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From: General Secretariat of the Council  
To: Delegations

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Subject: Conclusions of the 10th Annual meeting of the National Experts on Joint Investigation Teams (25 - 26 June 2014, the Hague)

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Delegations will find in the Annex the conclusions from the 10th Annual meeting of the National Experts on Joint Investigation Teams held on 25 - 26 June 2014 in the Hague.



# **Conclusions of the Tenth Annual Meeting of National Experts on Joint Investigation Teams (JITs)**

## **25 and 26 June 2014, Eurojust, The Hague**

On 25 and 26 June 2014, the 10<sup>th</sup> Annual Meeting of National Experts on Joint Investigation Teams – organised by the JITs Network Secretariat in close cooperation with Eurojust and Europol - took place at Eurojust.

The meeting was attended by National Experts and practitioners from a vast majority of Member States, representatives of Eurojust, Europol, the European Commission, the General Secretariat of the Council, the European Parliament, OLAF, the European Police College (CEPOL), the European Judicial Training Network (EJTN), the Secretariat of the Council of Europe and prosecutors and law enforcement personnel engaged in EU-funded projects in the European Union's neighbouring countries.

Ten years after the setting-up of this Network, JITs have proved to be a valuable and effective tool in the fight against organised cross-border crime. Meanwhile, cooperation with non-EU States has been increasing and the meeting allowed experts to consider and prepare for the challenges of the increased involvement of non-EU States in JITs.

In this perspective, the JITs Network is supporting future development in JITs, as shown by recent developments in projects of the JITs Network.

## 1. 'JITS beyond the EU': towards a greater involvement of non-EU States in JITS

In recent years, many initiatives have been taken at EU level to develop the external dimension of the Area of Freedom, Security and Justice. In line with these developments – which are reflected in the EU policy cycle for organised and serious international crime – both Eurojust and Europol have been including a greater number of non-EU States in the support they offer, within their respective remit, in the coordination of cross-border investigations and prosecutions. Evidence of this can be found both in the evolution of the casework of the two bodies<sup>1</sup> as well as in the increasing number of cooperation agreements adopted with non-EU States.<sup>2</sup>

Practical experience in JITS involving non-EU States remains limited.<sup>3</sup> However, adequate legal bases have been adopted and are being progressively implemented that allow the establishment of JITS with the EU's neighbours. In addition, the threats caused by organised crime, which by definition recognises no borders, is a strong incentive for using swift and flexible cooperation tools with countries located outside the EU.

During the introductory session of the meeting, presentations were given on a successful JIT experience with a non-EU State, *JIT Vineyard*. This JIT was set up in September 2012 between Austria, Germany, the Netherlands and the former Yugoslav Republic of Macedonia (FYROM) regarding a case involving drug trafficking, whereby large

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<sup>1</sup> According to information made available for the preparation of the meeting, at the end of first quarter 2014, Europol Focal points were supporting 69 international investigations involving third parties (States and/or international organisations). Of these 60 investigations, 6 were dealt with in form of a JIT by the EU MS involved. Between 1 January and 31 March 2014, Eurojust had registered 35 new cases involving third States, whereas in 2013, a total number of 190 cases of this type had been registered (third States were involved in 48 coordination meetings over the same period).

<sup>2</sup> At the date of the meeting, Europol had 17 cooperation agreements in place with non-EU States (Bosnia and Herzegovina, Moldova, Montenegro, Russian Federation, Turkey, Ukraine, Australia, Canada, Columbia, former Yugoslav Republic of Macedonia, Iceland, Liechtenstein, Monaco, Norway, Serbia, Switzerland, United States of America). Eurojust has signed cooperation agreements with Norway, Iceland, United States of America, Switzerland, former Yugoslav Republic of Macedonia and Liechtenstein\* and cooperates with contact points appointed in 30 non-EU States as well as IberRed network.\* In this note, countries underlined are those with which the agreement allows for the exchange of operational information.

<sup>3</sup> At the date of the meeting, according to information collected, 9 JITS had been signed between EU Member State(s) and one or more non-EU countries (FYROM, United States, Norway, Switzerland, Serbia). In addition in August 2014, it was announced that a JIT had been established between the Netherlands, Belgium, Ukraine and Australia to investigate the crash of Flight MH17 on 17 July 2014 in Ukraine. On 4 December 2014, the JIT was extended to Malaysia (See <http://www.eurojust.europa.eu/press/PressReleases/Pages/2014/2014-12-04.aspx>).

quantities of heroin were imported into the EU by an organised criminal group operating from FYROM. The experience gathered in the context of JIT Vineyard was extremely valuable for identifying the specific legal and practical challenges of the involvement of non-EU States in JITs, which was the main topic for discussion during this year's meeting. These challenges were considered in four workshops.

### **a. JITs with non-EU States among other forms of cooperation: what options for what choice?**

- Background

To respond effectively to the challenges of fighting transnational and cross-border organised crime, law-enforcement and judicial authorities in the Member States are engaging with non-EU States in forms of cooperation that are no longer limited to 'classic' mutual legal assistance (MLA).

In a first workshop, experts discussed the (possible) specific factors that may lead competent authorities of the Member States to choose the JIT tool for their cooperation with non-EU States, as well as obstacles or constraints that may prevent the involvement of non-EU States.

In *JIT Vineyard*, an important triggering point for the setting-up of a JIT was the need to initiate domestic proceedings in FYROM, given the fact that the extradition of nationals of this country involved in the case would not have been granted. In practice, lack of resources has been identified as an issue, in particular for FYROM, which faced difficulties in covering the cost of translation of evidence received from Austria. At that time, Eurojust JITs funding did not allow the costs of third countries to be covered – which is no longer the case (see *infra* 3) – and ad hoc solutions had to be found.

- Conclusions

Participants in this workshop expressed the view that different legal systems may trigger various methods of cooperation, starting either from the police or judicial cooperation side:

- 'classic' MLA ;

- opening of parallel ('mirror') investigations, supplemented by MLA; however, in these cases the extent of cooperation and coordination is largely based on good will;
- JIT based on the exchange of 'comprehensive' MLA or on a written agreement;
- 'less formal' MLA (typically between neighbouring countries); or
- police cooperation, supported by liaison officers and via international organisations/EU agencies.

Police-to-police communication and subsequent analysis allowed an assessment of whether the case can be concluded through parallel investigations or whether a JIT would be more efficient.

Experts noted that the decision between involved countries on whether a formal working relationship is required could influence the decision to set up a JIT. JITs could be used to more effectively involve a non-EU State into the investigation (in particular by gaining mutual trust, building personal relationships, overcoming cultural differences, experience and knowledge), provided that the State concerned is convinced of the existence of a common investigative/prosecutorial goal and that a benefit can be identified by all parties. In addition, JITs provide for an easy method of exchanging information, a robust legal framework and an economic work process (less resource-consuming at judicial level). Discussion on a possible JIT can be the first step towards the initiation of an investigation in the third State concerned or for the exchange of personal information. With countries more 'distant' – geographically and/or legally – from the EU, a JIT might help to speed up judicial procedures.

The assessment of the type of investigative measures needed (and potential admissibility difficulties) also plays a role.

Lack of experience in cooperation with certain countries and discrepancies between legal systems can constitute an obstacle to the setting-up of a JIT. From the perspective of third States' sovereignty and without previous experience, JITs can be seen to a certain extent as a more 'intrusive' cooperation tool than 'classic' MLA. In such

circumstances, less advanced forms of cooperation can be in use (the practice of so-called JITs '*light*' was mentioned by participants).

From the side of Member States, the extensive sharing of information and evidence allowed by the JIT framework may have a dissuasive effect in some instances, in particular when protection of fundamental rights is at stake (*e.g.* reliability of conditions of evidence gathering, concerns relating to the application of death penalty). In this respect, political or diplomatic considerations do not always match operational needs.

Participants concluded that there are alternatives to the involvement of a non-EU state as a member of the JIT, such as involvement as 'participant', the conducting of parallel investigations/prosecutions combined with police-to-police cooperation and the exchange of information through 'classic' MLA requests.

Eurojust and Eurojust can provide relevant and complementary support when considering the involvement of a non-EU State, *inter alia* by:

- identifying suitable cases for a JIT;
- initiating and facilitating contacts (using cooperation agreements and contact points in third States) and by offering a venue for meetings;
- providing analysis that can influence the decision to set up a JIT; and
- facilitating/advising on issues of international cooperation.

## **b. Legal bases and related issues:**

- Background

The 2000 EU MLA Convention<sup>4</sup> and the 2002 Framework Decision on JITs<sup>5</sup> (FD on JITs) do not foresee the possibility to involve non-EU States as *members* of a JIT. However, recital 9 and Article 1(12) of the FD on JITs, as well as the Model Agreement on the

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<sup>4</sup> Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, OJ C 197, 12.07.2000, p. 1-23.

<sup>5</sup> Council Framework Decision of 13 June 2002 on Joint Investigation Teams, OJ L 162, 20.06.2002, p. 1-3.

establishment of a Joint Investigation Team published in 2010, appear to allow for the involvement of representatives of non-EU States as *participants*.<sup>6</sup>

Since 2000, several other instruments have been adopted that include provisions on JITs:

- Agreement signed on 29 December 2003<sup>7</sup> on the application of provisions of the 2000 EU MLA Convention to Norway and Iceland;
- EU-US Agreement on mutual legal assistance<sup>8</sup> adopted in 2003;
- Police Cooperation Convention for South-East Europe (PCC-SEE),<sup>9</sup> signed in 2006;
- Second Additional Protocol to the European Convention on Mutual legal Assistance;<sup>10</sup> and
- United Nations Conventions against Transnational Organised Crime (UNTOC)<sup>11</sup> and against Corruption (UNCAC).<sup>12</sup>

Not all of the above instruments are applicable between the same States. In addition, the content of the provisions related to JITs varies considerably from one instrument to another: for instance, provisions of UN instruments are only 'enabling clauses', leaving a large amount of room for specific discussions between States willing to set up a JIT.

- Conclusions

In this workshop, the entire range of legal bases available to practitioners in the context of JITs with third States were thoroughly considered, as well as the extent to which

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<sup>6</sup> See *chapeau* of appendix 1 to the JIT Model Agreement.

<sup>7</sup> Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto, [OJ L 26, 29.01.2004, p. 3-9](#).

<sup>8</sup> Agreement on Mutual Legal Assistance between the European Union and the United States of America (Article 5), OJ L 181, 19.07.2003, p. 34-42.

<sup>9</sup> See Article 27 of this instrument, applicable between several Member States (Austria, Bulgaria, Hungary, Romania, Slovenia) and countries of the Balkans (Albania, Bosnia and Herzegovina, FYROM, Moldova, Montenegro, Serbia). Registration with the Secretariat of the United Nations: Albania, 3 June 2009, No 46240.

<sup>10</sup> CETS No.: 182; Article 20. On 1 November 2014, applicable to Albania, Armenia, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Ireland, Latvia, Lithuania, Malta, Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom.

<sup>11</sup> United Nations, Treaty Series, vol. 2225, p. 209. See Article 19.

<sup>12</sup> United Nations, Treaty Series, vol. 2349, p. 41. See Article 49.

reciprocity could serve as a basis and the challenges encountered in the absence of a common legal basis for all States concerned.

It was discussed whether members of a JIT could rely upon different legal bases where no common legal basis exists. Although the possibility was not excluded and while reciprocity may also serve as a basis, it recommends that more Member States ratify the 2<sup>nd</sup> Additional Protocol to the 1959 Convention on mutual assistance in criminal matters (2001) in order to provide a common legal basis.

In *JIT Vineyard* for instance, the choice was made to *combine* the legal bases (EU instruments, CoE Protocol, UNTOC) and to apply specific instruments between specific partners.

In the context of reliance upon legal bases for JITs in UN Conventions which do not tend to be prescriptive, experts also commented upon the need to ensure compliance with all relevant domestic law provisions, in particular when drafting the JIT Agreement. In this context, the EU model agreement is not necessarily adequate and the idea of a model agreement specific to JITs with non-EU States was put forward.

Given the importance of these legal issues, experts encouraged the systematic collection of lessons learned and results of court proceedings regarding JITs with non-EU States.

### **c. Exchange of information and evidence: what specifics of JITS involving non-EU States?**

- Background :

The exchange of information within a JIT involving only Member States is facilitated by the level of integration existing within the EU, which entails compliance with common standards in the field of data security and data protection. Dedicated and secure channels of communication have also been established that allow JIT partners to communicate effectively in real time (including SIENA<sup>13</sup> and Eurojust's secure email

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<sup>13</sup> SIENA (Secure Information Exchange Network Application) is a tool designed by Europol to enable swift, secure and user-friendly communication and exchange of operational and strategic crime-related information and intelligence.



exchange). The same prerequisites and tools are not necessarily in place in relation to non-EU States.

In addition, the exchange of information within a JIT involving a non-EU State is subject to the application of EU rules governing the transmission by Member States of personal data to such States.

- Conclusions

From an operational perspective, participants took the view that a clear understanding and explanation of respective roles is needed to ensure the effective exchange of information.

It was reported that SIENA was used successfully in the past for a JIT with third States. The secure and fast exchange of information is essential, and regular email should not be used, because of both security and data protection concerns.

SIENA, however, has until now not been utilized extensively by judicial authorities for exchange among themselves. Consequently, the secure exchange of evidence among the judiciary is at times a challenge.

To ensure smooth communication, consideration could be given to centralising the exchange of information with a third State participating in the JIT via a Member State.

For JIT members that would apply for and receive a loan of laptops from Eurojust, secure email exists.

From a data protection perspective, the issue of data transfers with third States was first introduced by Directive 95/46/EC,<sup>14</sup> and later complemented by several instruments with specific data protection rules in the JHA area, including Council Framework Decision of 27 November 2008 on the protection of personal data processed within the framework of police and judicial cooperation in criminal matters.<sup>15</sup>

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<sup>14</sup> Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23.11.1995, p. 31-50.

<sup>15</sup> Council Framework Decision of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (2008/977/JHA), OJ L 350, 30.12.2008, p. 60-71; hereinafter – Framework Decision 2008/977/JHA.

Currently, the matter of international data transfers in the area of police and judicial cooperation in criminal matters is regulated by Article 13 of Framework Decision 2008/977/JHA. This Article requires, in principle, verification that the third State receiving the information ensures an *'adequate level of protection for the intended data processing'*, or at least provides *'safeguards which are deemed adequate by the Member State concerned according to its national law'*. Framework Decision 2008/977/JHA provides for certain limited derogations from the above requirements. While the scope of this Article is very limited - as it applies only to data transmitted or made available by the competent authority of another Member State that are re-transmitted to a third State<sup>16</sup> - it may precisely be applicable to JITs, where this type of scenario is likely to occur. In all other cases, there are currently no binding EU data protection rules applicable to the exchange of personal data between the judicial or law enforcement authorities of a Member State and those of a third State.

On 25 January 2012, however, the Commission put forward a proposal for a Directive on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties and the free movement of such data.<sup>17</sup> The proposal introduces general principles for data transfers to third countries, underlining that such transfers *'may take place only if the transfer is*

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<sup>16</sup> *'Article 13 Transfer to competent authorities in third States or to international bodies*

1. Member States shall provide that personal data transmitted or made available by the competent authority of another Member State may be transferred to third States or international bodies, only if:

(a) it is necessary for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;

(b) the receiving authority in the third State or receiving international body is responsible for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties;

(c) the Member State from which the data were obtained has given its consent to transfer in compliance with its national law; and

(d) the third State or international body concerned ensures an adequate level of protection for the intended data processing.

(...)

3. By way of derogation from paragraph 1(d), personal data may be transferred if:

(a) the national law of the Member State transferring the data so provides because of:

(i) legitimate specific interests of the data subject; or

(ii) legitimate prevailing interests, especially important public interests; or

(b) the third State or receiving international body provides safeguards which are deemed adequate by the Member State concerned according to its national law'.

<sup>17</sup> Full text of the proposal can be found at

<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:52012PC0010>.

*necessary for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties’.*

Articles 34 and 35 of the proposal foresee that transfers of personal data to a third State in the context of criminal investigations and prosecutions may take place only in relation to those States for which the Commission has adopted an *adequacy decision* or, in the absence of such decisions, where *appropriate safeguards* are in place (either by way of adducing those in a legally binding instrument or by a documented decision of the controller re the *appropriate safeguards*).

Moreover, the proposal introduces a number of derogations, providing more possibilities for data transfers in cases when there is no adequacy decision or appropriate safeguards, as foreseen in Articles 34 and 35. The most important derogation is undoubtedly that which provides that transmission of personal data is nevertheless possible if the *‘transfer is necessary in individual cases for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties’* (Article 36(1)(d)). This important ‘derogation clause’ would certainly have to be considered in the field of JITs.

Against this background, participants in this workshop considered whether specific *clauses and safeguards* could be introduced in the JIT agreement itself to ensure compliance with EU data protection standards.

Regarding third States with existing operational cooperation agreements with Europol and/or Eurojust - approved by Joint Supervisory Bodies of EU Agencies, as well as the Council - participants took the view that there might be no need for additional guarantees in the JIT Agreement itself.

For cooperation with third States with which no binding legal agreement exists, it is recommended to explore whether the JIT Agreement could contain additional safeguards, such as regarding the protection of personal data to be shared within the JIT.

## **d. The contribution of the JITS Network to the promotion of JITs with non-EU States**

- Background

Policies and strategies adopted in the field of Justice and Home Affairs identify a need to supplement actions taken by the European Union in the field of internal security with measures directed to non-EU States in the fight against organised crime and terrorism. As pointed out in a presentation made during the meeting by Europol, this can, in particular, be observed in the Policy Cycle against organised crime, where in many EMPACT priorities, the need to cooperate with third States is underlined and JITs are often identified as one of the tools to develop this cooperation.

To support this process, the EU has contributed financially to several projects aimed at raising awareness and promoting the use of JITs, in particular towards countries of the Balkans, some of which are candidate countries or potential candidates for accession to the EU.

Several of these projects were presented during the meeting:

- The Project on JITs (2009–2012) awarded to DCAF<sup>18</sup> Ljubljana with a grant from the Commission intended to raise the awareness of JITs among practitioners from Albania, Bosnia and Herzegovina, Bulgaria, FYROM, Moldova, Montenegro, Romania and Serbia, and to enhance cooperation between the Contracting Parties of the PCC SEE as well as between the Southeast Europe region and Member States.
- The JITs Trafficking in human beings (THB) Project (2011–2013) introduced the requirements for establishing JITs to fight trafficking in human beings. In October 2013, a second project was initiated by the Ministries of the Interior of Slovenia and Bulgaria, with the objective of enhancing the use of JITs in trafficking in human beings cases in the Western Balkans at local level. In total, seven workshops involving prosecutors and law enforcement personnel are planned in

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<sup>18</sup> Democratic Control of Armed Forces.

the different countries of the region until 2015. Together with Eurojust and Europol, the JITs Network is closely involved in this project.

- The Project *'Fight against organised crime and corruption: Strengthening the Prosecutors' Networks'* (2010 – 2014), funded by the Instrument for pre-accession (IPA), aims to improve cooperation between countries from the Western Balkans to investigate and prosecute organised crime and linked cases of economic and financial crime and corruption. To promote cross-border cooperation between prosecutors, the Project encourages effective action against international crime – commencing with joint investigations.

Furthermore, JIT training courses have been developed jointly by the European Police College (CEPOL) and the European Judicial Training Network (EJTN) in close cooperation with Europol, Eurojust and the JITs Network. The *'EU training model'* on JITs is now being proposed by CEPOL and the EJTN to non-EU States.

From 26 to 28 May 2014 in Ljubljana, the PCC-SEE Secretariat, CEPOL and the EJTN had a first successful experience of such cooperation, with the organisation of a 'capacity building workshop' on JITs. Several experts from the JITs Network and the Secretariat were closely involved in this event.

In workshop 4, experts were invited to discuss the possible contribution of the JITs Network to these awareness-raising efforts and the type of interactions that could be envisaged.

- Conclusions

Determining 'key' third States to which the setting-up of JITs should be promoted is a difficult exercise in view of EU regional particularities regarding criminal activities. Analysis of EU threat assessment tools (including the SOCTA report), EMPACT priorities and countries with which Eurojust and Europol have concluded cooperation agreements constitute a good basis for determining key third States or at least key regions to encourage the setting-up of JITs. During the meeting the following key geographical zones and countries were mentioned as relevant for the promotion of JITs: Western

Balkans, Eastern European countries, South America, United States, Turkey and Switzerland.

The JITs Network Secretariat could centralise relevant information in this respect and compile the requirements necessary to the setting-up of JITs with specific countries (*e.g.* legal basis, capacity, data protection, etc.).

As a first step, implementation of relevant legal instruments - particularly the Second Additional Protocol to the European Convention on mutual legal assistance in criminal matters of 20 April 1959, which is open to States that are not members of the Council of Europe - is crucial, both inside and outside the European Union, and should be encouraged.

In addition, training in JITs should be promoted in liaison with key partners. In this respect, experts took the view that the Secretariat should establish contacts with these partners (Europol, CEPOL, EJTN, UNODC, Council of Europe, Secretariat of the PCC-SEE, and relevant EU project managers) and consider opportunities for cooperation. The JITs Network and its Secretariat should then contribute to all training activities organised in cooperation with them. To ensure consistency, these activities should be based on an EU single standard module. Constant coordination with these training actors is therefore required and the Secretariat could contribute to these coordination efforts.

It is also desirable that the European Commission continues to allocate sufficient funds for such training and JIT-related projects, as well as for 'train-the-trainer' activities.

Developing interaction and cooperation with other networks and projects developed outside the European Union is also an efficient method of promoting JITs. As a first step, the Secretariat could be mandated to identify other JITs experts networks and relevant entities related to JITs and consider possible cooperation (*e.g.* facilitating contact between JITs experts, including possibly on an ad-hoc basis, the exchange of information on national legislation, and the exchange and promotion of tools developed from each side).

Throughout the 10 years of its existence, the JITs Network has indeed built up strong expertise in the area of joint investigations. Various tools have been developed or are currently in the process of being developed, *i.e.* the JITs Guide on Member States

legislation on JITs, the JITs Manual, the JITs Evaluation Form and the JITs restricted area. The annual meetings of the Network provide the ideal platform for sharing knowledge between National Experts and making it available at EU level.

These tools could be made available, for instance, to the experts of the network established under the PCC-SEE. Access to at least certain parts of the restricted area could also be envisaged.

In addition, the JITs experts network should be marketed in the Member States: *e.g.* EJN Contact Points need to be aware of the role of the JITs experts network to be able to provide relevant JITs information to contact points in third States (*e.g.* IberRed).

## **2. Projects and activities of the JITs Network**

During the meeting, experts also discussed the latest developments in JIT-related projects as well as working methods of the network.

### **a. 'Fiches espagnoles'**

This project has been developed on the basis of a suggestion by the Spanish experts during the 9<sup>th</sup> annual meeting. The idea is to collect and make available to practitioners via the *JITs Network restricted area* summaries of the national legislation of the Member States that are relevant to the setting-up and operation of JITs.

To ensure the homogeneity of the content of the *Fiches*, the Secretariat has developed a standard template which covers the following legal and practical aspects:

- General information (references of legislation, applicable EU and international instruments);
- Setting up of JITs;
- Exchange of information and evidence within the JIT (including confidentiality and disclosure aspects);
- Participation of seconded members in investigative measures; and
- Admissibility of evidence collected within a JIT.

A 'pilot' has been developed with several Member States (AT, BE, BG, CZ, ES, FR, SE, SK, NL) to test the relevance of the template and the process of completion. The initial draft is typically established by the Secretariat on the basis of available resources - including the *Guide on Member States' legislations on JITs* developed by Eurojust and Europol - and sent to the JITs experts and/or Eurojust National Member of the concerned Member State for comments. Validation of the experts is required before publication.

It is expected that the first national summaries will be published within a few months.

## **b. JITs evaluation:**

Following the adoption - during the 9<sup>th</sup> annual meeting - of a *JITs evaluation form* to support practitioners in assessing the performance of JITs, an 'interactive' version of the form has been developed by the Secretariat in liaison with Eurojust relevant units and made available to the JITs experts in April 2014. Since then, steps have been taken to raise awareness on the use of the JITs evaluation form (presentation in training sessions, before the College of Eurojust, etc.).

Eurojust and Europol can support the evaluation process by offering a venue for an evaluation meeting<sup>19</sup> or by making available video-conference facilities. The Secretariat is also available to participate in evaluation meetings and assist practitioners in completing the form on the spot. During the meeting, experts discussed possible methods of promoting the use of the JITs evaluation form at national level (publication on intranets/websites, presentations in seminars and training sessions, assistance to JITs leaders in completing the form). They agreed to identify at national level and communicate a list of ongoing and closed JITs for which evaluation would appear to be useful.

To facilitate the processing of evaluation data, it is intended to establish a dedicated database within the Secretariat, using the XML scheme linked to the JITs evaluation PDF form. Such tool would also offer an opportunity to establish statistics on JITs, which do not exist for the time being at EU level. From a mid-term perspective, periodic reports on JITs shall be established and disseminated to enhance knowledge on JITs for practitioners and improve the functioning of the tool.

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<sup>19</sup> Eurojust JITs funding can be used for financing the organisation of an evaluation meeting.



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To support these two projects, experts agreed to set up dedicated working groups within the network that would meet on a periodic basis to monitor progress made and provide further input where needed. The Secretariat was requested to launch a call for volunteers and to explore possibilities to hold meetings of the working groups via videoconference.

### **3. Eurojust JITs funding**

Since July 2013, the management of grants awarded by Eurojust to support JITs activities has been managed by the JITs Network Secretariat. Following the completion of the *Second JITs funding project* implemented by Eurojust on the basis of a grant awarded by the Commission (ISEC programme), Eurojust has provided support from its regular budget. In January 2014, a renewed and streamlined procedure was launched that takes all the necessary consequences of this change of legal framework into account.

Rather than a multi-annual project, JITs grants are now based on an annual budget allocation (EUR 650 000 in 2014). To ensure operational needs are covered to the maximum extent possible, eight calls for applications are launched during the year, thus allowing a new time slot to be 'opened' for practitioners every 45 days.

The standard duration of the action period is three months, beginning either on the 1st or 15th day of the relevant calendar month. To avoid overlaps between action periods for the same JIT, a system of 'rolling' action periods has been introduced.<sup>20</sup>

The categories of eligible costs that were used under the JITs project have been retained (travel, accommodation, interpretation and translation costs) as has the lending of equipment. However, certain improvements have been introduced (inclusion of costs for the transportation of items directly linked to operational activities, travel costs by rented car). In addition, since January 2014, costs incurred by third States involved in a JIT as Parties or participants can be covered.<sup>21</sup> The application form has been simplified

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<sup>20</sup> More details on JITs funding annual planning can be found at <http://www.eurojust.europa.eu/doclibrary/JITs/jits-funding/Pages/2014-planning.aspx>.

<sup>21</sup> Provided that at least one Member State is involved in the JIT and that the Eurojust National Members of the Member States involved have been invited to participate in the JIT.

and greater flexibility has been introduced in the use of awarded funds and in the supporting documents required at the stage of reimbursement.

Between January and May 2014, 64 new applications for funding were received and processed, thus confirming the high interest of practitioners and the usefulness of this funding programme.