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NOTE

From : General Secretariat
To : Police Chief Task Force
Article 36 Committee

Subject : Conclusions of the first meeting of the national experts on Joint Investigation Teams

In accordance with the decision by the European Council in The Hague Programme to designate experts on joint investigation teams (JITs) in each Member State, the first meeting of these experts was convened at Eurojust, in cooperation with Europol, on 23 November 2005.

The meeting listened to presentations by experts on already established JITs, the Europol-Eurojust 'JIT Project' and the background and needs for the network.

Two workshops were held on the mission and objectives of the network, the role of international bodies and the role of the national experts, structure, working methods and tools of the network.

At the end of the meeting, general conclusions were drawn by the general rapporteur (see Annex A). The results of the workshops are attached as Annexes B and C.

*General conclusions of the first meeting of the National Experts on joint investigation teams
(The Hague, 22-23 November 2005)*

- 1) The Decision to set up National Experts on joint investigation teams highlight the importance of their mission to enhance the awareness and use of joint investigation teams by developing the capacities to identify the reasons behind the limited use of such teams by Member States and to overcome existing obstacles. The Experts point out the importance of exchanging information on experiences and best practices and to disseminate information about existing JITs.
- 2) The Experts affirm that the comprehensive and meticulous ratification and implementation of the 2000 Mutual Legal Assistance Convention and the Framework Decision 2002/465/JHA of 13.6.2002 by all Member States is the first essential stage in the direction of an effective use of joint investigation teams;
- 3) The Experts on joint investigation teams agree that their main task should be to act as privileged contact points for national and international authorities (Eurojust, Europol, OLAF,...) dealing with joint investigation teams by providing them with information and advice about possibilities, including the legal framework, for the establishment of joint investigation teams;
- 4) In this context, the Experts are of the opinion that Member States should take all necessary measures to let practitioners at national level be aware of the existence and of the role of the contact points on joint investigation teams, by disseminating information and contact details through circulars, publication on Ministries' and central prosecuting authorities' web-sites, etc.;
- 5) The Experts agree that in order to fulfil their tasks to facilitate the spreading of knowledge among practitioners and to encourage the setting up of joint investigation teams, they should be able to gather and disseminate information both on best practices and obstacles related to the establishment of the teams, to ensure participation at conferences and seminars, to convene or attend formal and informal meetings at national level or with other Experts involved in the establishment of a joint investigation team;
- 6) The Experts deem it suitable that besides the restricted and focused meetings that might be held, a general meeting with all Experts should be convened as necessary under the *aegis* of Europol and Eurojust in order to fulfil their tasks;
- 7) The Experts believe that a pro-active approach is crucial for an effective performance of their tasks and stress the importance to identify relevant investigations for which the establishment of a joint investigation team could be an added value;
- 8) The Experts on joint investigation teams, by recognizing the central role of Europol, Eurojust and OLAF in the international police and judicial cooperation, estimate it appropriate to involve these bodies in the process of setting up joint investigation teams and to facilitate their association to such teams. They welcome the availability offered by Eurojust and Europol to host operational and co-ordination meetings related to the establishment of joint investigation teams;

9) The Experts believe that flexibility and simplicity should characterize the organization of the work and the performance of their tasks acting as a network of experts.

10) The National Experts on joint investigation teams welcome the joint initiative of Europol and Eurojust ("JITs project") aiming at drawing up a manual collecting all national legislations implementing the Framework Decision on JITs and stated that they will support it.

**First Meeting of the National Experts
on Joint Investigation Teams
Held at Eurojust,
The Hague, 23 November 2005**

**TOPIC A: Mission and objectives of the Network and the role of international
bodies such as Eurojust and Europol**

1. **Mission**
2. **Liaison**
3. **Centre of excellence**
4. **Promotion and awareness**
5. **Influence**
6. **Barriers for JITs**

1. Mission

- National and international;
- Enhance and promote;
- Be involved and provide feedback;
- Use/practicalities/added value/awareness regarding JITs.

Terminology: Expert or contact point?

- Expert serving as privileged contact point;
- National decision.

2. Liaison

- National authorities;
- Other countries;
- International organisations such as Europol, Eurojust, EJM and OLAF;
- International organisations for training purposes such as CEPOL, EJTN.

Tasks:

- Ensure position of the national expert;
- Give feedback – not only forward information – to national authorities;
- Be consulted OR informed when JITs are considered by national authorities;
- Liaise with national authorities and national experts in other member states;
- Proactively identify possible JITs and their added value and stimulate setting up;
- Inform or consult international bodies when JITs are considered.

3. Centre of excellence

- Strong need for personal expertise;
- Expertise through the Network.

Tasks:

- Exchange of information and experiences;
- Both best practice and dysfunctions;
- Feedback on JITs;
- Participate in international meetings;
- Assemble and disseminate national information;
- National support to the expert is important;
- National marketing and training by expert;
- Location in national system: central and sufficient ranking;
- Encourage to test the concept at all levels;
- Participate in choice of forum and legal set-up.

4. Promotion and awareness

- Be proactive;
- Inform of good points and added value;
- National and international;
- Declare promotional activities;
- Share court experiences, e.g., jurisprudence, evidential questions;
- National promotional seminars;
- Address practitioners, not policy-makers;
- Address concerns issued by national practitioners;
- Role of international organisations (e.g., OLAF) to identify possible JITs.

5. Influence

- Reports by network – structured;
- Secretariat and budget? The KARIN model?
- Advise on successes and failures;
- Difficult for the individual national experts to influence national authorities;
- Police Chiefs Task Force role;
- Influencing through the Council;
- Website financed by the Council.

6. Barriers for JITS

- Resources;
- Lack of added value for each involved country or authority;
- Lack of national legislation;
- Lack of asset-sharing regime;
- Lack of European approach;
- Cumbersome procedures, especially in bilateral cases;
- Easy setting up of traditional police co-operation;
- Lack of knowledge about JITs;
- Lack of language capabilities.

TOPIC B: Role of national contact points - Structure, working methods and tools of the Network

1. ***Existing role and function in national system of nominated JIT experts***
2. ***How/what could be the function of JIT experts on a national level***
3. ***Europe-wide role***
4. ***Structure of the Network***
5. ***Tools***

1. Existing role and function in the national system of nominated JIT experts

- No standard status for the nominated JIT expert (some centralised authorities, some not; police/judiciary);
- No standard role (due to the different procedures to set up a JIT reflecting the different legal systems);
- Experts from two fields of competence:
 - Operational (all initiatives normally start at the operational level)
 - Legal (second phase of a possible JIT).

2. How/what could be the function of JIT experts on a national level

(a) For the setting up and functioning of concrete JITs

- Supporting JITs (providing model agreements, legal advice and information, providing contact details of other contact points on request);
- Ensuring the link at national level between the Network and the EJM contact points/Eurojust/Europol/other MLA authorities/customs;
- Proactive role of national contact points (actively identifying possible, appropriate JITs).

(b) For networking

- Gathering and centralising information;
- Promoting the use of JITs (seminars, intranet);
- Disseminating information on legislation of other Member States and experiences gathered abroad via the Network;
- To relevant, selected services and key persons only.

3. Europe-wide role

- Centre of excellence
- Gateway to the national system for EU co-operation
- Ensuring the dissemination via the Network of national legislation, agreements setting up JITs;
- Ensuring the information via the network of blockages, experience gathered;
- Promoting the adoption of best practices;
- **The Manual on Best Practice** to be jointly developed by Europol and Eurojust.

4. Structure of the Network

- AS INFORMAL AS POSSIBLE!
- AS UNBUREAUCRATIC AS POSSIBLE!
- National contact points:
 - must be well known/reception point for national investigators;
 - create awareness of the JIT possibility;
 - support for legal aspects of the JIT (judicial helpdesk);
 - give strategic advice and recommend to Member States;
 - make full use of expertise available at Europol and Eurojust.
- Different opinions on the exact role of national contact points:
 - Direct contact between all national authorities and the contact points in other countries (no need to go via own national contact point); or
 - National contact points as the only contact point with other national contact points and proactive liaison with investigators, prosecutors, Europol and Eurojust;
- Periodic meetings for the contact points;
- No need to have a list of competent authorities (difficult updating) – list of contact points is sufficient;
- Need to nominate on national level only 1 or 2 persons for the dissemination of information concerning the competent authorities in his or her country;
- Communication:
 - Informal (general, non-operational) = Intranet;
 - Specific operational (personal and sensitive data) = Secure network via Europol/Eurojust.

5. Tools

- NO NEED TO FORMALISE PROCEDURES!
- No need to meet every year, if nothing new; General Secretariat ;acting as “secretary” for the Network would inquire regularly if there is a need for a meeting;
- Importance of the Intranet at national level;
- Regular e-mail contacts between the contact points.

6. Manual and Guidance

It was recommended that a small Working Group to be led by Europol and Eurojust be set up to develop a Manual as Facilitating Tool which would be a living document and a practical guide to the implementation of JITs. In continuation of the mandate provided by the Police Chiefs Task Force to Heads of Europol National Units, the Manual should focus on:

- The practical/operational description (definition of Joint Investigation Teams);
 - A description/listing of the national competent authorities and contact details;
 - Overview of legal framework and Member States' various abilities at national and international level;
 - Development of relevant scenarios:
 - o simple vs. complex;
 - o short-term vs. long-term;
 - o police to police vs. multi-agency;
 - Development of a JIT:
 - o Intelligence phase: building up intelligence pictures, exchange of information, involvement of Europol analysts;
 - o Conclusion of the agreement;
 - o Co-operation of law enforcement and judicial bodies (including arrests, seizures, evidence-gathering and decisions as to who will be prosecuted and where they will be prosecuted);
 - Examples of good/poor practice: build on lessons learned from previous JITs; answers to FAQ.
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