforts to investigate and prosecute these and other transnational crimes, Eurojust actively contributes to bringing down organised drug crime and making Europe a safer place.

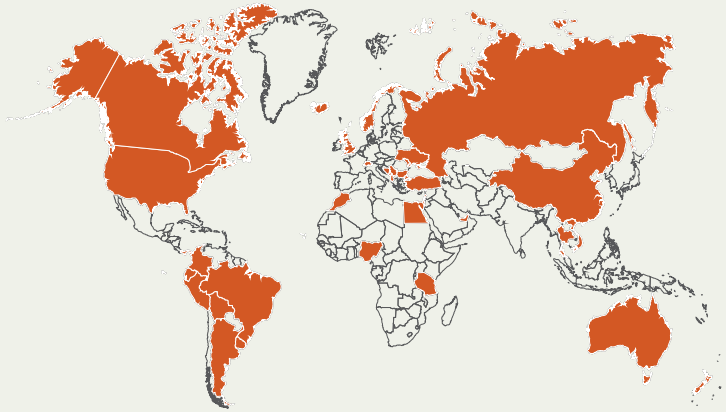
Access to judicial cooperation tools

Supported by Eurojust and Europol, national judicial and law enforcement authorities coordinate their drug trafficking investigations through tools such as **joint investigation teams** (JITs), **coordination meetings**, and **action days** organised in real time from Eurojust's coordination centre.



Access to jurisdictions beyond the EU

Third country involvement in Eurojust drug trafficking cases **has steadily increased** since 2016, showing the extent of Eurojust's outreach in the world.



Top 10 non-EU States involved in Eurojust drug cases since 2016

- Norway
- Switzerland
- Serbia
- Albania
- Ukraine
- United States
- North Macedonia
- Iceland
- Montenegro
- Argentina
- United Kingdom (2020)

The dismantling of a drug trafficking network exploiting vulnerable people as street dealers

EUROJUST

An organised crime group (OCG) involving at least 20 individuals, led by a Lithuanian national, had been operating a complex transport and distribution network since 2015, selling heroin in Ireland and the UK. The OCG recruited at least 65 people, nearly all Lithuanians, from vulnerable social backgrounds or drug addicts themselves, to become street dealers. Some of these people had been trafficked with the specific intent to commit crime. The proceeds of the operation were laundered by purchasing various real estate properties and through other related financial transactions.

26 August 2020 – coordinated judicial and law enforcement actions, monitored in real time from Eurojust's coordination center, with operational support provided by Europol, resulted in:

- the **arrest of 18 suspects**, including the leader of the OCG
- **65 searches**
- the **seizure of assets**, with an estimated value of EURO 700 000.

Six **coordination meetings** were held in a secure environment facilitated by Eurojust to define a common strategy, taking into account the different jurisdictions, and to plan for joint actions and prepare *Mutual Legal Assistance* (MLA) requests.

2018 – a **joint investigation team** (JIT) was set up between the Lithuanian authorities and their counterparts in Northern Ireland (UK), with financial and analytical support from Eurojust. Authorities in Ireland also joined the JIT during the investigation.

2017 – Lithuanian authorities referred the case to Eurojust.

Today's result wouldn't have been possible without close cooperation between the Lithuanian, Irish and UK authorities, as well Eurojust's support in facilitating the judicial cooperation between all the parties involved. This shows that by working closely together we can ensure that drugs are kept off the streets and people are kept safe.

Margarita Sniutyte-Daugeliene
National Member for Lithuania at Eurojust

Operation *Los Blancos*

The dismantling of one of Europe's most active Albanian cocaine trafficking networks

An Albanian-speaking crime group known as *Kompania Bello* had developed a new model for smuggling cocaine from South America to Europe. Using sophisticated encrypted communication means, the organisation's ringleader negotiated directly with South American drug cartels for large shipments of cocaine to be sent to major ports across Europe. With the help of accomplices based in Italy, the Netherlands and Albania, the drugs were concealed in vehicles and distributed throughout Europe. The criminals laundered their proceeds using an underground remittance system of Chinese origin, known as *fei ch'ien*, in which money is deposited in a network 'agency' in one country, while another operator withdraws the equivalent amount elsewhere in the world and passes it on to the intended recipient.

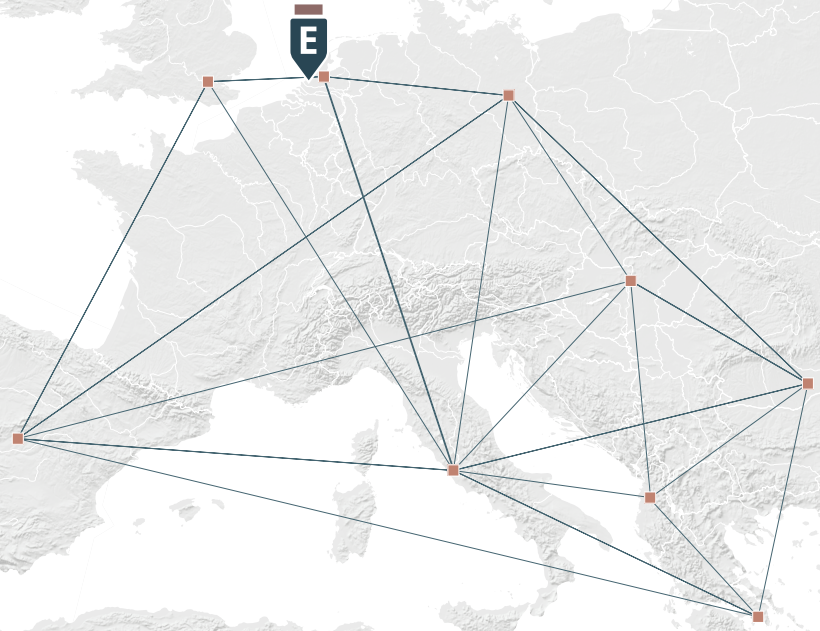
Close to **4 tonnes of cocaine** and over **EUR 5.5 million in cash** were seized over the course of this investigation.

15 September 2020 – Coordinated raids resulted in 20 arrests and pre-trial detentions throughout Europe and in Dubai.

Judicial coordination was also provided during the last stage of the investigation, from a coordination centre at Eurojust. The real-time involvement of prosecutors and investigative judges was ensured for the execution and, where necessary, the adaptation of *European Arrest Warrants* and judicial requests during the cross-border actions. The suspects were charged with international narcotic substances trafficking, illegal possession and distribution of drugs, and brutal assault, including murder.

Working closely together, the partners revealed the magnitude and complexity of this criminal activity, establishing a **joint strategy** and organising **exchanges of information and evidence** needed to prepare for the final phase of the investigation. 84 members of the organised crime group were arrested in Italy, Ecuador, the Netherlands, the United Kingdom, Switzerland and Germany in the course of the investigation.

2015 – National authorities from Italy and the Netherlands set up a **joint investigation team** supported by Eurojust and Europol.



7.5 Terrorism

EU Member States and third countries increasingly call on Eurojust to coordinate counter-terrorism investigations with a cross-border dimension. In 2020, the Agency supported 217 cases and 7 JITs with a counter-terrorism scope, focused on achieving justice for the victims of terrorist acts, crack-ing down on extremist propaganda or following up on individuals suspected of preparing or at-tempting to commit a terrorist crime, being members of a terrorist group or financing terrorism.

In October 2020, authorities from EU Member States met at Eurojust to discuss the progress made with information sharing via the European Judicial Counter-Terrorism Register, a unique operational tool that provides proactive support to national authorities. The initial experiences of this tool, which was launched at Eurojust in 2019, showed a significant increase in the amount of information transmitted to Eurojust and the first detection of links between proceedings in different Member States.

In November and December, Eurojust hosted online expert workshops on judicial responses to violent right-wing extremism and terrorism. The workshops offered an opportunity for judicial practitioners and experts in EU Mem-ber States and partner third countries, together with EU and international stakeholders to highlight best practice in the investigation and prosecution of these offences and identify common issues to be tackled at EU and international level.

> *In the past decade, we made important progress in the fight against terrorism. And perhaps the biggest achievement of all is related to the shift in our mindset: A few years ago, the intelligence, law enforcement and judicial communities were very reluctant to share even a shred of information about a suspected terrorist. Today, we all understand that information sharing is our future.*
>
> **Ladislav Hamran**, President of Eurojust, at the informal meeting of Ministers of Justice, 2 December 2020

Key publications included the annual *Report on Counter-terrorism* and the *Terrorism Convictions Monitor*, an overview of terrorism-related judgments across the Member States.

And in cooperation with the EU Network for investigation and prosecution of genocide, crimes against humanity and war crimes ('Genocide Network'), several expert meetings and reports addressed how battlefield evidence can be used to prosecute foreign terrorist fighters in the European Union and experiences with the cumulating of charges of terrorism and war crimes for returning foreign fighters.

TERRORISM CASES IN 2020

217 CASES
(69 new cases, 148 ongoing from previous years)

7
JOINT INVESTIGATION TEAMS
(2 new cases, 5 ongoing)

12
CASE-SPECIFIC COORDINATION MEETINGS

7.6 Cybercrime

Cybercrime is a growing and fast-evolving crime area which accounts for a substantial share of Eurojust's overall casework, and there is a growing overlap between crimes that originate on the Internet and cyber-enabled crimes such as terrorism and money laundering.

Major operational outcomes in 2020 in the area of cybercrime coordinated through Eurojust included:

- the *dismantling of a Romanian cybercrime network* committing elaborate bank fraud;
- *coordinated operations by authorities in Austria, Bulgaria, Germany and Serbia against two OCGs* suspected of large-scale investment fraud in cyber-trading;
- the *dismantling a criminal network* responsible for big-scale financial fraud, cybercrime and money laundering *by judicial authorities and police in Italy and Romania*. The illicit profits are estimated to exceed EUR 20 million resulting from the losses suffered by citizens throughout Europe.

Elaborate bank fraud scheme dismantled

Coordinated takedown of a Romanian cybercrime network

EUROJUST

In early 2019, an organised crime group (OCG) based in Romania began targeting unsuspecting bank customers in Lithuania and Estonia. Through so-called phishing messages that included links to counterfeit bank websites, victims were lured into providing their access credentials online. Via multiple online payments, money was transferred to bank accounts controlled by the OCG. The criminals also gained fraudulent access to a number of governmental e-services in Estonia. Around 600 victims, both individuals and companies, fell prey to this fraud, with damages in both countries amounting to over EUR 200 000.

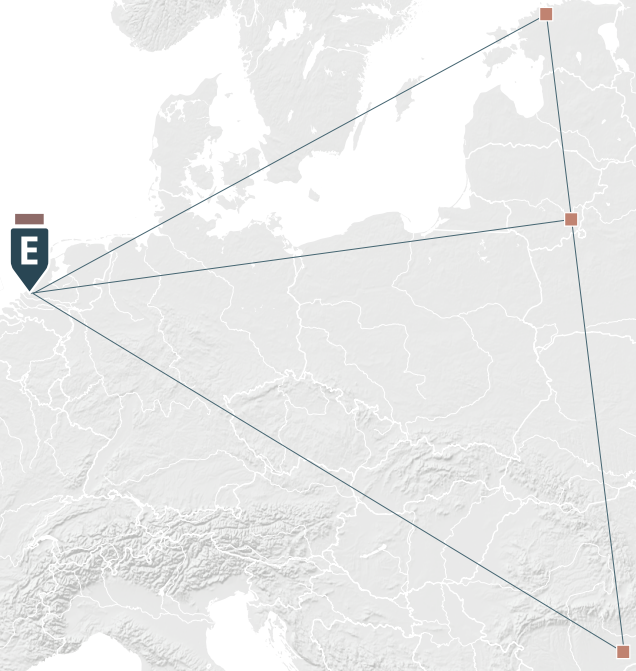
29 September 2020 – Coordinated actions resulted in the arrest of 3 suspects and 4 house searches. Europol deployed an expert on site to cross-check in real-time operational information against Europol's databases and provide leads to investigators in the field.

Further investigative measures have since been taken to assess the full extent of criminal activities and proceeds, and establish possible connections to additional countries.

Four coordination meetings were organised through Eurojust in the course of 2020 to support information exchanges and prepare for the action day.

March 2020 – A **joint investigation team** was set up between Romania, Estonia and Lithuania, with logistical and financial support provided by Eurojust (to fund, among others, the participation of Estonian police officers in the operation in Romania).

2019 – Eurojust and Europol began, respectively, to facilitate judicial cooperation in and provide analytical and operational support to this case.



CYBERCRIME CASES IN 2020

334 CASES
(174 *new cases*, 160 *ongoing from previous years*)

21
JOINT INVESTIGATION TEAMS
(9 *new cases*, 12 *ongoing*)

45
CASE-SPECIFIC COORDINATION MEETINGS

1
Coordinated ACTION DAY

The growing sophistication of cybercrime-related tools and practices such as encryption presents further challenges to investigators and prosecutors, used by criminals in attempts to avoid detection and prosecution by hiding data and evidence. Swift handling of judicial cooperation requests is crucial and makes it possible to ensure that data are collected promptly and in compliance with all the applicable rules during the investigation phase. In turn, this makes the information become admissible electronic evidence in subsequent judicial proceedings. One such example was a joint investigation by French and Dutch authorities that made it possible to dismantle the encrypted network EncroChat that was widely used by criminal networks.

> *Swift handling of judicial requests is a crucial factor in addressing the issue of the volatility of data and filling gaps arising from the application of different domestic data retention rules. Early involvement of the judiciary and Eurojust in cybercrime operations makes it possible to ensure that data are collected in compliance with the applicable rules during the investigation phase so that it can become admissible electronic evidence in subsequent judicial proceedings.*
>
> **Teresa Magno**, vice-chair of the Cybercrime team of the Eurojust College

7.7 Migrant smuggling

The nearly 220 cases focusing on migrant smuggling investigations coordinated through Eurojust in 2020, often in close cooperation with Europol, aimed to cover criminal activity along all major migrant smuggling routes to the European Union. In addition, Eurojust launched a Focus Group for Prosecutors on Migrant Smuggling and published a new casework report that analysed cross-border investigations tackling sham marriages, since such marriages of convenience are one of the main forms of facilitating irregular migration.

Key operational results include:

- **#JusticeDone**: Based on evidence resulting from a JIT between Belgium, France, Ireland and the United Kingdom, *eight men were found guilty in the United Kingdom of being involved in the criminal group that caused the death of 39 Vietnamese nationals* inside a refrigerated trailer in Essex in the United Kingdom in October 2019. The Netherlands also provided evidence to the trial.
- *Actions against OCGs smuggling migrants across the English Channel*, including 23 arrests by France and the Netherlands in January and an action in September leading to the arrest of 12 members of an OCG that endangered the lives of hundreds of migrants while transporting them on rubber boats from France to the United Kingdom.

MIGRANT SMUGGLING CASES IN 2020

217 CASES
(99 *new cases*, 118 *ongoing from previous years*)

12
JOINT INVESTIGATION TEAMS
(3 *new cases*, 9 *ongoing*)

21
CASE-SPECIFIC COORDINATION MEETINGS

2
Coordinated ACTION DAYS

7.8 Trafficking in human beings

Cross-border trafficking in human beings (THB) cases require close coordination, and difficult and demanding investigations with links to one or more countries. They reveal the prominent role of OCGs that often move themselves and their victims around quickly, within and across multiple jurisdictions. When gaps in judicial cooperation appear, the victims are the ones who suffer.

In 2020, Eurojust helped to assist in successfully bringing human traffickers to justice, while identifying, rescuing and protecting the victims in nearly 400 new and ongoing cases. JITs were effective in ensuring common investigative

12 arrested for smuggling migrants across the English channel

EUROJUST

The organised crime group (OCG), consisting mainly of Iranian nationals living in France, the Netherlands and the UK, endangered the lives of hundreds of migrants while transporting them from France to the UK, across one of the world's busiest commercial shipping lanes, in overloaded small boats and often rough weather conditions. The migrants were charged an average of EUR 3 000 per person for the crossing. The criminal network had purchased inflatable boats and engines from Germany and the Netherlands and transported them to departure points, where migrants were taught how to operate them.

28 September 2020 – A coordinated action spanning several days, involving judicial and law enforcement authorities from the four countries concerned, resulted in:

- the **arrest of 12 suspects**
- the **seizure of assets**, including vehicles, rubber boats and engines, a caravan and boat trailer, life jackets, jewellery, around EUR 48 000 in cash, documents and mobile devices.

September 2020 – A **joint investigation team** (JIT) supported by Eurojust and Europol was set up, allowing for further judicial coordination, continued information exchange and intelligence sharing.

June 2020 – Information was shared among French, Belgian, Dutch and UK authorities in an initial **coordination meeting** supported by Eurojust and Europol. Thanks to this information sharing, the UK identified a link to a domestic investigation.

> *By combining forces from the judicial authorities of The Netherlands, Belgium, France and the United Kingdom, we were able to put together all the pieces of the jig-saw puzzle very quickly and confront different members of the same OCG. In times rendered more difficult by COVID19, it was thanks to the Eurojust and Europol network and video conferencing that we could finalise all the necessary arrangements.*
>
> **Frank Demeester,** Public Prosecutor's Office, West Flanders (BE), Human smuggling department

interests and were allowed to quickly adapt to the mobility of traffickers and the changing investigative needs in each jurisdiction, division of responsibilities, participation in each other's investigations, including through secondment of specialised officers in interviewing victims.

- **#JusticeDone**: *Thanks to rapid judicial cooperation via Eurojust, nine members of a Romanian OCG were formally charged in Romania and Finland* in November 2020 for human trafficking, inciting prostitution and money laundering. The suspects were arrested during an action day in May 2020 in Romania and Finland, where they allegedly ran a network for the sexual exploitation of about 10 female victims, who have been returned to safety. The Romanian and Finnish National Desks at Eurojust enabled the opening of investigations in Finland and assisted in setting up a JIT.

THB CASES IN 2020

397 CASES
(163 *new cases*, 234 *ongoing from previous years*)

48
JOINT INVESTIGATION TEAMS
(11 *new cases*, 37 *ongoing*)

56
CASE-SPECIFIC COORDINATION MEETINGS

2
Coordinated ACTION DAYS

- *Judicial authorities and police in Lithuania, the United Kingdom and Ireland, with support from Eurojust and Europol, dismantled a criminal network* responsible for drug trafficking, money laundering and THB, in which at least 65 people were exploited as street dealers.

- Romania and the United Kingdom have been particularly active in the fight against THB and cooperated closely in [76] investigations in the past four years. During a joint action day in September 2020, *judicial and law enforcement authorities in the United Kingdom and Romania arrested 21 members of an OCG* that specialised in trafficking young Romanian girls into the United Kingdom, Ireland and Germany for the purpose of sexual exploitation.

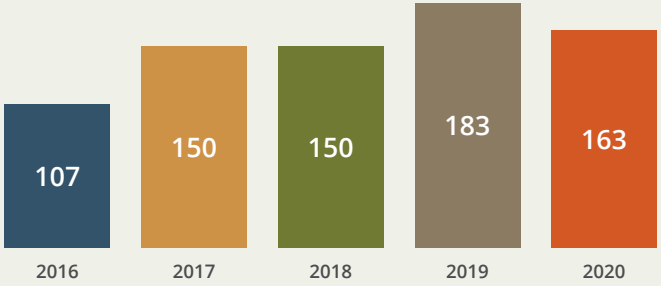
> *"Cross-border THB investigations have never been an easy task for prosecutors and police officers. Close cooperation and coordination between the competent authorities in different jurisdictions and the use of the support tools available at EU level are essential in conducting successful THB investigations."*
>
> **Daniela Buruiană**, National Member of Eurojust for Romania until 31 December 2020

Anti-human trafficking mural © Shutterstock

Eurojust casework on Trafficking in Human Beings (THB)

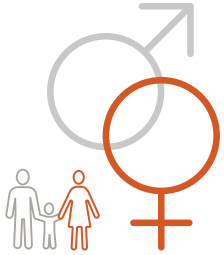
THB cases registered

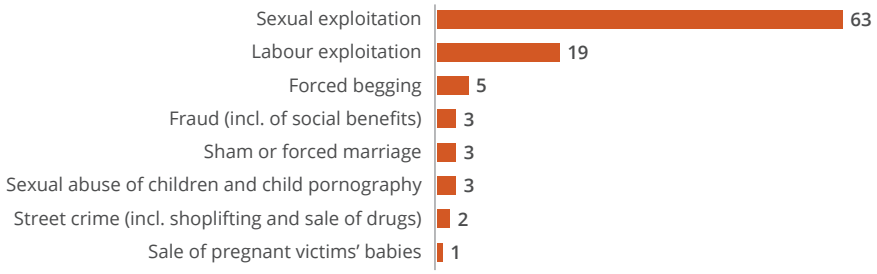
There was a slight increase in case numbers **in the period 2016-2020**. The number of THB investigations and prosecutions coordinated by Eurojust nevertheless remains low considering the large number of victims and suspects in the EU.



Victims of human trafficking

THB cases registered by Eurojust **in the period 2017-2019** show that most victims were trafficked for sexual or labour exploitation. In the 91 cases analysed, the vast majority of victims were adult females. Most cases (84) involved EU citizens from Romania, Bulgaria, Slovakia, Hungary and Lithuania. 8 cases involved third country nationals from Nigeria, Ukraine, Belarus and Moldova. Eurojust assisted national authorities in locating, identifying, rescuing and protecting these victims, irrespective of where their recruitment, transit and exploitation took place in the EU.

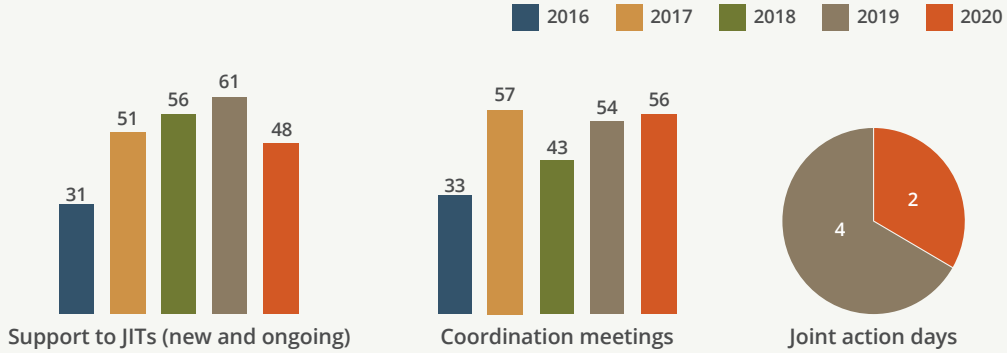




Cross-border THB cases involve difficult and demanding investigations and the need for close cooperation between countries of origin of victims, transit and exploitation. Investigations reveal the prominent role of **organised crime groups (OCGs)** and their movements within the EU. Through early and close coordination of national investigations and prosecutions, Eurojust contributes substantially to dismantling trafficking networks and protecting victims.

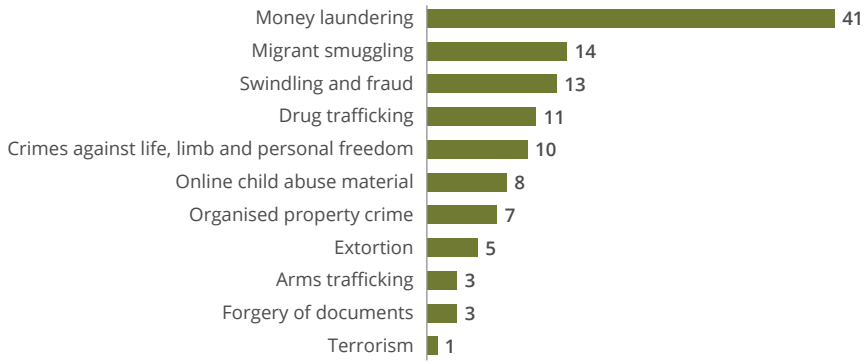
Access to judicial cooperation tools

Joint investigation teams (JITs) have proved to be one of the most effective tools in dealing with THB. Through JITs, dynamic and close partnerships are developed and common investigative goals established. They provide the flexibility and speed needed to adjust investigative measures to changing circumstances in trafficking. In addition to assisting and funding JITs, Eurojust organises **coordination meetings**, as well as **coordination centres** that provide real-time assistance during action days.



Other serious crimes linked to THB

THB is a complex crime linked to the establishment of OCGs and often to other forms of serious criminal activity. **During the reporting period 2017-2019**, 396 out of 405 cases involved OCGs and almost half (183) involved one or more other crimes in combination with THB. Targeting these sophisticated OCGs required close coordination by Eurojust.



#JusticeDone

Human traffickers swiftly taken to court with support of Eurojust

An organised crime group (OCG) in Romania and Finland allegedly ran a network for the sexual exploitation of around ten women. The suspects recruited their young female victims from poorer rural areas of Romania for sexual exploitation in Finland, often under false pretences.

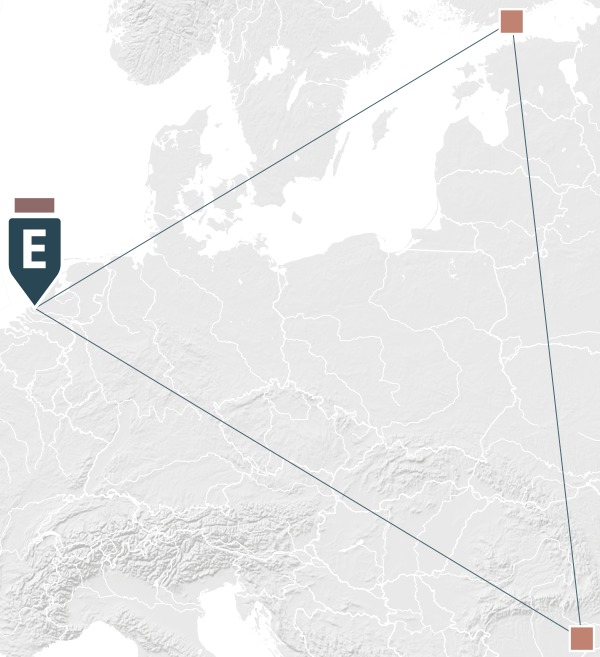
November 2020 – Thanks to the rapid judicial cooperation facilitated by Eurojust, the **alleged perpetrators** are swiftly taken to court and **formally charged** with trafficking in human beings, inciting prostitution, and money laundering.

May 2020 – Immediately after the second coordination meeting, the **joint action day** takes place. It results in the **arrest of nine OCG members** in Romania and Finland. Their **victims are returned to safety**.

May 2020 – A **second coordination meeting** is held. The delegations agree on jurisdictional issues, deciding with Eurojust support **which country is best placed to prosecute** whom and for which crimes. The joint action day is prepared.

January 2020 – Eurojust organises the **first of two coordination meetings** in this case. During this meeting, a **joint investigation team** is set up, funded by the Agency. The delegations clarify differences between the legal provisions of the two countries. For example, the Finnish law permits the use of recorded statements in court, while the Romanian law requires written statements.

2019 – At the request of the Romanian authorities and with the support of the Romanian and Finnish National Desks at Eurojust, **investigations into the OCG are opened in Finland**.



Rapid action via Eurojust leads to arrest of 10 human traffickers

EUROJUST

An organised crime group (OCG) in **Romania**, **Austria** and the **United Kingdom** allegedly forced its victims into prostitution, using the so-called 'loverboy' approach, where young men tempt women from deprived backgrounds to work for them. It is also alleged that the suspects subjected the victims to physical aggression and rewarded them using stolen golden jewellery.

May 2020 – Coordinated action day

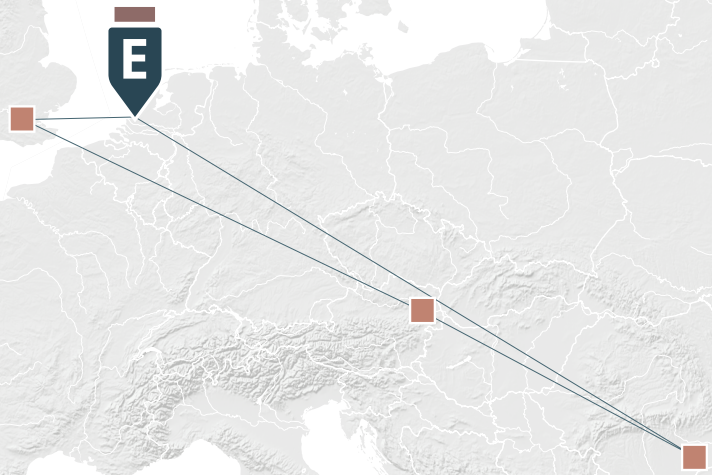
Ten suspects of trafficking in human beings **are arrested** and five others placed under judicial control by the Romanian authorities. Two female **victims are brought to safety**, one of whom was under immediate threat from the criminal network.

Eurojust facilitates the execution of **European Investigation Orders** (EIOs) to Austria and the United Kingdom and assists with the coordination of the operation.

The authorities search three places in Austria and the UK and seize weapons, such as guns and machetes, as well as jewellery, luxury clothes, cash and IT equipment.

April 2020 – Within one week, Eurojust identifies the competent authorities in Romania, Austria and the United Kingdom, and puts them in contact with each other.

This **rapid intervention** allows the authorities to immediately coordinate efforts, in spite of the challenges due to the COVID-19 pandemic.



MOCG-RELATED CASES IN 2020

721 CASES
(380 *new cases*, 341 *ongoing from previous years*)

13
JOINT INVESTIGATION TEAMS
(3 *new case*, 10 *ongoing*)

19
CASE-SPECIFIC COORDINATION MEETINGS

1
Coordinated ACTION DAY

7.9 Mobile Crime Groups

In 2020, more than 720 cases coordinated through Eurojust concerned MOCGs. Such gangs are active in many crime areas, including theft and property crime, and move around quickly within and across multiple jurisdictions. It is therefore essential to cooperate closely across borders to detect and tackle them and build a solid prosecution case in a national court, based on admissible evidence to achieve justice for the damages they cause.

A particularly successful outcome in 2020 was achieved in Operation Brooks, which resulted in the recovery of rare historical books worth an estimated EUR 2 million, including first editions of works by Galileo Galilei and Isaac Newton, which were stolen from a postal warehouse in London in 2017 by a Romanian MOCG. Twelve suspects have pleaded guilty to conspiring to commit burglary. Another example of justice done was the final judgments in Germany for thefts of luxury cars by a group operating in Lithuania, including the confiscation of nearly EUR 585 000 of criminal proceeds.

> *“After almost three-and-a-half years since the starting of this investigation, we have reached the most successful end possible of Operation Brooks by recovering and handing over the historical books after putting the criminals behind bars. This wouldn’t have been possible without the continuous and effective cooperation amongst the Romanian, United Kingdom and Italian authorities with the valuable assistance and expertise of Eurojust and its tools, and Europol. From my point of view, this operation is a good example of using all the EU judicial cooperation instruments which are crucial in conducting cross-border investigations of such extent.”*
>
> **Alina Albu**, Chief Prosecutor, Directorate for Investigation Organised Crime and Terrorism Central Structure, Romania, leader of the joint investigation team

Close up of ancient Galileo Galilei books on display at Bologna University library (IT) © Shutterstock

#JusticeDone

Rare books recovered in Romania and 12 individuals sentenced in connection with EUR 2 million London warehouse heist

Rare historical books worth an estimated EUR 2 million, including first editions of works by Galileo Galilei and Isaac Newton, were stolen from a postal warehouse in London in 2017. The criminal organisation involved, composed of Romanian nationals, had a history of committing complex, high-value thefts and had managed to avoid detection and prosecution by mainly operating outside Romania.

On trial in the UK, **12 suspects pleaded guilty** to conspiring to commit burglary between December 2016 and April 2019 and to one count of conspiracy to conceal, disguise, convert, transfer and remove criminal property. Each was sentenced to 3 to 5 years in prison. A **13th suspect is set to stand trial** in March 2021.

EIO

16 September 2020 – Following the execution of a ***European Investigation Order***, a house search led by the Romanian Directorate for Investigating Organized Crime and Terrorism (DIICOT) and police uncovered the rare books buried underground in the county of Neamt.

National Desks at Eurojust continued to support the judicial follow-up, including facilitating the **transfer of judicial proceedings** from Romania to the UK.

January 2020 – The **kingpin of the group was arrested** by Monza *Carabinieri* for the Protection of Cultural Heritage in Turin, Italy. This arrest led to the retrieval of the rare books.

June 2019 – **15 suspects linked to the criminal organisation were arrested** in the UK and Romania. 45 addresses were searched across the UK, Romania and Italy.

Following the EUR 2 million warehouse heist in 2017, a **joint investigation team** (JIT) was set up between judicial and law enforcement authorities in Romania, the UK and Italy, with support from Eurojust and Europol. The JIT provided the authorities with the necessary judicial coordination, information exchange and analytical tools to carry out various investigation activities.

EUROJUST

> *These sentences bring a successful conclusion to a complicated three year investigation, which identified and convicted a previously unknown Romanian organised crime gang ... I am proud the Met investigation team, working with the Romanian National Police and the Italian Carabinieri, have brought their offending to an end.*
>
> **Andy Durham**
> Detective Inspector in charge of the investigation

#JusticeDone

EUROJUST

Prison sentences for the leaders of a car theft gang and confiscation of criminal proceeds

An organised crime group (OCG) coordinated from a base in Lithuania had been operating in Germany, the Netherlands and Belgium. The thieves cracked the locks of high-end, luxury keyless cars using radio wave extenders and then transported them in trucks through the Czech Republic and Poland to Lithuania. The leaders in Lithuania communicated in code language with the gang members on the ground in Germany, Belgium and the Netherlands. Close cooperation between the German and Lithuanian judicial and police authorities, coordinated through Eurojust, led to the arrest of eleven OCG members.

June 2020 – Based on solid evidence, the **Regional Court of Heilbronn in Germany sentenced the eleven members of the criminal organisation** to **imprisonment**.

The two leaders were convicted to serve prison sentences of seven years and nine months and five years and nine months respectively. **The judgments were final**.

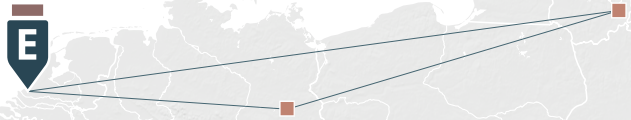
The Court also ordered the **confiscation of the proceeds of the crimes**, the highest single amount being EUR 584 960.

Several **properties were seized** in Lithuania.

December 2018 – A **coordinated action** resulted in the simultaneous arrests of eleven suspects. The two gang leaders and five gang members, who had been arrested in Lithuania, were transferred to Germany to face trial.

2018-2019 – Two coordination meetings were organised by Eurojust in June 2018 and November 2019, facilitating exchanges of information and the execution of *European Investigation Orders* and requests for *Mutual Legal Assistance*.

September 2018 – A Joint Investigation team was set up with funding and support from Eurojust and analytical support from Europol. The constantly changing plans of the OCG were gradually mapped out, including by means of interception, which led to the identification of additional suspects and exposed various facts relating to the crimes.



> *Without the joint investigation team, this process and its successful conclusion would not have been possible. We have seen the advantages of this kind of cooperation in investigations on many occasions and that is what really enabled us to move forward in this case.*
>
> **Mirjam Weisenburger**
> Heilbronn Senior Public Prosecutor

8. Governance and Agency management

By quickly adapting its governance, working methods and activities to the radically different circumstances in 2020 imposed by the COVID-19 pandemic, Eurojust was able to ensure full business continuity and respond to all requests for operational support from national judicial authorities during 2020. For the fifth consecutive year, Eurojust achieved a budget execution rate above 99%. The Agency also introduced several measures to implement its new data protection regime and expanded the reach of its external communication through various online platforms.

8.1 Governance: The work of the College and the Executive Board

The College of Eurojust and the Executive Board continued to meet regularly after the onset of remote working arrangements to open new cases, adopt strategic tools and reports to support judicial cooperation and exercise their responsibilities in relation to budget, business planning and reporting.

Adapting governance to exceptional circumstances

To safeguard effective governance and efficient decision-making at Eurojust, including in exceptional circumstances such as the COVID-19 pandemic, an amendment to the Rules of Procedure of Eurojust was made, which entered into force on 24 July 2020. This allows the Agency, in exceptional circumstances, to take decisions in videoconference meetings.

8.1.1 Elections of the President and Vice-President

In October 2020, Mr *Ladislav Hamran*, National Member for the Slovak Republic, was re-elected as President of Eurojust for a new four-year term. The digitalisation of justice in the European Union was one of the focal points of Mr Hamran's first term as President and will continue to be a key focus at Eurojust. Another key priority for Mr Hamran will be to extend Eurojust's global scope. Other priorities include continuing the fight against terrorism and strengthening Eurojust's partnerships with other EU agencies in the field of Justice and Home Affairs.

On 18 December 2020, Mr *Boštjan Škrlec*, National Member for Slovenia, started his term as one of Eurojust's two Vice-Presidents. Mr Škrlec has been representing the Slovenian judiciary at Eurojust since 2017. Mr Škrlec will serve with Mr *Klaus Meyer-Cabri*, National Member for Germany, who was re-elected in this role in 2019. He succeeded Mr *Filippo Spiezia*, National Member for Italy, who was warmly thanked for his excellent service and many contributions to Eurojust in this role.

8.1.2 New National Members

In November 2020, the College also welcomed two new National Members:

- Ms *Eleni Kouzoupi*, new National Member for Cyprus;
- Mr *José de la Mata Amaya*, new National Member for Spain.

8.2 Agency management, budget execution and staff

During 2020, the Eurojust Administration, which was headed by its Administrative Director, Mr *Nikolaos Panagiotopoulos*, continued to support the College in its work. In response to the COVID-19 pandemic, the Administration adapted quickly to fully remote working arrangements introduced on 12 March 2020. It continued to provide a comprehensive range of services to the College and the National Desks throughout the year and achieved full budget execution while also welcoming 29 new staff members.

To balance personal safety considerations and operational continuity requirements, only essential staff members whose physical presence was required on-site were working from the Eurojust building in The Hague, the Netherlands, while all other staff worked from home.

The *Consolidated Annual Activity Report* (CAAR) provides a detailed overview of all activities, as included in the Eurojust Work Programme, budget execution and staffing policies, as well as the implementation of internal controls and risk

management. The 2020 CAAR and the Eurojust College Assessment thereof will be submitted to the budgetary authority by 1 July 2021.

8.2.1 Budget execution in 2020

Despite the inevitable impact of COVID-19 measures on Eurojust's activities, the Agency implemented 99.99% of its EU subsidy for 2020, which amounted to EUR 41.7 million.

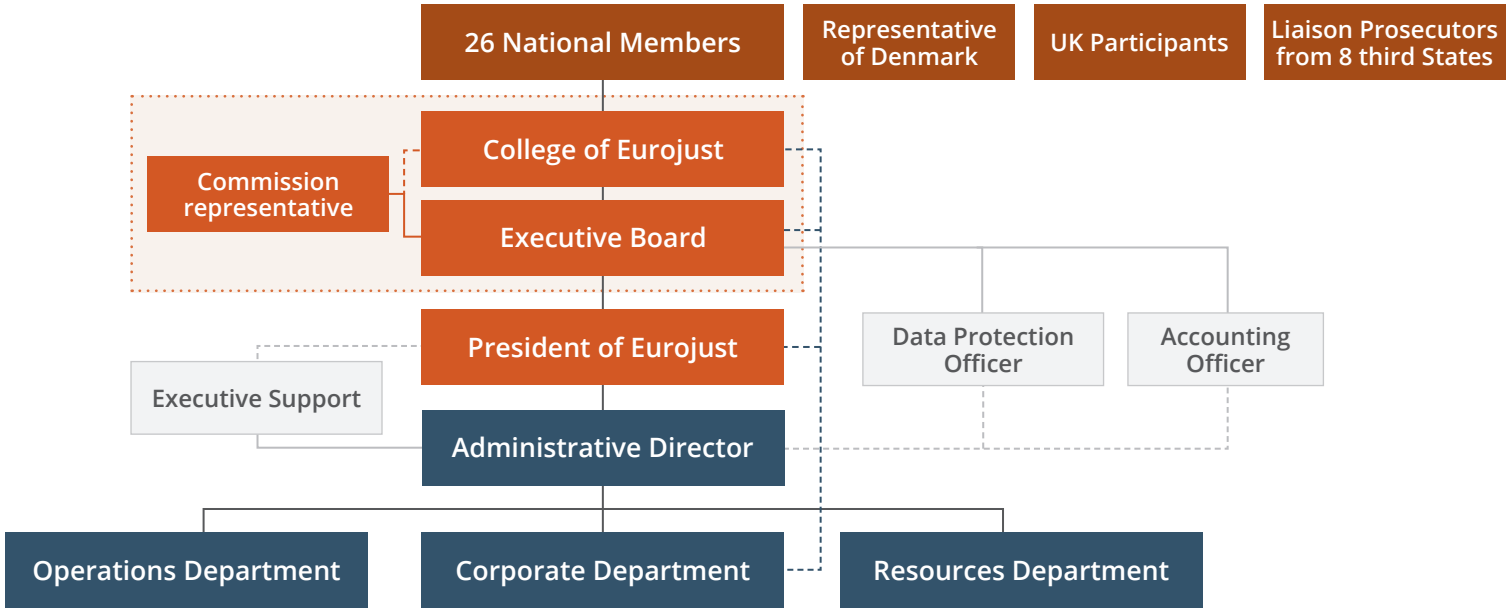
Lower expenditures in areas affected by the successive lockdown periods and fully remote working arrangements, such as for on-site meetings and missions, allowed Eurojust to invest in the corresponding amount in its infrastructure and services to replace and upgrade several of its systems as well as to better support the remote working arrangements. In 2020, Eurojust also benefited from the contribution of the Kingdom of Denmark of EUR 851 000, which was used to supplement some of the additional staffing costs linked to the growth in operational work, representing a significant part of Eurojust's total operating budget.

8.2.2 Staff and Eurojust post-holders

By the end of 2020, Eurojust had 332 post-holders, including:

- 26 National Members, assisted by 60 Deputies and Assistants seconded from the judicial authorities of the Member States to Eurojust, performing the core operational activities and together forming the College of Eurojust, which also performs the function of Management Board;
- 223 staff members (Temporary Agents and Contract Agents) and 22 Seconded National Experts (SNEs) worked in Eurojust's Administration, reporting to the Administrative Director. Twenty-nine new staff members and twelve SNEs were recruited during the year.

Eurojust's organisational structure



The Administration is headed by an Administrative Director, Mr *Nicholas Panagiotopoulos*, and is organised in three Departments:

- the Operations Department provides operational and administrative support to the National Desks, including for casework and through the preparation of expert meetings, best practice tools, reports, development of relevant IT tools and data management;
- the Corporate Department supports the organisation of College meetings and the College's handling of governance matters and relationships with third countries and institutional relations (including through a Liaison Office in Brussels), and supports the Agency's external and internal communication activities;
- the Resources Department supports the management and implementation of the Agency's budget, business planning and reporting, human resource management and legal services. It also provides IT services, ensures the security of the Eurojust building and oversees facility management.

8.2.3 IT systems to support remote working arrangements

To enable remote, secure working arrangements, the Administration implemented future-proof infrastructure in 2019, equipping all post holders with secured laptops. A secured videoconferencing system hosted on Eurojust's computer servers allowed the Agency, once the pandemic led to restricted movements in March 2020, to organise meetings with simultaneous interpretation in 31 languages. The system was used to organise 323 secure online case-specific coordination meetings and support the remote organisation of 14 coordinated joint action days.

8.2.4 Explaining the work of Eurojust

The external communication activities of Eurojust also took place mostly online during the year, including the launch of a new public website and a new YouTube channel with a collection of video clips featuring a Virtual Tour of Eurojust, operational results and cases and tutorial videos on Eurojust's services, available with subtitles in all official EU languages. Instead of the Open Day that is usually organised in September every year, a Virtual Open Day with live streams of interactive sessions on the work of Eurojust and career opportunities was held in October 2020.

8.3 Protecting personal data

Working on the frontline of criminal investigations and prosecutions, Eurojust comes into regular contact with operational personal data. The Agency also processes various categories of administrative personal data as part of its daily activities. By applying the highest standards in data protection, the Agency ensures the fundamental rights of all individuals.

One of the most important changes brought about by the new Eurojust Regulation and the application of Regulation 2018/1725 to Eurojust on 12 December 2019 was the new legal framework in the field of data protection. During 2020, following the application of the new data protection regime and the radically new working conditions imposed by the COVID-19 pandemic, the Agency prepared and adopted a series of new instruments:

- Rules of Procedure on the processing and protection of personal data;
- Rules of Procedure on restrictions of certain data subject rights in relation to the processing of personal data;
- Records of processing activities and data protection notices, including on the functioning of the European Judicial Network Secure Connection, use of videoconferencing tools, event registration tools, online voting, whistleblowing proceedings and the new Eurojust website.

9. Speeding up the digitalisation of criminal justice across borders

To date, many national judicial proceedings, including those that transcend borders, still take place on paper and by post. While the need for the digitalisation of the judiciary was clear long before the outbreak of the COVID-19 pandemic, the crisis was a catalyst in making 'digital' the default option in cross-border judicial cooperation to fight cross-border crime and terrorism.

Throughout 2020, Eurojust worked closely with the European Commission and helped identify several areas in which digital tools could give all actors in the EU security chain the opportunity to keep up with the fast pace of technological development and the rapidly evolving threat landscape. In December 2020, the Commission tabled comprehensive proposals to further enhance the digitalisation of justice systems. Several elements in the package pave the way for a major leap forward in making judicial cooperation and information exchange in criminal investigations and proceedings across the EU 'digital-proof' for the challenges of the 21st century:

> *"Judges, lawyers, prosecutors – everyone working in the field of justice needs to stand up to the challenges of the 21st century. This includes the whole new world of artificial intelligence, which we need to explore in full respect of fundamental rights."*
>
> **Didier Reynders**, European Commissioner for Justice

- Modernisation of Eurojust's Case Management System.
- Creation of a task force to improve possibilities for data exchange and hit/no-hit connections between Eurojust and its partners, to help identify links between ongoing investigations and prosecutions.
- New legislative initiatives on:
  - digital information exchange on cross-border terrorism cases, including further improvement of Eurojust's Counter-Terrorism Register and Eurojust's data processing framework;
  - the establishment of a joint investigation teams collaboration platform.

Data Annex

Overview of cases in 2020 involving Member State National Desks

MEMBER STATE National Desk	Cases initiated by the National Desk				Participation in cases initiated by other Desks		Participation in joint activities/meetings	
	New in 2020	*Number of countries involved*		Ongoing from previous years	New in 2020	Ongoing from previous years	Coordination meetings	Joint investigation teams
		2	*3 or more*					
Belgium	70	*51*	*19*	91	210	376	56	26
Bulgaria	143	*142*	*1*	185	170	230	19	4
Czech Republic	135	*119*	*16*	165	124	180	25	33
Germany	522	*453*	*69*	305	561	781	99	54
Estonia	38	*35*	*3*	41	39	73	15	8
Ireland	38	*34*	*4*	81	85	132	22	2
Greece	219	*212*	*7*	466	124	187	16	4
Spain	209	*191*	*18*	178	458	633	61	9
France	266	*191*	*75*	471	451	539	87	55
Croatia	50	*47*	*3*	24	94	111	2	-
Italy	344	*278*	*66*	497	403	478	91	53
Cyprus	23	*23*	*-*	27	63	207	1	1
Latvia	68	*56*	*12*	40	49	138	14	9
Lithuania	59	*47*	*12*	46	87	128	24	8
Luxembourg	14	*11*	*3*	46	67	155	3	-
Hungary	231	*196*	*35*	193	141	190	21	16
Malta	16	*15*	*1*	34	61	137	7	2
Netherlands	138	*123*	*15*	257	335	441	90	21
Austria	139	*121*	*18*	164	178	259	16	12
Poland	153	*140*	*13*	182	268	398	30	27

Portugal	115	*99*	*16*	98	118	170	10	1
Romania	233	*203*	*30*	169	268	328	65	51
Slovenia	208	*184*	*24*	111	49	105	10	7
Slovakia	117	*112*	*5*	151	111	189	15	22
Finland	86	*71*	*15*	41	46	86	16	7
Sweden	175	*140*	*35*	238	88	144	53	22
TOTAL	3809	*3294*	*515*	4301	*	*	*	*

Overview of cases in 2020 involving Liaison Prosecutors

LIAISON PROSECUTOR	Cases initiated by the Liaison Prosecutor				Participation in cases initiated by other Desks		Participation in joint activities/meetings	
	New in 2020	*Number of countries involved*		Ongoing from previous years	New in 2020	Ongoing from previous years	Coordination meetings	Joint investiga-tion teams
		2	*3 or more*					
Georgia	2	-	*2*	-	14	16	2	-
Montenegro	10	*10*	-	3	12	15	2	-
North Macedonia	11	*10*	*1*	5	23	23	3	-
Norway	82	*73*	*9*	65	40	63	23	9
Serbia	5	*3*	*2*	-	60	47	10	3
Switzerland	145	*118*	*27*	177	132	299	31	18
Ukraine	35	*24*	*11*	24	58	75	19	13
United States	1	-	*1*	2	38	110	21	-
TOTAL	291	*238*	*53*	276	*	*	*	*

* These columns cannot be summed up, since more than one National Desk can be requested to participate in a single case, and coordination meetings and JITs are often co-organised.

Overview of cases in 2020 involving the Representative of Denmark

Cases initiated by the Representative of Denmark				Participation in cases initiated by other Desks		Participation in joint activities/meetings	
New in 2020	*Number of countries involved*		Ongoing from previous years	New in 2020	Ongoing from previous years	Coordination meetings	Joint investigation teams
	2	*3 or more*					
53	*43*	*10*	-	77	131	18	13

Overview of cases in 2020 involving the United Kingdom

Cases initiated by the UK				Participation in cases initiated by other Desks		Participation in joint activities/meetings	
New in 2020	*Number of countries involved*		Ongoing from previous years	New in 2020	Ongoing from previous years	Coordination meetings	Joint investigation teams
	2	*3 or more*					
47	*41*	*6*	19	434	646	64	65

Casework involving EIOs and EAWs in 2020

Judicial tools	New cases in 2020	Ongoing from previous years	Total
European Investigation Order (EIO)	1772	1387	3159
European Arrest Warrant (EAW)	572	712	1284

Casework, meetings and joint activities in the priority crime areas, 2017-2020

Crime types	Cases Sum of new cases and ongoing cases from previous years *				Coordination meetings				Joint investigation teams Sum of newly established JITs and ongoing JITs from previous years*				Coordination centres / action days			
	2017	*2 018*	***2019***	***2020***	*2017*	*2018*	***2019***	***2020***	*2017*	*2018*	***2019***	***2020***	*2017*	*2018*	***2019***	***2020***
TERRORISM	177	190	222	**217**	14	20	24	**12**	13	12	8	**7**	1	-	-	**-**
CYBERCRIME	176	218	247	**334**	9	28	35	**45**	7	10	17	**21**	1	2	3	**1**
MIGRANT SMUGGLING	153	157	187	**217**	15	17	24	**21**	14	12	12	**12**	2	3	2	**2**
SWINDLING AND FRAUD	1630	1924	2262	**2647**	75	87	112	**91**	46	50	65	**68**	7	7	12	**8**
MONEY LAUNDERING	858	1041	1265	**1460**	86	94	138	**101**	44	49	72	**64**	5	6	6	**7**
DRUG TRAFFICKING	719	896	1003	**1169**	40	78	80	**87**	29	42	51	**50**	4	-	2	**4**
TRAFFICKING IN HUMAN BEINGS	287	343	399	**397**	57	43	54	**56**	51	56	61	**48**	-	-	4	**2**
CRIMES AGAINST THE FINANCIAL INTERESTS OF THE EU (PIF CRIMES)	127	137	228	**286**	13	9	15	**20**	5	8	11	**10**	3	1	2	**2**
ENVIRONMENTAL CRIME	19	38	41	**51**	3	6	8	**6**	2	4	6	**6**	1	-	1	**-**
CORRUPTION	197	222	250	**286**	15	19	14	**8**	4	6	5	**5**	1	-	-	**-**
MOBILE ORGANISED CRIME GROUPS	482	541	598	**721**	14	26	20	**19**	13	15	17	**13**	-	1	2	**1**
CORE INTERNATIONAL CRIMES	-	-	-	**12**	-	-	-	**2**	-	-	-	**-**	-	-	-	**-**

* The data contained in this table were extracted from Eurojust's Case Management System in February 2021. Due to the ongoing nature of cases, possible discrepancies with previously reported numbers may exist, and statistics may be updated in the future.

Cases by crime type in 2020

Crime type	New	Ongoing [1]	Total	Projection [2]
SWINDLING AND FRAUD	1 264	1 383	2 647	↑
MONEY LAUNDERING	595	865	1 460	↑
DRUG TRAFFICKING	562	607	1 169	↑
MOBILE ORGANISED CRIME GROUPS (MOCG) [3]	380	341	721	↑
TRAFFICKING IN HUMAN BEINGS	163	234	397	↑
CYBERCRIME	174	160	334	↑
CORRUPTION	93	193	286	→
PIF CRIMES [4]	128	158	286	↑
MIGRANT SMUGGLING	99	118	217	↑
TERRORISM	69	148	217	↑
ENVIRONMENTAL CRIME	20	31	51	↑
CORE INTERNATIONAL CRIMES	12	-	12	→

↑ Upward trend → No major shift expected ↓ Downward trend

[1] As of January 2020. Due to the ongoing nature of the cases, the figures in this column can change after the reporting period.

[2] The projection for 2021-2023 of the need for judicial cooperation in these crime areas is based on casework trends over the previous 5 years.

[3] Itinerant criminal networks operating across the European Union, usually specialised in crime areas such as burglary, robbery of armoured vehicles, and metal theft.

[4] Crimes against the financial interests of the European Union for which Eurojust retains competence.

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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

Print: Catalogue number: QP-AA-21-001-EN-C • ISBN: 978-92-9490-562-8 • ISSN: 1831-4279 • DOI: 10.2812/106158
PDF: Catalogue number: QP-AA-21-001-EN-N • ISBN: 978-92-9490-536-9 • ISSN: 2443-6518 • DOI: 10.2812/34915