Annual Report 2011

Eurojust Arc building

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Note re Eurojust Decision

Eurojust Decision – The Council Decision of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime, as last amended by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust, will be referred to in this report as the "Eurojust Decision".

A consolidated version of the Eurojust Decision, prepared by the Council General Secretariat for information purposes only, is available on our website at www.eurojust.europa.eu.

List of acronyms

AWF .....Analysis Work File
CEPOL .....European Police College
CMS.....Case Management System
COSI .....Standing committee on operational cooperation on internal security
EAW .....European Arrest Warrant
EIO .....European Investigation Order
EJN .....European Judicial Network
ENCS.....Eurojust National Coordination System
Frontex ...European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union
JIT .....Joint Investigation Team
MLA.....Mutual legal assistance
OCC.....On-Call Coordination
OCTA.....Organised Crime Threat Assessment
OLAF .....European Anti-Fraud Office
TE-SAT ....Terrorism Situation and Trend Report
THB.....Trafficking in human beings

Foreword

This is the tenth annual report of the European Union's judicial cooperation unit. 2011 saw Eurojust's core business of helping the operational fight against serious cross-border crime develop significantly. There was only a small increase in the number of cases which Member States referred to Eurojust compared to 2010, but there was a marked increase in Eurojust's coordination activity.

Coordination meetings bring together Eurojust's experts with their counterparts in Member States and in European Union bodies. The meetings facilitate efficient decision-taking about when, where and how law enforcement and judicial action against organised crime groups in cross-border cases should take place. The usefulness of these operational meetings to practitioners in Member States was evidenced by a 40 % increase in their number in 2011. At the same time, this increase is a sobering reminder that the threat from cross-border crime has not diminished. For the first time, these meetings dealt with the coordination of more than 200 cases.

2011 also saw a significant development of the coordination meeting. This was the introduction of the coordination *centre*. Once operational activity in Member States for a specific day has been decided at a coordination meeting, Eurojust's experts are now available in a secure coordination centre to advise their Member State and EU colleagues. As the day of action unfolds they can assist with questions such as admissibility of evidence in different jurisdictions, and the drafting of European Arrest Warrants and other judicial assistance requests. Eurojust operated seven coordination centres in 2011, dealing with crimes ranging from trafficking in human beings, trafficking in drugs to major fraud. This has been accomplished against a background where many Member States have still to implement the provisions of the revised Eurojust Decision.

Another important aspect of Eurojust's coordination work in 2011 was with Joint Investigation Teams (JITs). Initially seen as bureaucratic, JITs are now accepted as a useful tool in the fight against cross-border crime. They provide a framework in which practitioners from different jurisdictions can work together without the difficulties and delays associated with traditional forms of mutual legal assistance. In 2011 Eurojust became home to the JITs Network Secretariat. During the year, Eurojust's prosecutors, judges and police officers participated in about 30 teams.

There was also progress in providing the infrastructure for coordinated working. Agreement was reached with the Netherlands and EU authorities that a new building for Eurojust could go ahead. This will allow all our personnel to work together rather than on two sites as at present. Completion is anticipated in 2015. Another advantage of the new building will be that Eurojust will be located close to one of its main EU partner organisations, Europol. This will give concrete expression to the need for a coordinated response to the crime groups which threaten EU citizens.

The Annual Report 2011 continues with the operational focus of previous reports. I hope that it provides a useful account of Eurojust's activities in the fight against cross-border crime.

ALED WILLIAMS
President of Eurojust

College of National Members, February 2012

Seated from left to right:
Elena Dinu, RO; Mariusz Skowroński, PL; Malči Gabrijelčič, SL; Gunars Bundzis, LV; Michèle Coninsx, BE, Vice-President; Aled Williams, UK, President; Raivo Sepp, EE, Vice-President; Ilona Lévai, HU; Lampros Patsavellas, EL; Donatella Frendo Dimech, MT; Juan Antonio García Jabaloy, ES

Standing from left to right:
Harri Tiesmaa, FI; Ingrid Maschl-Clausen, AT; Jesper Hjortenberg, DK; Francesco Lo Voi, IT; Laima Čekelienė, LT; Ladislav Hamran, SK; Carlos Zeyen, LU; Mariana Lilova, BG; Ola Laurell, SE; Robert Sheehan, IE; João Manuel Da Silva Miguel, PT; Hans-Holger Herrnfeld, DE; Lukáš Starý, CZ; Sylvie Petit-Leclair, FR; Marc van Erve, NL; Katerina Loizou, CY

Executive Summary

The number of cases where Member States requested Eurojust's assistance in fighting serious cross-border crime increased slightly in comparison with the previous year, from 1,421 to 1,441.

Eurojust's coordination role developed markedly:

- The number of cases dealt with at Eurojust's coordination meetings increased in comparison with the previous year from 140 to 204;
- 80% of coordination meetings dealt with "EU priority crimes" (listed below);
- Almost 70% of coordination meetings involved three or more Member States;
- Seven coordination centres operated to provide real-time support to operations in Member States;
- Europol attended 89 of Eurojust's coordination meetings.

The eight EU priority crimes areas, as determined by the Council, were reflected in Eurojust's casework as follows (in descending numerical order): drug trafficking, fraud, other organised crime activities, money laundering, trafficking in human beings, terrorism, corruption and cybercrime.

Eurojust's role with Joint Investigation Teams (JITs) grew steadily in 2011:

- 33 JITs were formed with Eurojust's assistance;
- Eurojust's prosecutors, judges and law enforcement officials participated in 29 JITs;
- Eurojust evaluated and administered Commission funding to JITs involving 16 Member States.

10 Member States had completed the necessary measures to bring their national legal systems into conformity with the revised Eurojust Decision at the end of 2011.

Eurojust's budget in 2011 was €31.7 million. Eurojust executed 95.6% of its budget.

The number of persons working at Eurojust in 2011 was 269:

- 42 were prosecutors, judges or police officers of equivalent competence seconded by Member States, assisted by 15 seconded national experts;
- 210 were employed under EU Staff Regulations, assisted by two seconded national experts.

Agreement for new Eurojust premises in 2015 was reached with the Netherlands, as the Host State, and with EU institutions over the budgetary implications.

Secretariats to both the JITs and Genocide Networks were established at Eurojust's premises in 2011.

1 Operational activities

1.1 Introduction

Eurojust's work priorities for 2011 were adopted in light of the Council assessments of crime threats to EU citizens. The types of "EU priority crime" identified by the Council of the European Union as posing particular threats were terrorism, drug trafficking, trafficking in human beings (THB), fraud, corruption, cybercrime, money laundering, and other organised crime activities. Information about Eurojust's casework in these areas, together with problems, best practices identified and notes of related strategic work, is given below.

In 2011, Eurojust responded to Member States' requests for assistance in 1441 registered cases. Two-thirds of the requests concerned "EU priority crimes". The remainder included serious crimes such as murder, rape and robbery. Detailed statistics regarding casework and Member States' involvement are provided in the Annex.

While the overall number of requests for Eurojust's assistance in 2011 was almost exactly the same as in 2010, the number of meetings held to coordinate the work of judicial and law enforcement authorities increased significantly. The number of cases dealt with in coordination meetings rose to 204, an increase of 44% over 2010 (when 141 cases were dealt with). Approximately 70% of coordination meetings involved three or more countries, and 80% concerned priority crimes.

Eurojust's involvement in the setting up of JITs also increased in 2011 (*see* section 1.4).

1.2 Eurojust's judicial cooperation casework

Eurojust's work is essentially operational and deals with the resolution of problems in serious cross-border crime cases. In some instances, the problems to be resolved are practical, or derive from the particularities of a national jurisdiction. The following obstacles and some best practices in practical casework have been identified.

1.2.1 Problems and best practices in Eurojust's casework

A recurrent obstacle has been delay in the execution of mutual legal assistance (MLA) requests for various reasons. Sometimes, incomplete legal and factual characterisations of relevant material mean that MLA execution in

one jurisdiction is delayed until further information and clarification is received from another. Sometimes, delay is compounded by matters such as the lack of centralised databases which would allow the swift identification of bank accounts or other property; in other instances, a delay can occur when a request from an issuing authority in one Member State to an executing authority in another Member State is wrongly directed due to misidentification of the appropriate recipient. Sometimes, legal concepts in one jurisdiction simply do not have a direct counterpart in another, and difficulties of translation, both legal and linguistic, exacerbate problems of execution.

Issues stemming from differences in the definition of crimes have also arisen, and in this regard Eurojust has been able to facilitate dialogue between requesting and requested countries, and to assist in the clarification of the definition of crimes in the jurisdictions involved.

A coordination meeting with 14 Member States, Norway, Croatia, USA, Europol

Eurojust frequently helped resolve problems by assisting, often within tight time constraints, in drafting and transmitting letters rogatory, in identifying the appropriate national authority, and in advising on evidential requirements in the requesting and executing countries. Its early involvement in complex cases has meant that legal and evidential problems can be identified at a stage when appropriate measures can be taken. The importance of this early dialogue, between Eurojust and the Member State's judicial and law enforcement authorities it assists, cannot be overemphasized. It can range from the resolution of very practical and immediate problems in a particular case to consideration of the tactical and strategic lessons to be drawn at its casework seminars.

More generally, Eurojust facilitated information exchange through the use of two particular tools: coordination meetings and JITs. By bringing practitioners together and fostering the exchange of case information, Eurojust has contributed to strengthening working relationships with practitioners in Member States and other EU bodies.

1.2.2 Coordination meetings

As noted, in 2011 Eurojust organised coordination meetings in 204 cases, a significant increase over the previous year. These meetings continue to be of considerable added value for competent national authorities in cross-border cases. They facilitate effective and timely exchange of information, they provide solutions to practical and legal difficulties, and they help build trust between competent authorities in different Member States. Although not optimal, use of videoconference tools in coordination meetings has also enabled cases to be progressed when bringing relevant parties together was not possible due to operational time constraints.

Coordination meetings frequently led to the conclusion of operational agreements, which Eurojust then followed up to ensure their effective application by national authorities. Of particular importance were the agreements at coordination meetings to establish JITs. Coordination meetings were attended not only by Member State

The first coordination centre

Eurojust supported Italy and the Netherlands in an operation to arrest one of Italy's 100 most wanted fugitives. The fugitive belonged to the *Clan Polverino*, a Camorra-organised crime group based in Naples. *Clan Polverino* is believed to be responsible for trafficking huge quantities of drugs from Spain to Italy, murder, extortion, illegal possession of weapons, money laundering through the commercial sector and other criminal activities. Action to arrest the target had begun earlier in 2011, when he escaped another international police operation against *Clan Polverino*, although 40 other members of the gang were arrested in Italy and Spain.

The target was traced to Zeewolde. At the Eurojust coordination meeting, Italian and Dutch police and judicial authorities exchanged information and planned the activities for the arrest. Practical details for the issue of the European Arrest Warrant and other necessary investigative activities requested by a letter rogatory were discussed and clarified, to facilitate smooth execution of the operation.

The Italian *Carabinieri*, together with the Dutch Special Police Forces, raided the villa where the target was living under a false name with his partner. During the operation, the police authorities were able to seize a forged passport, €20,000 and photos depicting the fugitive with the head of the *Clan Polverino*.

Eurojust coordination provided the basis for the successful execution of the operation, which marked an important step in the fight against *Clan Polverino*, which had been led by the Naples Antimafia Office since 2007, with the valuable cooperation of the Spanish *Guardia Civil* and the Dutch Special Police Forces. The information exchanged during several Eurojust coordination meetings, and subsequently analysed, helped identify the command structure of the organised crime group.

representatives but where appropriate by representatives of third States and EU bodies such as Europol and OLAF. Third States were represented on 45 occasions at coordination meetings, Europol 89 and OLAF 8.

1.2.3 Coordination centres

2011 saw a significant development of the coordination meeting tool. To provide increased operational support during days of action in different Member States, Eurojust developed the use of coordination *centres*. Technical facilities available to coordination centres allow Eurojust to be linked securely and in real time to its counterpart prosecutors, judges and police officers. As operational actions are undertaken in Member States, and seizures and arrests generate new lines of enquiry, Eurojust is able to provide immediate input on urgent questions, such as the drafting of European Arrest Warrants (EAWs), or the requirements to be met, both evidential and legal, in such matters as the issue of a search warrant or the restraint of a bank account.

Additionally, communication between national judicial authorities undertaking operational action is accelerated, as

results and incidents in Member States can be reported on immediately to the centre, allowing for real-time coordination with the involvement of all participating authorities.

In some cases, these centres were set up at very short notice, in one case within three hours, demonstrating Eurojust's capability to respond quickly to the operational needs of the judicial and prosecutorial authorities in Member States.

Seven coordination centres, targeting crimes such as drug trafficking, money laundering, tobacco smuggling, fraud and THB, were held in 2011.

A random check by French Customs officers of a Spanish vehicle in 2010 uncovered a large quantity of banknotes, which bore significant traces of cocaine. Enquiries established that the vehicle's driver was linked to an organised crime group operating in France, Belgium, Germany, Spain and the Netherlands. Because of the complexity of the investigation, Eurojust was contacted and proposed a day of action managed through a coordination centre.

In June 2011, a coordination centre was held at Eurojust, linked to judicial authorities in five Member States and with valuable assistance from Europol's mobile office. This allowed the real-time transmission and coordination of information between investigative and judicial authorities as well as analysis of emerging data as arrests and searches took place. Nine suspects were arrested and ten simultaneous searches were conducted in different Member States. A large body of evidence, property and drug-making materials were seized. EAWs were issued against German, Colombian, Lebanese and Turkish nationals suspected of being active members of this large and highly complex network.

1.2.4 Articles 6 and 7 of the Eurojust Decision

Under Articles 6 and 7 of the Eurojust Decision, National Desks individually, and the College as a whole, may make casework recommendations to competent national authorities. These recommendations can be useful tools for the improvement of judicial cooperation, and exemplify the continuous dialogue between Eurojust National Members and their authorities on operational matters.

In 2011, the dialogue with judicial authorities and law enforcement agencies took place through both informal and formal exchanges. Recourse to Article 6 arose in various ways. It sometimes followed initial informal discussions and meetings with national authorities, or from the identification of issues arising from coordination meetings, or simply from information provided by a requesting authority in a letter rogatory.

Because of the importance of informal contact under Articles 6 and 7, the

formal recording of requests under these provisions tended to occur only when audit trails of decisions were a requirement of procedural arrangements in particular Member States. During 2011, 14 formal requests were recorded under Article 6 of the Eurojust Decision, some of which are noted below:

Requests to undertake an investigation or prosecution of specific acts – Article 6(1)(a)(i)

Six requests were issued under Article 6(1)(a)(i) by Eurojust National Desks. In one case, the Italian Desk asked its authorities to consider undertaking an investigation that had originated in a French case of THB for the purpose of sexual exploitation. This request resulted in the launching of a multilateral investigation that broadened to include the Czech Republic, Ireland, Italy and Europol.

In three cases of money laundering, Eurojust requested the relevant Italian prosecuting authorities to take action based on information provided by the Portuguese and German authorities. Requests were also made in cases of illegal immigrant smuggling linked to organised crime involving Germany, Austria, Greece, Italy and the former Yugoslav Republic of Macedonia (fYROM), and in a case of cigarette smuggling. In all cases, the Italian authorities initiated investigations. One case is noted in subsection 1.3.7.

Request to competent authorities to accept that one of them may be in a better position to undertake an investigation or prosecute specific acts – Article 6(1)(a)(ii)

In one case, the Eurojust National Desk asked its authorities to undertake an investigation and prosecution in relation to specific elements of a case of fraud. The competent national authority followed Eurojust's recommendation.

Requests to competent authorities to coordinate between the competent authorities of the Member States concerned – Article 6(1)(a)(iii)

Three formal requests were issued under Article 6(1)(a)(iii) and investigations were initiated in all cases. The Italian national authorities were requested to ensure coordination of their existing proceedings with other Member States (Belgium, Bulgaria and Germany) involved in a French case of cigarette smuggling. A similar initiative was launched in a case of tax fraud and money laundering which affected eight Italian authorities and the Netherlands. Coordinated action took place in agreement with the Dutch authorities, and a number of house searches were successfully executed. A third request led to the launching of a drug trafficking investigation.

Requests to provide any information that is necessary for National Members to carry out their tasks – Article 6(1)(a)(v)

Eurojust's ability to receive and transmit information quickly and effectively is

essential to the successful investigation of cross-border crime and is central to its core business. Instances recorded formally under Article 6 included three requests for information exchange. In a Latvian investigation into corruption, the Spanish Desk asked national judicial authorities to identify the relevant national prosecutor in order to exchange information and ensure coordination. Another case between Romania and Italy concerned allegations of forgery of money and means of payment. A third request was forwarded by the Italian Desk to national authorities regarding a case of fraud initiated by Austria.

Requests to take any other measure justified for the investigation or prosecution – Article 6(a)(vii)

Under this provision, Eurojust asked the Italian authorities to consider a temporary surrender measure in a case of counterfeiting and organised crime.

1.2.5 Mutual Legal Assistance Conventions

The 2000 Mutual Legal Assistance Convention with its 2001 Protocol, and the 1959 Convention on Mutual Assistance in Criminal Matters with its Protocols (MLA Conventions), remain the most important legal bases for judicial cooperation within the European Union. In general, their application is seen as positive. Nevertheless, continuing difficulties have been identified. Not all Member States have implemented the 2000 MLA Convention, a situation that can create problems in the use of such important tools of judicial cooperation as videoconferences and JITs. Additional problems in the application of these MLA Conventions arise due to the absence of deadlines for the execution of requests and lack of information as to the progressing of requests. Eurojust has often been asked to assist in solving these problems.

An important preliminary practice performed by Eurojust is to make informal contact with requesting and requested authorities to refine a request before formal transmission, significantly increasing the likelihood of prompt execution.

1.2.6 Issues regarding gathering and admissibility of evidence

Eurojust has developed expertise in dealing with a recurring issue in cross-border judicial cooperation: differing rules on the admissibility and disclosure of evidence and information in national jurisdictions, impacting diverse areas of casework. Different rules on the interception of telecommunications and hearing of witnesses, for example, have again created difficulties in the gathering, exchange and admission of evidence. Similar difficulties have occurred regarding the use of videoconferences, undercover agents, and the gathering of DNA samples.

Practical problems with regard to translation and transmission also

Resolution of conflicts of jurisdiction and the use of JITs were elements in one of Eurojust's most complex drug trafficking cases.

An organised crime group sent tons of cocaine from South America to Europe and laundered the proceeds in many banking centres. A Swedish investigation, which began in 2008, revealed the international dimensions of the case, which affected other Member States such as France and Spain, as well as states outside the European Union, such as Colombia, the USA, Switzerland, Venezuela, Israel and Andorra.

Due to the complexity of the case, Eurojust was asked to assist. Following a coordination meeting in The Hague, a JIT was formed that was supported under the JIT Funding Project. As a first success for the JIT, 1.4 tons of cocaine was seized aboard a 15-metre sailboat bound for Europe, with Eurojust assisting with the provision of expert advice on the legalities of maritime interception. The JIT legal framework enabled a prompt exchange of information to take place without lengthy MLA procedures; this proved to be one of the essential keys to the operational success of the case (assistance was also provided by the Netherlands, Malta, the UK, Estonia, Cyprus and Germany).

The investigation, which lasted over three years, was supported by 13 coordination meetings at Eurojust, many involving the assistance of Europol. The meetings helped resolve practical issues in the investigation and in particular those associated with possible conflicts of jurisdiction. Agreement was reached as to where the prosecutions should take place, and a ringleader was subsequently surrendered by Colombia to Sweden.

As a result of the operation, more than 30 members of the organised crime group have been arrested throughout the world. Due to intervention by Spanish and Swedish authorities, bank accounts were frozen as part of the investigations into money laundering, and approximately €6 million was seized in five different countries, linked to reinvestments in real estate, a discotheque and other legal businesses, luxury vehicles and ships. The network appears to have invested and spent at least €12 million. The total amount of seized cocaine had a street value of approximately €450 million.

continue to impede judicial cooperation between Member States. A coordination meeting where the interception of telephone communications was agreed can serve as an example. The interceptions were conducted. However, under the domestic legislation of one Member State, such evidence was classified, hampering the transmission of the transcripts to the other Member State prior to trial. Eurojust was able to intervene to facilitate the declassification of this evidence and its subsequent transmission.

Eurojust has sought to resolve such difficulties, not only in specific cases, but by contributing to the debate on reforming the system of obtaining cross-border evidence, such as the proposal for a European Investigation Order (EIO). Eurojust's Opinion on this draft instrument was published as a Council document on 4 March 2011 (6814/11). Further details are in section 2.1.

1.2.7 Prevention and resolution of conflicts of jurisdiction

Eurojust has made formal use of its powers to help prevent and resolve conflicts of jurisdiction in very few cases. Acting as a College, Eurojust has made three recommendations to Member State authorities about conflicts of jurisdiction since 2002; all have been accepted. However, situations where two or more Member States, in accordance with their domestic law, have jurisdiction over a case are more common. Eurojust has frequently acted to help resolve any attendant problems without the registration of a formal request to the Member States involved.

Coordination meetings have also proved to be a practical and useful tool by allowing for early discussion and agreement between the competent authorities involved in parallel investigations. Similarly, conflicts of jurisdiction have been addressed and prevented as a result of agreements reached within the scope of JITs. Additionally, Eurojust's role in preventing conflicts of jurisdiction often takes the form of promoting the early, informal exchange of views. This role is strengthened by use of the written guidance contained in Eurojust's *Guidelines for deciding "which jurisdiction should prosecute?"* published in the 2003 Annual Report. The guidelines provide a helpful introduction to how the factors involved in a decision should be approached and are frequently applied by competent national authorities.

Eurojust's casework has illustrated that early exchange of information regarding

A human trafficking case in 2011 illustrates how such potential conflicts of jurisdiction can be overcome with the assistance of Eurojust. The case concerned the trafficking of Roma women from the Czech Republic to the UK, where they were forced into prostitution. To ensure coordinated investigations, a JIT was set up. During meetings held at Eurojust, issues arose as to how to gather admissible evidence, and which jurisdiction would be in a better position to conduct the case, as both countries had good reasons to prosecute. Eurojust facilitated a thorough discussion of jurisdictional rules, and of applicable principles of the admissibility of evidence, which led to the conclusion that one partner should take primary ownership of the case. Eurojust's assistance in securing a quick determination of the conflict of jurisdiction issue allowed resources to be focussed on immediate operational actions. After the resolution of a potential conflict of jurisdiction, a JIT was set up and, within three months, 11 ringleaders were arrested.

The Finnish authorities were conducting a drug trafficking investigation targeting Finnish citizens in Spain. When a Finnish citizen acquainted with the suspected drug traffickers went missing, the Spanish authorities were asked to undertake enquiries requiring judicial authorisation by an MLA request. The Finnish citizen had been murdered in Spain because she had alerted the Spanish authorities about the drug trafficking group that had attempted to recruit her. Her suspected murderers were located in Finland. Eurojust was asked to help resolve the potential conflict between Spain and Finland over where the prosecution should take place. A coordination meeting was held at Eurojust where, after thorough legal consideration, the decision was taken that Spain would transfer all evidence resulting from the previous MLA requests to Finland. The Spanish authorities also agreed to transfer both their murder proceedings and their drug trafficking investigation to Finland once various legal requirements had been met. Eurojust's assistance helped ensure that the murderers could be prosecuted in one venue for both murder and the related drug trafficking investigation.

interrelated investigations is useful in helping prevent conflicts of jurisdiction.

1.2.8 Transfer of criminal proceedings

Different legal bases are used by Member States to transfer criminal proceedings, which may lead to legal difficulties. The instruments most commonly used to transfer proceedings are the European Convention on the Transfer of Proceedings in Criminal Matters 1972, and the 1959 MLA Convention (Article 21) in conjunction with Article 6(1) last paragraph of the 2000 MLA Convention. Some Member States also use the United Nations Convention against Transnational Organised Crime 2000 (Article 21).

Eurojust facilitates informal contacts between Member States, and as part of the process, National Desks check on possible transfer before an official request is made. Transferring proceedings can nevertheless be difficult for various reasons. Among other factors: the evidence gathered must be admissible in the court of the requested Member State, although often obtained in an unfamiliar format and subject to different procedural rules; a clear interest on the part of the requested Member State to accept the transfer of proceedings must be established; and a mundane but very practical resource question must be addressed, namely that the entire file must be translated.

1.2.9 Exchange of criminal records

Although criminal records are usually exchanged directly between Member States, Eurojust has been asked to facilitate this exchange in urgent cases. In one case, information was required by a national court to allow appropriate sentencing of a sexual offender, who had convictions for similar offences in another Member State. The records available through the usual channels contained insufficient detail and precision as to legal

classification of the offences. By direct contact with judicial authorities, Eurojust was able to provide the necessary information for use by the sentencing court within hours. However, delays can still result when a Member State does not have a centralised database of criminal records, such as when records are held by different national authorities (e.g. police and judicial authorities).

Council Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States, and Council Decision 2009/316/JHA on the establishment of the European Criminal Record Information System (ECRIS), are still to be implemented in all Member States. In this context, difficulties have been identified when the same conduct is categorised under differing crime types in the Member States. Exchange of information can also be of limited use when reference is made to a legal provision in domestic legislation without a clear explanation of the elements of the criminal offence.

Italian authorities were undertaking an investigation into an organised crime group involved in tobacco smuggling, counterfeiting of documents, and providing legal assistance to its members who were arrested. At a critical point in the investigation, an EU-wide operation became necessary, involving the coordinated execution of EAWs and searches with the presence of Italian officials so that the evidence gathered could be admissible in subsequent court proceedings. Eurojust was requested to assist with coordination in five other Member States (Austria, Germany, Greece, Spain and Slovenia), approximately 40 hours before the operation was to take place.

Urgent action was essential to synchronise EAW arrests, to preserve evidence, and thus to ensure that the trial court would have a complete picture of the organised crime group's activities. In a notably successful operation, within 20 hours, Eurojust brought together the Member State authorities involved so that EAWs and letters rogatory were issued and authorised. Eurojust also ensured that contact was maintained between Member States throughout the operation, and that Italian law enforcement officers were granted admission to the various search locations.

1.2.10 European Arrest Warrants

In 2011, 263 cases concerning the EAW were registered at Eurojust, almost 18% of all Eurojust cases. Most cases were requests for Eurojust to help in facilitating the execution of EAWs. The Polish Desk at Eurojust made most requests, followed by the French Desk. The Spanish Desk received most requests, followed by the UK and Italian Desks.

European Arrest Warrant

The College also dealt with three more general issues related to the application of the EAW. The first dealt with gathering information on how Member States deal in practice with the return of surrendered nationals or residents to the executing Member State (under Article 5(3) of Council Framework Decision 2002/584/JHA on the European Arrest Warrant (Framework Decision on the EAW)). The second considered whether an EAW should be categorised as having been issued for the purpose of prosecution or for sentencing when a right to a retrial after surrender existed. The third concerned the implementation and practical application of Council Framework Decision 2009/299/JHA amending the Framework Decision on the EAW, and its provisions on rights following convictions *in absentia*.

Cases concerning multiple EAW requests (Article 16(2) of the Framework Decision on the EAW)

According to Article 16(2) of the Framework Decision on the EAW, Eurojust may be requested by the executing judicial authority to advise on where a person should be surrendered when subject to EAWs issued by two or more Member States.

In 2011, Eurojust was asked to advise in four cases under Article 16(2). In all instances, Eurojust helped secure a consensus between Member State authorities on the execution of the EAWs. In one case, Eurojust produced a reasoned advice within 24 hours, which was followed by the national competent authorities, allowing the suspect to appear at trial a few days later.

Eurojust often assisted at an early stage (and at coordination meetings) in assessing possible competing EAWs, and thus helped avoid the issuance of multiple requests for the surrender of the same person.

In June 2011, the College adopted *Guidelines for internal proceedings on the provision of Eurojust's opinion in case of competing European Arrest Warrants* for cases where Eurojust is requested to provide an opinion in accordance with Article 16(2).

Cases concerning breach of time limits (Article 17(7) of the Framework Decision on the EAW)

According to Article 17(7) of the Framework Decision on the EAW, where a Member State cannot observe the time limits provided for in Article 17, it shall inform Eurojust, giving the reasons for the delay.

In 2011, 116 breaches of time limits were registered at Eurojust. Ireland forwarded the highest number of registered notifications in accordance with Article 17(7). Spain, the Czech Republic, Sweden, the Slovak Republic, Bulgaria and Estonia also sent notifications to Eurojust. As noted in previous Annual Reports, the response from only seven Member States does not mean that all others had met EAW time limits. EU statistics indicate that more breaches occur than those registered at Eurojust.

The request for additional information (required to execute an EAW) was the main reported reason for time breaches. The need for translation of relevant documents, the volume of requests to particular Member States, and limited resources in executing States also caused delays in execution.

Issues identified in the practical application of the EAW

In urgent cases (which frequently arise as EAW fugitives are often in preventive detention), Eurojust continued to play a key role in facilitating the exchange of information between national authorities, clarifying the requirements of the executing judicial authorities, and generally facilitating the speedy execution of EAWs. Practitioners are becoming increasingly familiar with the application of this instrument, with some problems being described as practical (missing or incorrect translations, missing information, etc) rather than legal in nature. Nevertheless, legal difficulties, such as the application of specialty and proportionality rules, and differences in crime definitions, arose. For instance, VAT fraud is not defined as an offence affecting EU financial interests in all Member States. This difference can lead to delay, because establishing double criminality in some Member States will be necessary, while in others the verification of double criminality would not be necessary due to Article 2.2 of the Framework Decision on the EAW.

As examples of both practical and legal difficulties, the following issues were identified by Eurojust in its casework:

- Inadequate information regarding the description of facts or criminal offences in the EAW.
- Lack of information about the sentence for which the EAW was issued.
- Lack of accurate information regarding the period of time a person may have already spent in custody in the executing State before surrender, and

In *Istanek v. District Court of Přerov*, a UK court needed to decide whether an EAW should be categorised as having been issued for the purpose of prosecution, or for the execution of a custodial sentence or detention order, when a right to a retrial after surrender was present (the case involved an *in absentia* sentence). Domestic authorities disagreed on the point and important procedural consequences (including possible dismissal of the warrant) followed from the decision to be taken. Given the conflicting judgements in its national law, the UK court asked Eurojust about the law and practice in other Member States. Within hours of the request being made, Eurojust provided information on how national courts in other Member States would proceed in such a situation. The Czech Desk also advised on the circumstances, under its law, in which a person convicted *in absentia* could ask for a retrial, and by extension whether the decision of the Czech court in the instant case could be regarded as final. Eurojust's assistance ensured that material on the general practice in other EU jurisdictions and the particular practice in one Member State was promptly and effectively available for consideration by a national court.

consequent uncertainty about the remaining sentence to be served in the issuing State.

- Sentences *in absentia* and the different approaches to the right to a retrial. The implementation by some Member States of Council Framework Decision 2009/299/JHA amending the Framework Decision on the EAW on the right to retrial could bring a solution to the issue.
- Failure to notify withdrawal of an EAW in a timely fashion, especially when the requested person had been arrested.
- Cases where no reason has been given for non-execution of an EAW, even after the person had been released.
- Financial and other loss for the issuing State when the person whose surrender had been ordered has been released on bail, but failed to appear as directed, or when in custody cases the wrong person was handed over by the executing State.
- Refusal of temporary surrender, which may seriously impede the progress of the investigation in the issuing State.
- Use of different channels to transmit the EAW, without notification that it is being sent via a particular channel.
- Delays in receiving consent to prosecute for additional (newly discovered) offences (speciality rule, Article 27 of the Framework Decision on the EAW).

Eurojust frequently made good use of its cooperative relations with Supplementary Information Request at the National Entry (SIRENE) bureaux. The main task of these bureaux, established in all Schengen States, is the exchange of additional information on alerts between the Member States. The SIRENE units played an important role in the practical execution of EAWs.

1.2.11 Freezing orders

Few examples exist of the use of Council Framework Decision 2003/577/JHA on the freezing of property or evidence in the European Union in Eurojust's casework. Although many Member States have transposed the provisions into their legislation, judicial authorities continue to use traditional forms of MLA to make requests for freezing orders.

This situation may exist because the freezing order under this Framework Decision is seen as complicated, and the template provided for such an order in the Framework Decision is not user-friendly. Many practitioners also consider that the freezing order has a limited scope and therefore find that a faster and easier option is to include all requests related to a criminal case, such as requests for searches, interceptions of telecommunications and seizures, in a letter rogatory under the 1959 and 2000 MLA Conventions. A more fundamental problem is the difficulty of issuing a freezing order when evidence may come to light in the course of a search which was not previously known to the issuing authorities.

In Eurojust's casework experience, practitioners are more likely to use a freezing order if the executing State will react immediately upon receipt. Here, Eurojust provides a useful service by advising national authorities on the different practices in Member States regarding the priority given to the execution of freezing orders. It had been reported that in those countries where central bank registers exist, information on bank accounts related to a suspect can be made available more swiftly, thus allowing for a quicker execution of requests for freezing.

1.2.12 Confiscation and asset recovery

One Member State may encounter delays and other obstacles in the recovery of assets from another. Problems in cooperation may be due to differences between the Member States' substantive and procedural confiscation rules. A few Member States allow forfeiture of criminal assets even if no conviction in

The beneficial owner of a major Spanish holding company with interests in many different business areas (petrol, gas, agriculture, real estate and food enterprises, among others) was investigated, with eight others, in Spain and Belgium for tax fraud, money laundering and participation in a criminal organisation. Lawyers from a well-known firm were indicted for allegedly setting up a network of companies and financial transactions in Panama, the Netherlands Antilles, the Netherlands and Switzerland to hide the ownership of the assets. The principal suspect was suspected to have evaded an estimated €2 billion in tax. Eurojust held two coordination meetings with national authorities from Spain, Belgium and the UK, which led to agreement on the prosecution strategy and the legal actions to be adopted in this complex case. So far, assets of €112 million in Belgium and €10 million in the UK have been restrained.

Drug trafficking - controlled delivery

criminal proceedings (non-conviction-based (NCB) asset forfeiture) has been entered, but the majority do not. This situation has obvious consequences for cross-border enforcement if a Member State using NCB asset forfeiture seeks enforcement in a Member State that does not. On a practical level, difficulties arise from the absence in some Member States of a central land registry, which would allow for an easier and faster check of property owned by suspects, and also from difficulties in reaching agreement on asset sharing.

In 2011, Eurojust continued to assist national authorities in their efforts to confiscate and repatriate the proceeds from crime, and to help resolve some of the difficulties mentioned above. Considerable amounts of assets (e.g. real estate property, luxury goods) and money have been confiscated in 2011 in cases registered at Eurojust.

1.2.13 Controlled deliveries

Eurojust continued to assist Member States in their efforts to execute cross-border controlled deliveries throughout 2011. In accordance with Articles 9c and 9d of the Eurojust Decision, National Members as competent national authorities of their Member States may be granted the power to authorise and coordinate controlled deliveries.

As an investigative technique, controlled deliveries are especially effective in drug trafficking cases. They provide a means by which the leaders of organised crime groups, rather than only the couriers, can be brought to justice. Large differences persist between Member States' legislation and practice on controlled deliveries, which can create problems in international cooperation, both at law enforcement and judicial levels.

Swift action is always required in controlled deliveries, as any delay could compromise the effectiveness of the operations. Practical difficulties may arise in identifying the authorities responsible for approving the use of controlled deliveries. In some Member States, judicial authorisation is required for controlled deliveries, while in others the police give authorisation. The identification of competent authorities in a Member State can thus be problematic. At the Eurojust seminar on drug trafficking held in October 2011, proposals for

designating central contact points in each Member State (possibly at judicial level) to authorise controlled deliveries were put forward in an attempt to address the problem.

Eurojust has assisted with such problems in general and in particular with those involving the admissibility of evidence. Proper authorisation of the delivery itself can directly affect admissibility, as can the proportionality of intrusive means of surveillance and similar matters. The problem of substitution of the drugs before conducting a controlled delivery is also encountered. The legislation of some Member States allows for such a substitution, while others do not. Controlled deliveries involving third States are especially difficult to organise, and Eurojust has assisted Member State practitioners by drawing on its experience of cross-border operations extending beyond the European Union.

In 2011, Eurojust regularly assisted in clarifying legal requirements for controlled deliveries in specific Member States. In one case, the controlled delivery could not be executed, as the request did not provide the details required under the domestic legislation of the requested country. To avoid such difficulties, Member States may find referring cases to Eurojust useful, so that letters rogatory about controlled deliveries can be drafted to meet the specific legal requirements

Several Member States in Central Europe were investigating an organised crime group that was supplying associates in Turkey with acetic anhydride, an essential precursor for heroin production. The investigation had established that more than 30 tons of the precursor were involved. (Approximately 400-600 kg of heroin can be produced from one ton of acetic anhydride.) The heroin produced was then distributed for sale in the European Union. Previous attempts to organise a controlled delivery of the precursor in Turkey had not been successful.

When the Slovak authorities received information about a new plan to ship 10 tons of acetic anhydride to Turkey and to take a return delivery of 300 kg of heroin via Italy, Bulgaria, Romania, Hungary, the Slovak Republic and Austria, they contacted Eurojust so that a cross-border controlled delivery under judicial supervision could be arranged. Eurojust involved Europol in providing intelligence cross-match analysis, with the result that links to investigations in other countries were established. In November 2011, all affected countries (including Turkey) attended a coordination meeting at Eurojust to agree a plan of action. The controlled delivery of acetic anhydride across the Member States proceeded as agreed, but once in Turkey the shipment was seized and the innocent truck driver arrested, contrary to the agreements reached at the coordination meeting. Eurojust played a crucial and active role in the release of the truck driver. Although the operation was not able to continue in Turkey, eight ringleaders were arrested in the European Union, and in total 32 tons of acetic anhydride, together with drugs, illegal weapons and false documents, were seized.

of each Member State through which the delivery is to pass.

1.3 Judicial cooperation in crime priority areas

1.3.1 Terrorism

27 terrorism-related cases, including cases of terrorism financing, were registered at Eurojust in 2011, and the fight against terrorism was again treated as a priority in operational work. The number of terrorism-related cases in 2011 was comparable to that in 2010 (28). One coordination meeting on a terrorism-related case was held (with the participation of Europol). A JIT was set up to support a transnational investigation and another JIT, initiated in previous years, was still operational.

On the basis of information received from Eurojust's national correspondents for terrorism under Council Decision 2005/671/JHA of 20 September 2005 as well as through open sources, Eurojust issued three editions of its Terrorism Convictions Monitor in 2011. The TCM identifies cases of general EU interest in terrorism matters and best practices through judicial case analyses, and disseminates information on legislative developments in this field.

Through its Counter-Terrorism Team, Eurojust holds tactical and strategic meetings, which bring together leading magistrates and experts on terrorism law to share their expertise, with a view to assisting EU decision-makers in making counter-terrorism coordination more effective. A tactical meeting on *Violent Single Issue Extremism/Terrorism* took place in April 2011. In July, the annual strategic meeting of all Eurojust national correspondents for terrorism matters examined the results of a questionnaire provided by EU judicial authorities on the use of the internet by Islamist extremists, and worked on case analyses.

Eurojust contributed to the Annual Report of the EU Counter-Terrorism Coordinator; to a study initiated by the European Parliament on *Estimated costs of EU counterterrorism measures*; and to Europol's Terrorism Situation and Trend Report 2011 (TE-SAT). Eurojust was given Observer status in the Committee of Experts on Terrorism (CODEXTER) meetings of the Council of Europe.

1.3.2 Drug Trafficking

In 2011, 242 drug trafficking cases were registered, which made drug trafficking the most common type of crime in Eurojust's casework, representing 16.8% of the total. The number of cases decreased slightly compared with 2010 (254), although the number of coordination meetings held in drug trafficking cases increased from 39 (2010) to 50 (2011). Seven JITs on drug trafficking cases were initiated in 2011 compared with only three in 2010.

Together with the Polish Presidency of the European Union, Eurojust held a strategic seminar in Krakow in October 2011, in the

framework of the strategic project entitled *Enhancing the work of Eurojust in drug trafficking cases*. The project analysed and evaluated data and outcomes of Eurojust coordination meetings on drug trafficking cases between 1 September 2008 and 31 August 2010, to identify the main challenges and solutions. The project's final report, incorporating discussions at the Krakow seminar and the results of casework analysis, will be available in 2012.

Europol's Analysis Work Files (AWFs) analyse data in respect of particular types of criminal activity. Eurojust is now associated with all of Europol's AWFs dealing with drug trafficking (AWF Heroin and AWF Cannabis in 2011). Eurojust also contributed to the drafting of the European Pact on synthetic drugs and to Commission seminars on revising EU drug trafficking legislation. Further, Eurojust strengthened its cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) (reciprocal visits took place during 2011) and it continued to provide support to CEPOL in its training courses.

In August 2010, French police stopped a lorry containing over 2,000 kg of cannabis. Links with Belgium, the Netherlands, Lithuania and Estonia were established and Eurojust was asked to assist. Three coordination meetings were held at Eurojust, with the participation of Europol, to promote the exchange of information to target the entire criminal network. The exchange of information revealed that a Dutch organised crime group was involved and that a JIT should be established. This was done in February 2011, and the JIT received Eurojust funding to support its operational activities. In May 2011, several arrests were carried out in Belgium and France and search warrants executed in the Netherlands, successfully disrupting the criminal group.

Visit of Ms Myria Vassiliadou, EU Anti-Trafficking Coordinator (European Commission)

1.3.3 Trafficking in human beings

In 2011, 79 cases of THB were registered, the majority of which concerned trafficking for sexual exploitation. While a small decrease in cases occurred compared to 2010 (87 cases), coordination

A criminal organisation whose ringleaders were mainly Vietnamese nationals provided illegal immigrants with false documents and smuggled them via East Europe into the European Union. A linked group of Iraqi Kurds smuggled those immigrants who had reached Belgium and France into the UK, at a price of between €2,000 and €3,000 for each illegal entry. To progress the case, which extended across the European Union and which had links to third States, Eurojust was asked to assist by a French investigating judge in Lille.

Eurojust held a coordination meeting with all authorities concerned. The day on which to make a concerted strike against the organised crime group using Eurojust as a coordination centre was agreed, and decisions were taken on where prosecutions would take place. Supported and coordinated by Eurojust and Europol, police officers and investigating magistrates took action in France, the UK, the Czech Republic, Germany and Hungary. Eurojust advised on the immediate issuance and execution of letters rogatory and warrants; 30 suspected ringleaders were arrested; EAWs and searches were executed; and, although not the main aim of the investigation, a huge indoor cannabis cultivation farm was discovered and production disrupted.

meetings in this area almost doubled in number, from 13 in 2010 to 24 in 2011. In total, six JITs addressing THB cases were initiated during 2011.

On 18 October 2011, under the auspices of the Polish Presidency, Eurojust and other JHA Agencies (CEPOL, European Asylum Support Office, European Institute for Gender Equality, Europol, Fundamental Rights Agency (FRA) and Frontex) participated in the 5th EU Anti-Trafficking Day with the EU Anti-Trafficking Coordinator. The event included a debate between the Heads of JHA Agencies, a Joint Statement signed by Eurojust and other bodies, and three workshops. Eurojust, together with Europol, chaired the workshop on investigation and prosecution of THB offences.

Some authorities consider that THB is not sufficiently investigated or prosecuted, with victims treated as committing offences of prostitution or illegal immigration. To examine this situation, Eurojust's Trafficking and Related Crimes Team has initiated a strategic project, *Eurojust action against trafficking in human beings*, the goal of which is to identify possible legal and practical obstacles to THB prosecution in the European Union and to offer solutions. This project will be completed in 2012.

1.3.4 Fraud

218 fraud cases were registered in 2011, an increase on the 2010 figure of 204. "Fraud" encompasses a variety of crimes, including tax fraud, computer fraud, advance fee fraud, misappropriation of corporate assets and VAT fraud. The number of coordination meetings in fraud cases increased from 17 in 2010 to 58 in 2011. Four JITs were initiated in 2011 to facilitate investigations in fraud cases.

Within the general category of fraud, VAT fraud figured most prominently; 24 coordination meetings in 2011 targeted this offence, perhaps reflecting the impact of this crime on Member State revenues.

In 2011, Eurojust's Financial and Economic Crimes Team finalised the strategic project on enhancement of exchange of information and MLA between judicial authorities of the EU Member States in the area of VAT fraud. A strategic seminar, attended by practitioners from all the Member States and from Europol, was held on 28 March to identify current legal and practical obstacles to investigating and prosecuting VAT fraud, particularly so-called carousel fraud. Recommendations were formulated, including: approximation of definitions, levels of sanctions and limitation periods in the Member States regarding VAT fraud; the need for all Member States to have in place a legal framework for the investigation and prosecution of cross-border VAT fraud, irrespective of where the crime was perpetrated and the loss occurred; and the need for cross-border police and judicial cooperation to be initiated at the earliest stage possible with support from Eurojust and Europol.

1.3.5 Corruption

26 corruption cases were registered in 2011, representing a small decrease from 31 in 2010. Following the pattern of growing emphasis on Eurojust's coordination work, the number of coordination meetings increased significantly, from 11 in 2010 to 19 in 2011.

A JIT on corruption, which had previously been established at Eurojust, saw results in 2011 with a Member State firm paying

The directors of a Dutch company were suspected of involvement in a major Ponzi scheme. 800 investors were persuaded to buy fraudulent investment products for a total of €200 million. Investors were recruited via TV commercials, the Dutch TV show "Business Class" and at "Millionaire Fairs". The Dutch company also had sales offices all over Europe. Because the fraud was international (involving at least four Member States and four third States), Eurojust was asked to assist. Following a coordination meeting at Eurojust, a decision was taken to operate a coordination centre in The Hague.

On 27 September 2011, judicial authorities and police officers in eight countries conducted a joint operation. In the Netherlands, six private homes, five company premises and a lawyer's office were searched. In Switzerland, a private home and two company premises were searched. Simultaneously, searches also took place in Belgium, Spain, the UK, Turkey, the USA and Dubai. Eurojust coordinated in real-time the searches and arrests from the coordination centre. As a result of the operation, assets such as real estate, cars, and substantial amounts of cash in bank accounts were seized in several jurisdictions.

Allegations of corruption have been made against four Members of the European Parliament (MEPs) following a newspaper investigation. The European Parliament (EP) had denied OLAF the right to conduct an administrative investigation in the case without an order from the national judicial authorities, and had refused to allow anti-fraud officers to search the offices of the suspected MEPs. The competent national authorities in the involved Member States initiated investigations, and the case was referred to Eurojust for assistance. At the suggestion of Eurojust, the Austrian judicial authority asked OLAF for expert support, especially in searching the premises of the EP. With the assistance of OLAF and Eurojust, the premises of the EP were searched by the French and Belgian authorities, as ordered by the Austrian judicial authority, within a brief period of time. A coordination meeting involving Austria, Romania, Slovenia, Belgium and France was held with the support of OLAF and Eurojust. OLAF contributed to a successful and timely search of the EP premises ordered by the national authorities. The case is ongoing.

a settlement equivalent to approximately €3 million following a cross-border corruption case with global aspects.

1.3.6 Cybercrime

24 cases were registered in 2011, compared with 32 in 2010. By contrast, a marked increase in Eurojust coordination meetings occurred, with cybercrime coordination meetings increasing from 1 in 2010 to 10 in 2011. Eurojust participated in two JITs during the reporting year.

The term "cybercrime" encompasses two types of criminal activity: the use of the internet to commit "traditional" crimes such as fraud, forgery, publication of sexual abuse material, etc, and the use of electronic means to disrupt or completely immobilise information systems. Eurojust has contributed to the fight against both types of cybercrime. It has also participated in initiatives designed to meet the threat at EU level. Eurojust continued to participate in the European Cybercrime Platform, which includes the Internet Crime Reporting Online System (I-CROS) and Europol's AWF CYBORG. Eurojust further provided its expertise to the ongoing discussions on the establishment of a European Cybercrime Centre.

1.3.7 Money laundering

122 cases of money laundering were registered in 2011 compared with 146 in 2010. In terms of overall numbers, money laundering was the fourth most common crime type (after drug trafficking, fraud and THB). This figure is unsurprising given that organised crime groups need both to legitimise profits from criminal activity and to fund future criminal enterprises. The consequence is that organised crime groups will frequently send funds across borders to achieve these aims. The number of coordination meetings in 2011 was 27 (from 30 in 2010). Two JITs were organised in 2011, while money laundering was also targeted in another two JITs associated with drug trafficking.

Hackers attacked the national registers of carbon trading permits in the Czech Republic, Austria, Germany, Greece, Romania, France and the UK. About 1,175,000 permits (worth approximately €18 million) were stolen from the Czech Republic's electricity and carbon trading registry, and transferred to accounts in several European countries. Many were traced to Germany, Estonia and the UK.

The *modus operandi* of these attacks in the seven Member States was almost identical, with the perpetrators using similar and sophisticated methods. The possibility that these attacks were linked was strong. In investigating the case, the Czech prosecutor needed information from other Member States and asked Eurojust to coordinate and assist with the judicial cooperation aspect. Eurojust has monitored and assisted (together with the European Judicial Network (EJN)) with the execution of judicial requests to Germany, Estonia and the UK, so that the stolen emission permits could be partially seized and returned to the victims. Other lines of enquiry into phishing and hacking activity have developed as the cross-border aspect of the case has expanded, and Eurojust will assist further in progressing the case.

The horizontal nature of money laundering has been stressed by the Organised Crime Threat Assessment (OCTA) 2009 and the Russian Organised Crime Threat Assessment (ROCTA) 2008, and money laundering was subsequently identified by the Council of the European Union as one of the EU priorities for 2010-2011 in the fight against organised crime.

1.3.8 Other organised crime activities

197 cases were registered under the category of "other organised crime activities" compared with 233 in the previous year. The number of coordination meetings increased significantly from 13 in 2010 to 56 in 2011. Six JITs were set up to target organised crime groups.

Statistics in this category need to be treated with special care. "Other organised crime activities" is clearly a residual category, and is used only when other aspects of organised crime activity such as drug trafficking, THB or money laundering are not adequate.

In this context, Eurojust has been working on improving its recording of organised crime figures. The Council Conclusions of 2010 on the Eurojust Annual Report supported Eurojust's intention to improve its statistical tools in order to be able to

Italian nationals resident in Germany were being investigated for VAT fraud and money laundering related to large-scale vehicle trading. When German prosecutors contacted their counterparts in Italy, a legal difficulty in execution arose, which was referred to Eurojust for consideration. After analysing the problem, Eurojust advised that the Italian judicial authorities should consider opening a parallel investigation. Eurojust then held a coordination meeting at which agreement on the progress of the case was reached, and a concerted day of action, organised through a coordination centre at Eurojust, was decided upon.

The coordination centre allowed real-time exchange of information and evidence between police and judicial authorities in the Member States involved, and immediate analysis of the data collected. As a result of the simultaneous operation, the main suspect was arrested in Germany and charged with money laundering. In addition, a large number of searches were conducted in both Member States (5 in Germany and 20 in Italy) at the residences of the main suspects and at the offices of the companies involved in the illicit traffic. Documentary evidence, several computers and approximately €300,000 in assets were seized; and a German bank account was frozen. Eurojust was the catalyst behind the outcome of the joint operation and will continue to follow the developments of the two parallel investigations to ensure the best results at judicial level.

The Bulgarian authorities requested Eurojust's assistance in a case of organised criminal involvement in identity fraud, skimming and euro counterfeiting. The ringleader was a person with dual nationality (Bulgaria and fYROM) then living in Spain. Following contact by the Bulgarian authorities, Eurojust assisted with the formation of a JIT between Bulgarian and Spanish authorities, Eurojust and Europol.

Authorities established, following a JIT meeting in April 2011, that the suspect was also under investigation by German authorities. Eurojust quickly involved its German Desk, which liaised with national counterparts. As a consequence, the German authorities then arrested Bulgarian and third State citizens who were in possession of almost 300,000 counterfeit euros. Eurojust's involvement and its assistance in the coordination of actions between national prosecuting authorities has allowed the Bulgarian pre-trial investigation to be successfully finalised.

provide the Council with more detailed figures concerning crimes characterised by this phenomenon. This work continued in 2011, in particular through the production of a new Case Management System (CMS) crime list, adapted to Eurojust's needs and approved by the College.

In May 2009, a Dutch ship, the *Marathon*, was boarded by pirates in the Gulf of Aden. The Dutch authorities considered two main options: (1) military intervention against the pirates, or (2) negotiation with the pirates, who had demanded a ransom of millions of US dollars. The ship owner decided to negotiate the liberation through the payment of a ransom. The ransom was paid, and although one crew member died, no arrests were made. The Dutch ship owner reported the attack as extortion to the Dutch authorities, activating the jurisdiction of the Netherlands. Investigation led to the identification of many of the pirates who were linked to other cases investigated in Germany and Belgium.

As the case developed, several coordination meetings were held, and operational information, such as *modus operandi*, names of suspects, etc, was exchanged. Importantly, Eurojust provided the forum where prosecutors dealing with maritime piracy could share their casework experience of evidential and legal problems arising from jurisdictional location, situation on board, aspects of arrest and surrender, detention facilities, collection of evidence, hearing of witnesses, identification of suspects, determination of and presumptions as to age (which could affect trial venue and legal status of suspected pirates), etc. The importance of partnership with other parties such as the navy, insurance companies, port authorities, etc, was explored, together with investigative tools to trace the financial proceeds of the piracy. Given the identification of common targets in the Eurojust meetings, a JIT between the Netherlands and Germany was set up in November 2011.

Whatever the difficulties in the recording of "other organised crime activities", what is clear is that organised crime itself remains one of the most important crime priorities dealt with at Eurojust and reflects the fact that targeting specific organised crime groups is one of the European Union's priorities in this area.

1.4 Joint Investigation Teams

In 2011, 33 JITs were set up with Eurojust's assistance. Eurojust prosecutors, judges and police officers participated in 29 of these JITs in accordance with Article 9f of the Eurojust Decision. Two third States participated in a multilateral JIT supported by Eurojust. The steadily increasing number of JITs established with Eurojust's assistance and participation shows that national authorities are becoming more familiar with the instrument and are increasingly ready to use it in their operational work.

The increase in the number of JITs also suggests that law enforcement and

Contact Point for Child Protection at Eurojust – Crimes against children

33 cases of crimes against children were registered as such in 2011, including two by Norway. Since 2004, Eurojust has registered a total of 169 cases in relation to crimes against children, including six registered by Norway. Among Eurojust cases, the most frequent types of crimes affecting children are sexual abuse, including rape and sexual exploitation, child abuse images (child pornography), and THB.

In 2011, the Contact Point for Child Protection at Eurojust strengthened Eurojust's cooperation with the European Financial Coalition against sexual exploitation of children online (EFC). The EFC was established in 2009 to combat the commercial distribution of child abuse images on the internet. In 2011, a new EFC structure was created with a stronger focus on law enforcement and judicial follow-up to its work.

Building on operational successes such as Operation Lost Boy, where a paedophile ring was dismantled and over 70 children rescued from sexual abuse in the European Union, contacts were developed with the US Department of Justice's Child Exploitation & Obscenity Section and other US government agencies and NGOs.

Eurojust held a tactical meeting on travelling child sex offenders focussing on sex tourism, where child sexual abuse has taken place in a third State (often in the developing world), and where the prosecution will take place in the perpetrator's Member State. The meeting examined the practical obstacles faced by Member States' judicial authorities in such cases (particularly where no cooperation agreement exists with the third State), the role of Eurojust in helping resolve difficulties related to the gathering and admissibility of evidence, and the identification and safety of victims. Participants stressed the importance of Eurojust's network of contacts with third States and cooperation with local NGOs.

judicial practitioners use Eurojust as a reference point in deciding when JITs might be appropriate. This aspect was reinforced in 2011 by the establishment of the JIT Network Secretariat at Eurojust (see also section 2.2.2).

Eurojust assisted JIT practitioners in various ways, such as in drafting, amending and extending JIT agreements.

From its frequent dealings with JITs, Eurojust has also developed expertise that allows it to advise about potential legal obstacles and to help prevent other difficulties.

Here, Eurojust's casework indicates that two issues recur at the prosecutorial and judicial level where JITs are concerned: admissibility of evidence, and disclosure of information. Admissibility of evidence featured prominently in discussions at coordination meetings. When different judicial systems cooperate, advance agreement on requirements for applying specific investigative measures is essential, as is the need to have a clear, mutual understanding of procedural questions. The admissibility of a telephone intercept or material gained as a result of a search warrant, for example, may be subject to different evidential rules in Member States. Eurojust's involvement in providing expert advice on these aspects is crucial, including, on occasion, advice that a JIT is not appropriate. If the national legal requirements for specific types of investigations are not consistent with envisaged JIT activities, the possibility of parallel investigations or traditional MLA procedures needs to be considered.

The other practical issue regularly encountered at Eurojust coordination meetings concerns the disclosure of sensitive case-related information. Because prompt sharing of information is a major advantage of a JIT, its members must be aware at the outset about the extent and the timing of disclosure of sensitive material to defence counsel and courts under national legislation in the involved Member States. Expert knowledge of national disclosure rules is crucial to avoid a situation where authorities of one Member State are obliged to disclose sensitive information that the authorities of another Member State did not intend to disclose until a later stage. This expert knowledge can have an impact on court proceedings, and unexpected

Signing of a JIT agreement between Bulgaria and the Netherlands

disclosure could undermine ongoing wider investigations in one Member State, even exposing sources of information to risk of physical injury or death.

Another disclosure consideration is that domestic authorities may hold important information but not be part of the JIT. In these cases, clear agreements must be

reached as to the subsequent treatment of any information disclosed in the context of a cross-border JIT investigation. Only when an understanding of differing domestic rules on disclosure is established can national authorities be encouraged to exchange sensitive information. Eurojust has provided a useful service to Member States by raising awareness of the implications of different disclosure rules, by advising on careful drafting of JIT documentation and consequently by helping to avoid unexpected disclosure and the possible endangering of those who have provided information against organised crime groups.

As part of a continuing programme to foster the use of the JIT tool, in October 2011, Eurojust and Europol hosted the seventh annual meeting of the Network of National Experts on JITs (JITs Network). The plenary session dealt with operational aspects of JITs such as the participation of third States and specific operational obstacles encountered during the running of JITs. As in previous years, each organisation chaired a workshop. One dealt with *Legal and practical obstacles when establishing and running a JIT and solutions concerning evidence;* the other discussed *JITs and their interaction with external partners*. The meeting concluded with a plenary session on the services available to JIT experts. Here, the JITs Network Secretariat presented the support available for setting up and running JITs. Eurojust was also active in JIT training, in particular in the framework of CEPOL seminars and conferences.

Eurojust and financial support to JIT operations

In addition to its practitioner advice, Eurojust has evaluated and supported JITs financially and logistically. In 2011, Eurojust continued its JIT Funding Project, entitled *Supporting the Greater Usage of JITs*, based on the grant received from the European Commission under the programme *Prevention of and Fight against Crime 2007-2013*. The project has become a valuable element in helping ensure that financial constraints do not discourage the use of JITs in fighting organised crime groups.

Through the project, Eurojust supported a total of 34 JITs in 2011. 16 Member States took part in JITs that received funding after Eurojust's evaluation. On the basis of the 71 funding applications received, Eurojust assisted with travel, accommodation, translation and interpretation costs related to operational JIT activities, awarding a total of approximately €1.25 million. In addition, a number of mobile telephones, laptops, mobile printers and scanners were lent to JIT members to facilitate communications.

Further details on the JIT Funding Project can be found on the Eurojust website.

Legislative changes have reinforced Eurojust's financial role with JITs. Under

the Eurojust Decision, to have been transposed in Member States by June 2011, Eurojust prosecutors, judges and police officers shall be invited to participate in any JIT that seeks EU funding.

A further provision of the Eurojust Decision requires Member States to notify Eurojust of any JIT that is established, irrespective of whether EU financial support is involved. Eight notifications were received by Eurojust under this provision in 2011.

1.5 Eurojust casework involving third States

During the year, third States were requested on 211 occasions. The most frequently requested third State was Switzerland, followed by Norway, Croatia, the USA, Turkey, Bosnia and Herzegovina, Serbia, Morocco, and Liechtenstein. The main crime types in these cases were drug trafficking, swindling and fraud, money laundering, and crimes against life, limb or personal freedom. Eurojust's assistance was also requested in cases of corruption and cybercrime involving third States.

Third States were represented on 45 occasions at Eurojust coordination meetings in 2011, which was approximately one-quarter of all such meetings. The third State most frequently involved in these meetings was Switzerland (12), followed by the USA (7), Croatia (5), Norway (4), Ukraine (4), Turkey (2) and Japan (2). While third State participation in Eurojust's coordination meetings was significant, participation needs to be further fostered and developed.

The judicial cooperation sought by Member States' authorities from third States with the assistance of Eurojust varied. It ranged from the facilitation

Spanish authorities undertook an investigation into Ukrainian crime groups that organised several networks for the illegal immigration of Ukrainian nationals to Portugal and Spain, using Italy as a logistical base. After actions that disrupted the networks in these Member States, a decision was taken to try to tackle this criminal phenomenon at source. Accordingly, Eurojust held a coordination meeting with the participation of Ukrainian authorities and the Member States. Police and prosecution authorities exchanged relevant information, the main suspects were identified, and an understanding was reached with the Ukrainian authorities on how best to tackle the criminal enterprise at source.

of MLA requests (for the hearing of witnesses by videoconference, the transfer of criminal proceedings, the execution of freezing and confiscation orders, the obtaining of banking evidence and criminal records), through the identification of contact points and the creation of communication channels, to the clarification of legal requirements and relevant legislation. Where Member States have posted officials in third States, Eurojust has identified this resource as useful for progressing cases, in addition to Eurojust's own contact points.

Visit of a delegation from Switzerland

Patients at a mental hospital in Croatia were murdered during the war that followed the collapse of Yugoslavia. The need to interview Danish members of the UN peacekeeping forces became apparent during the course of the murder investigation, creating legal difficulties due to their status.

The Croatian authorities consequently asked their Liaison Prosecutor at Eurojust to assist. He opened the case towards Denmark, making it one of very few war crime cases recorded at Eurojust. The case has formally been recorded under the crime type murder.

Close and effective liaison between the Croatian Liaison Prosecutor at Eurojust and its Danish National Desk has meant that the request to obtain witness evidence was expedited. All witnesses sought under the letter rogatory have now provided statements, and the war crime investigation can be progressed.

Liaison Prosecutors at Eurojust: Mr Josip Čule (Croatia), Ms Anne Grøstad (Norway) and Mr Stewart Robinson (USA)

Liaison Prosecutors from third States seconded to Eurojust

In 2011, Eurojust had three seconded Liaison Prosecutors from third States (Croatia, Norway, and the USA). These prosecutors can register their own casework under the provisions of cooperation agreements reached between their countries and Eurojust.

The Liaison Prosecutor for Croatia at Eurojust registered 14 cases in 2011. The majority of these cases related to crimes of corruption, money laundering and drug trafficking. The Liaison Prosecutor for Norway at Eurojust registered 47 cases in 2011. The cases related mostly to drug trafficking, fraud, money laundering, corruption, THB and terrorism. In October 2011, a new colleague was appointed to serve as Liaison Prosecutor for the USA at Eurojust, under the terms of the 2006 Agreement between Eurojust and the USA.

Eurojust Presidency Team: Mr Raivo Sepp, Vice-President, Mr Aled Williams, President, Ms Michèle Coninsx, Vice-President

The main issues and difficulties identified by Liaison Prosecutors in judicial cooperation are similar to those encountered by the National Desks. Delays or non-execution of requests often result from differences in domestic legislations governing the disclosure of banking information, the hearing of witnesses by videoconference, the admissibility of evidence, or the extradition of nationals. Liaison Prosecutors at Eurojust participated in coordination meetings and in JITs.

In general, the presence of Liaison Prosecutors at Eurojust assisted EU practitioners facing complex provisions governing judicial cooperation between Member States and third States, and facilitated a swifter and smoother execution of requests.

2 Relations with EU institutions and partners

2.1 Institutional relations

2.1.1 European Parliament

The Committee on Civil Liberties, Justice and Home Affairs (LIBE Committee) of the European Parliament invited Eurojust to attend various meetings in 2011. As is now established practice, the President of Eurojust presented the Annual Report for the previous year to the LIBE Committee. Eurojust also contributed to the Interparliamentary Committee meeting on Democratic Accountability of the Internal Security Strategy and the role of Europol, Eurojust and Frontex. It made written contributions to reports for the European Parliament on *How does organised crime misuse EU funds?* and *Estimated costs of EU counterterrorism measures*. Eurojust also presented its findings during parliamentary hearings on *Towards an EU strategy to fight transnational organised crime* and *Cyber attacks against Information Systems*.

2.1.2 Council of the European Union

Eurojust continued to contribute to the work of various Council bodies dealing with judicial cooperation in criminal matters. The main Council preparatory bodies were the Working Party on Cooperation in Criminal Matters (COPEN), the Working Party on General Matters and Evaluation (GENVAL) and the former Article 36 Committee (CATS).

The Hungarian Presidency of the Council requested Eurojust to give its opinion on the draft Directive on the European Investigation Order (EIO) in criminal matters. The goal of the EIO is to restructure cross-border judicial cooperation in criminal matters: the current scheme of MLA is to be replaced by an instrument based on the principle of mutual recognition. The opinion of Eurojust was published as a Council document (6814/11). This document was used in discussions held by the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the EU Member States when it considered the EIO in its meeting at Eurojust in June 2011. Since July 2010, Eurojust has also participated as an observer in the Council meetings to discuss the EIO.

The Standing committee on operational cooperation on internal security (COSI) was established under Article 71 of the Treaty on the Functioning of the European Union (TFEU) to strengthen operational

Visit of EU Commissioner Cecilia Malmström

cooperation between the authorities of the Member States in the field of internal security. Eurojust attended the COSI meetings to contribute to the development of appropriate judicial involvement in the EU internal security strategy. In this regard, Eurojust actively supported the implementation of the overall policy cycle by identifying the judicial dimension in the strategic goals and related operational plans for the eight priorities in the fight against organised crime between 2011 and 2013. Eurojust also contributed to the first Annual Report on the Internal Security Strategy, presented by the Commission in 2011. In June, Eurojust and Europol presented a joint paper on judicial and police cooperation, using practical examples from three operational cases to raise awareness amongst practitioners of the added value of early involvement of Eurojust and Europol. The paper was distributed as a Council document (9387/1/11).

2.1.3 European Commission

Eurojust maintains close and effective relations with the Commission, which provides the funding for the administration and infrastructure of Eurojust. The Commission was constantly consulted about the project for new premises for Eurojust (to be provided by the Netherlands as Host State, but with significant implications for Eurojust's budget, and which is expected to become available in 2015). At Eurojust's suggestion and for the first time, the Commission's Directorate General for Justice attended the meeting of Heads of JHA Agencies, which met at Eurojust's premises in 2011. Negotiations were renewed for a Memorandum of Understanding between Eurojust and the Commission to formalise the exchange of budgetary and administrative information between them.

2.2 Practitioner networks

By the end of 2011, Eurojust had become home to secretariats of three Networks, which serve criminal justice practitioners in the European Union. These are the European Judicial Network (EJN), the JITs Network and the European Network of contact points in respect of persons responsible for genocide, crimes against

humanity and war crimes (Genocide Network). The Secretariats to the Networks are part of Eurojust's staff, but function as separate units.

Eurojust has also provided assistance to the European Judicial Training Network (EJTN), and to an informal network, namely the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the EU Member States.

2.2.1 European Judicial Network

The EJN was established in 1998 and its Secretariat has been part of Eurojust's staff since 2003. Eurojust hosted the 32nd regular meeting of the EJN at its premises in 2011. EJN contact points from Member States and candidate countries attended the meeting, together with representatives from the Commission and the Council. Participants discussed the draft Directive on the EIO, the development of the EJN website and the activities and management of the EJN. Eurojust also participated in the 36th EJN plenary meeting in Budapest, which dealt with issues regarding *ne bis in idem,* mutual recognition of foreign judgements, and the exchange of information from criminal records.

In its relations with the EJN, Eurojust normally works through a College team (the EJN and Liaison Magistrates Team). Additionally, the Joint Task Force Eurojust-EJN, which was established in 2010, met a second time to consider, among other topics, existing national guidelines on the interpretation of Article 13 of the Eurojust Decision in relation to Eurojust and EJN casework, and the role of the EJN Contact Points in the Eurojust National Coordination System (ENCS) (to be set up in each Member State in accordance with Article 12 of the Eurojust Decision). The outcomes of the Joint Task Force Eurojust-EJN discussions were presented at the following EJN plenary meeting held in Gdansk in November 2011.

Genocide Network meeting

2.2.2 JITs Network Secretariat

The JITs Network was established in 2005. In 2011, the Network was provided with its own Secretariat. As home to the Secretariat, Eurojust provides support to foster the use of JITs in Member States. The Secretariat coordinated work which led to the publication of the

revised Eurojust-Europol JIT Manual for practitioners in all EU languages in October 2011. Eurojust and Europol hosted the 7th annual meeting of the JITs Network on *JITs in operational focus*. Practitioners reported on their experience with the formation and operation of JITs when dealing with cases in real time. Further information about Eurojust's work with JITs is in section 1.4.

2.2.3 Genocide Network

The European Network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (Genocide Network) was set up in 2002. The Network's Secretariat was appointed in 2011, and provides support for its continuing work. In 2011, Eurojust hosted two plenary meetings of the Genocide Network, where practitioners discussed various operational topics. These included witness protection, international legal cooperation, the completion strategy of international tribunals (and possible "impunity gaps" when the jurisdiction of tribunals comes to an end), confiscation of criminal assets, and coordination of ongoing efforts to investigate and prosecute perpetrators of genocide, crimes against humanity and war crimes.

2.2.4 European Judicial Training Network

Since 2008, Eurojust and the EJTN have been working together to promote awareness of the European dimension in the work of members of the judiciary in the European Union.

In 2011, Eurojust continued its active participation and support to the EJTN Exchange Programme to help Member State judges and prosecutors to familiarise themselves with Eurojust's tasks, functioning and activities. Three EJTN placements (each of three months' duration) took place at Eurojust's Italian, German and Austrian Desks. Eurojust and the EJTN also agreed to host EJTN trainees for a short-term period (one to two weeks). Six National Desks (Austria, Denmark, Germany, Italy, Portugal and Spain) supported the initiative as part of a pilot project, which was a success and will be repeated in 2012.

Eurojust regularly provides input to EJTN seminars and training. In 2011, Eurojust supported the EJTN project entitled *International judicial cooperation in criminal matters in practice*. Eurojust speakers participated in four seminars which dealt with legal issues, practice and procedure in issuing and executing EAWs and particular types of MLA requests. Eurojust also contributed to JIT training events on the basis of its growing operational experience in this field.

2.2.5 Consultative Forum

During 2011, Eurojust continued to support the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the EU Member States (Consultative Forum) in its main

goal of helping to strengthen the judicial and prosecutorial aspects of EU internal security policy. Two meetings were held at Eurojust in 2011.

The first, in June 2011, under the Hungarian Presidency, focussed on corruption. The Consultative Forum discussed its possible contribution to the new EU "Anti-Corruption Package" in light of proposals from the Commission. It also discussed the draft Directive on the EIO, which was welcomed as a significant instrument to facilitate and simplify judicial cooperation.

The second meeting was held in December 2011, under the Polish Presidency, and considered how to improve the fight against crimes affecting EU financial interests at national and EU levels, with enhanced cooperation between OLAF and Eurojust. The Consultative Forum also considered witness protection in the fight against organised crime, its relation to fair trial guarantees, and the possible adoption of common EU standards. Finally, the meeting focussed on the proposed draft Directive on the right of access to a lawyer in criminal proceedings, and the need to ensure both a fair trial and the effective conduct of criminal proceedings.

Eurojust provides considerable legal and logistical support to the Consultative Forum, and is also a conduit for reporting the views of Prosecutors General in the wider forum of the EU institutions.

Consultative Forum meeting during the Hungarian Presidency

2.3 EU agencies and bodies

2.3.1 Europol

Europol is an important partner in Eurojust's work, a relationship underlined by the location of both bodies in The Hague, and the Treaty of Lisbon's reference to Eurojust's coordination role being based on "information supplied by Member States' authorities and Europol".

2011 saw a significant increase in casework cooperation with Europol. Europol was represented at 89 of Eurojust's coordination meetings, compared with 41 in 2010. The exchange of operational information through the

In 2009, information suggested that a Hungarian-Croatian-Slovenian-Serb criminal group with links to Asia had rigged the result of approximately 170 football matches by bribing football players, referees and others in Germany, Hungary, Finland, Croatia, Slovenia, and other European countries. The organised crime group bet on the results of these football matches in Asia and Europe and their profit was several million euros.

German authorities launched an investigation in November 2009 and a Hungarian investigation started approximately one month later. From the very beginning, police in Germany and Hungary cooperated intensely. Building on this cooperation, judicial authorities were involved and an MLA request was sent by Hungary to Germany to obtain evidence and documents in the German investigation. As the Hungarian case developed, links to Croatia and Slovenia were detected. Parallel investigations were initiated, leading to the arrest of approximately 30 suspects. A meeting with the Slovenian authorities was held in Hungary.

Given the increasing complexity of the case, Eurojust was asked to assist. It held a coordination meeting where judicial and law enforcement authorities from the affected Member States exchanged information. Eurojust also assisted with drafting and transmission of judicial cooperation requests to ensure that matters could be progressed efficiently. Eurojust's involvement has drawn together the separate aspects of the investigation and, by fostering the exchange of information, has allowed the opening of new lines of enquiry. Eurojust worked closely with Europol, which provided operational and analytical support. In 2011, a JIT was established and Eurojust JIT funding was successfully obtained to support operational work.

secure communication link between Eurojust and Europol has increased by 35%. Over 900 messages were exchanged through this means in 2011.

In 2011, Eurojust also became associated with two more AWFs. These were THB, cannabis production and smuggling, bringing the total number of Eurojust associations with AWFs to 17. However, Member States have not granted Eurojust associate status in other important AWFs, such as Islamist terrorism and domestic extremism.

To build on growing operational cooperation, Eurojust and Europol explored the new provisions contained in the revised Cooperation Agreement of 1 January 2010. An exchange programme was established for post-holders of both organisations. Five reciprocal visits of delegations from both organisations were hosted. Europol participants visiting Eurojust attended internal meetings (including College plenary sessions) as well as briefings tailored to their specific professional background. Europol also participated in meetings on the implementation of the Eurojust Decision, given the closer relations between the ENCS and the Europol National Units as provided for in Article 12(5)(d) of the Eurojust Decision. Eurojust attended the Heads of Europol National Units (HENUs) meetings and also

hosted a visit of a HENU delegation to Eurojust on 27 October 2011.

Eurojust and Europol co-hosted meetings for practitioners in the fields of violent single issue extremism/terrorism, animal rights extremism, VAT fraud and the JITs Experts meeting. Europol contributed to the strategic meeting in October 2011 on *Enhancing the work of Eurojust in drug trafficking cases*. See subsection 1.3.2.

2.3.2 OLAF

The 2008 Practical Agreement on arrangements of cooperation between Eurojust and the European Anti-Fraud Office (OLAF) is the legal basis for cooperation between both organisations.

Transmission of case-related information from OLAF to Eurojust has increased. In 2011, OLAF referred eight cases to Eurojust, compared with four cases in 2010. While these figures are low, they should be seen in light of three considerations. The first consideration is that Eurojust works with criminal investigations and prosecutions, while OLAF's work is focussed on administrative investigations and actions (from its operational work in 2010, OLAF recommended consideration of criminal investigation and prosecution by judicial authorities in 28 cases). The second consideration is that Eurojust normally works with cases involving two or more Member States, while OLAF does not. The third consideration is that OLAF was invited to eight Eurojust coordination meetings in 2011, a particularly encouraging figure in light of the number of case referrals made overall.

In the cases where Eurojust and OLAF have worked together, clear benefits have been achieved, as illustrated by the investigation into allegations of corruption against Members of the European Parliament. See subsection 1.3.5 for details of the case.

Visit of Mr Rob Wainwright, Director of Europol

Ways to improve cooperation between Eurojust and OLAF were developed in 2011. Criteria for the selection of common cases involving criminality and cross-border elements were agreed; a secure communication network between the two bodies became operational, as did Eurojust's access to

Visit of Mr Giovanni Kessler, Director-General of OLAF

the Customs Information System (CIS); and agreement to exchange liaison officers was reached in principle. OLAF investigators and prosecutors made a study visit to Eurojust. OLAF has participated in Eurojust meetings such as the JITs Experts meeting. The added value of the participation of OLAF in JITs lies in the possibility for cross-checking JIT data with OLAF's data and the results of its administrative investigations.

2.3.3 Frontex

In 2011, Eurojust and the European Agency for the Management of the Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) continued negotiations with a view to concluding a cooperation instrument, in accordance with Article 26(1) of the Eurojust Decision.

In 2011, Eurojust participated in the Frontex project *Trafficking in Human Beings Training for Border Guards* to develop specialised training for border guards within the European Union and the Schengen Associated Countries. Prosecutorial and judicial aspects were

Since 2007, a criminal network had been smuggling tobacco and other goods from the Russian Federation and Belorussia into and across the European Union. The EU ringleaders were based in Lithuania; the Lithuanian authorities contacted Eurojust for assistance, as the ringleaders had escaped prosecution despite various seizures of truckloads of cigarettes in actions involving Poland, Latvia, Estonia, and Germany.

Eurojust assisted with analysis of the case, and held five coordination meetings with the affected Member States, Europol and OLAF to ensure that a composite picture of the ringleaders' activity could be drawn from the actions that had taken place in different jurisdictions. An action day, agreed for late November 2011, resulted in 25 arrests. Importantly, these included ringleaders of the criminal group; 50 house searches were conducted with seizure of weapons, explosives, narcotics, large sums of cash and stolen items. The investigation also allowed restraint of assets originating from the criminal enterprise, such as real estate and luxury vehicles.

taken into account for training and the development of a common curriculum.

2.3.4 CEPOL

In 2011, Eurojust contributed to 21 CEPOL training and e-learning activities. These included training sessions for senior police officers and prosecutors on JITs (in cooperation with the EJTN), and on the role of Eurojust in the facilitation of EAWs from an operational perspective. In May 2011, the Director of CEPOL contacted Eurojust for joint work on a Cybercrime E-Learning Module.

Because of the need to ensure that training for law enforcement officials and prosecutors works in synergy, Eurojust was invited to CEPOL's Annual Programme Committee, and also attended the CEPOL 10th Anniversary Conference at its headquarters.

2.3.5 Heads of JHA Agencies

In 2011, Eurojust was Chair of the Heads of JHA Agencies, and coordinated, in close cooperation with CEPOL, Europol, Frontex and the Fundamental Rights Agency (FRA), the Final Report on enhanced cooperation between the agencies. The annual meeting of Heads of JHA Agencies took place at Eurojust on 24 November. Progress was made in bilateral cooperation and multilateral cooperation. Examples of multilateral initiatives were the exchange of catalogues of products and services, and consultation between agencies on annual work programmes.

As Chair of the Heads of JHA Agencies, Eurojust reported to COSI on progress and achievements in JHA inter-agency cooperation, and submitted a joint proposal with Frontex for activities in 2012-2013 (18079/11).

2.4 Relationships outside the European Union

In 2011, work continued to extend the possibilities of operational cooperation with third States and organisations outside the European Union. The cooperation agreement between Eurojust and the Swiss Confederation entered into force on 22 July 2011. The negotiation of cooperation agreements with the Russian Federation, Ukraine and Liechtenstein were reconfirmed as priorities. Contacts to explore the possibility of initiating negotiations on cooperation agreements with the State of Israel, Albania, Bosnia and Herzegovina, Montenegro, Serbia, Moldova, Cape Verde and Turkey were also pursued. Assessments of the implementation of the cooperation agreements with Croatia and Norway were held.

Fact-finding missions, with a view to assessing the implementation of data protection legislation, took place in Albania, Serbia, Montenegro and Ukraine. Contacts to explore the possibility of initiating negotiations on Memoranda of Understanding with Interpol and the Group of States against Corruption (GRECO) continued.

Eurojust also provided support to a meeting of the EU-USA Working Group. In particular, it contributed to the EU experts' meeting on the implementation of the agreements on extradition and mutual legal assistance between the European Union and the USA, organised by the Commission in September 2011. Eurojust provided advice on legal aspects of information exchange with the USA at coordination meetings. Work also continued to prepare further meetings to resolve practical issues regarding judicial cooperation between the European Union and the Russian Federation.

Given the global reach of organised crime (exemplified by the trafficking of drugs and human beings into the European Union from outside its borders), new initiatives may be necessary. The Eurojust Decision, for example, provides an important new tool in this area: the possibility of basing Eurojust Liaison Magistrates in third States to act on behalf of all Member States. In 2011, a report on the tasks, functions and professional status of such Liaison Magistrates was presented to the College. This report is an important step in considering the involvement of such Liaison Magistrates in the operational work of Eurojust, and in providing input on the criteria to be met under Article 27a of the Eurojust Decision.

Again, in recognition of the increasingly global nature of organised crime, Eurojust strengthened its ties with the Ibero-American Network for International Legal Co-operation (IberRed). A project to improve practical cooperation between Eurojust and IberRed prosecutors specialised in drug trafficking casework began. Eurojust has facilitated the execution of MLA requests and extradition requests from Member States in Latin America and vice-versa through its relationship with IberRed.

3 The Eurojust Decision, the future and administrative developments

3.1 Implementation of the Council Decision

The goal of the Council Decision on the strengthening of Eurojust, published in 2009, is to enhance Eurojust's operational capacity. Timely and efficient implementation of the Eurojust Decision, both at Eurojust and in the Member States, is needed to make full use of Eurojust's potential in the fight against serious cross-border crime. Bringing national law into conformity with the Eurojust Decision by legislation was necessary in 18 Member States, and was to have taken place by June 2011. 10 Member States had completed the necessary measures at the end of 2011.

In 2011, Eurojust completed several projects for its implementation of the Eurojust Decision. The On-Call Coordination (OCC) system became operational; templates for the easier transmission of information about serious cross-border cases to Eurojust were developed with resulting changes to the Case Management System (CMS); Secretariats of the JITs and Genocide Networks were established. Meetings of the Informal Working Group on implementation of the Eurojust Decision were held with representatives of Member States and EU bodies. The principal topics were increasing information exchange and establishing the ENCS to strengthen Eurojust's links with national practitioners. Information about some developments in implementation is given below.

On-Call Coordination

To enhance the accessibility of Eurojust National Desks, and enable efficient intervention specifically in urgent cases at any time, a centralised OCC was put in place. Member State judicial authorities and law enforcement officials are now able to reach Eurojust on a 24 hour/7 day basis via a free international telephone number (or dedicated Dutch number).

A call-management system answers and forwards the call to the OCC representative of the National Desk. The purpose of the call can then be explained in the

On a night in December 2011, Eurojust's French OCC representative on duty was contacted by a national prosecutor. Three suspects had been detained by the police, and material seized suggested criminal links to a bank account located in Luxembourg, containing approximately €4 million. The national prosecutor wished to restrain the account as a matter of urgency, and needed assistance with the appropriate procedures to be followed in another jurisdiction. Eurojust's French representative contacted the Eurojust Luxembourg counterpart, who advised immediately on the legal and evidential requirements for a restraining order, and who initiated contacts with the Luxembourg Financial Intelligence Unit at the Prosecutor's Office. When banking business opened the following morning, the account was frozen by the Luxembourg Financial Intelligence Unit and then seized by a Luxembourg investigating judge during the course of the same day.

caller's own language and appropriate action taken by that OCC representative; 94 calls have been received since the OCC was instituted in August 2011.

Exchange of information under Article 13

Article 13 of the Eurojust Decision requires Member State authorities to notify their Eurojust national representative of serious cross-border investigations and prosecutions.

To facilitate a structured transmission of the information from practitioners, Eurojust has developed a "smart" PDF form in all official EU languages. This form specifies the types of information to be sent and is meant to support reporting in a user-friendly way. The form is available to competent national authorities via the National Desks. Completed forms are sent to Eurojust through the secure e-mail channels that have been made available for transmission. Eurojust has published a brief note on the interpretation of Article 13 (5-7) on its website.

Eurojust encourages Member States to use this new instrument and the template, which are intended to make Eurojust's support to Member States fighting organised crime and terrorism more effective.

The information received under Article 13 allows Eurojust to detect links with other cases, including those already stored in the CMS, to offer assistance to Member States at an early stage, and to provide operational feedback to national authorities. Increased information exchange should improve Eurojust's ability to assist practitioners and policymakers with information about obstacles and best practices in cross-border judicial cooperation.

Enhancement of the Case Management System

The CMS software was initially introduced in 2004 and facilitates the secure storage of casework data, the exchange of information between National Members and the analysis of that data. As the CMS will handle additional information about persons and must also comply with Eurojust data protection rules

and monitoring by the Data Protection Officer, a series of projects implementing the changes required by the Eurojust Decision have been launched.

To ensure appropriate exchange of judicial data between Member State systems and Eurojust, Eurojust was closely involved in the European Pool against Organised Crime (EPOC) IV research project. The purpose is to secure further development of the EPOC software to provide a National Authority System (NAS) that will allow the exchange of information between Eurojust and national case management systems. Project partners for EPOC IV are Bulgaria, France, Italy, Lithuania, the Netherlands and Slovenia. A seminar to promote the NAS was attended by technical representatives of prosecution services from 19 Member States. The project duration is three years, running between April 2009 and March 2012.

To facilitate secure data transmission for the ENCS in the Member States, Eurojust has worked on a range of connection measures. The precise solution is agreed with each Member State, taking into account technical constraints, and reusing existing connections wherever possible. Pilot connections via s-TESTA and site-to-site VPN over Internet are currently being tested with Bulgaria, Hungary, Ireland, Latvia, Portugal and Romania. A Memorandum of Understanding will be signed between Eurojust and each Member State before official use of the connection begins.

Eurojust National Coordination System

Under the Eurojust Decision, the ENCS is intended to strengthen Eurojust's relationship with Member State law enforcement and judicial authorities. Eurojust took various steps to foster the establishment of the ENCS, from building on the relationship with EJN contact points in the Eurojust-EJN Task Force to developing relationships with HENUs.

Eurojust also developed the "fiches suédoises" template to provide information about the composition of the ENCS in each Member State. The ENCS has so far been set up in seven Member States, either by primary legislation or by orders, circulars, guidelines and other secondary instruments. Eurojust will explore the possibility of establishing a common platform to ensure dialogue between the ENCS members, and in particular the national correspondents responsible for the functioning of the ENCS and Eurojust.

In 2011, a paper on possible ENCS structures and tasks, together with the ideal profile of national correspondents for Eurojust, was made available on the Eurojust website.

3.2 Task Force on the Future of Eurojust

Facilitated by a Task Force, Eurojust continued its reflection on Articles 85 and 86 TFEU. In May 2011, the strategic seminar, *Eurojust: new perspectives in*

judicial cooperation, was held under the Hungarian Presidency, which focused on Article 85 TFEU from an evidence-based approach. On the basis of case studies, participants reflected on whether additional powers would make Eurojust more effective and concluded that the difficulties encountered should be kept in mind when implementing new possibilities offered by the Lisbon Treaty. In several workshops, the following issues were considered: granting Eurojust powers to initiate criminal investigations and powers to prevent and solve conflicts of jurisdiction on a mandatory basis; difficulties encountered in exercising the task of coordination of investigations and prosecutions and possible measures to improve coordination; strengthening of future operational cooperation with Europol and with OLAF; and possible ways to make the different mechanisms of evaluation of Eurojust operate in practice. The report of the seminar has been published as a Council document (14428/11) and is available on the Eurojust website.

Currently, Eurojust is preparing contributions on its structure and parliamentary evaluations for submission to interested parties in light of proposed regulations on Eurojust and the European Public Prosecutor's Office (EPPO) in 2013.

3.3 Administrative developments

Eurojust had a budget of €31.7 million in 2011; 95.6% of the budget was executed, and a total of 7,300 transactions (commitments and payments) were processed, an increase of 12% over the previous year.

Eurojust's workforce in 2011 was 269 (compared with 267 in 2010). Of this number, 42 prosecutors, judges and police officers of equivalent competence were seconded from Member States. They were supported by 210 staff members employed under EU Staff Regulations and 17 seconded national experts.

Development of planning tools

Eurojust's planning tools were improved in 2011. A new costing model, which directly links activities to budget expenditure, was used. By allocating costs to Units and Services, and by similarly distributing overhead costs, the new cost model offers important advantages in managing the delivery of Eurojust's business. It allows Eurojust to understand the total costs for which a Unit or Service is accountable, to compare the costs of contracting out, for example, security services as opposed to bearing in–house costs, to monitor budget trends and to identify unexpected cost patterns at an early stage. Importantly, the cost model also allows the relationship between core activities and overheads to be correctly identified.

To facilitate efficient management of resources, the Administrative Director's Annual Activity Report has been made a key component of the Eurojust strategic planning and programming cycle, and is designed to ensure that resources are

properly matched to the achievement of objectives. Budgetary and administrative information is regularly exchanged with the Commission and discussions have continued over a Memorandum of Understanding to formalise the prompt and efficient exchange of information on budgetary and administrative matters.

Organisational Structure Review (OSR)

The OSR framework was used as a reference for the administrative support of core business. A unit (the Case Analysis Unit, successor to the Case Management Unit) was established to provide greater support to the National Desks. A review of all administration positions was undertaken to ensure the best alignment with business needs. In related human resources developments, information systems have been implemented for cost-effective monitoring of staff resources, and to ensure the optimum fit between training and business requirements; the Staff Committee has been invited to participate in developing recruitment procedures.

Within the overall framework of guaranteeing business continuity, steps were taken to develop an Action Plan for the identification of potential risks to Eurojust. Similarly, strategic key performance indicators (KPIs) for the measurement of the quality of Eurojust services, expertise and organisational performance were included in the draft Annual Work Programme 2013, while catalogues of available services from administrative units have also been prepared.

New premises

Considerable progress was made in securing new premises for Eurojust by 2015. On 30 June 2011, a cooperation agreement was signed with the Kingdom of the Netherlands to provide a new building for Eurojust specifically designed for delivering its core operational work. A jury, equally composed of members of the Host State and Eurojust, unanimously selected five design teams to participate

Mr Klaus Rackwitz, new Administrative Director

Administration staff

in the award phase. The candidates were asked to provide a design proposal that maximises efficiency of all operations with the minimum consumption of resources while representing Eurojust's core values.

3.4 Public access to Eurojust documents

The number of requests for Eurojust documents under its public access rules has increased. In 2011, eleven requests were received for access to Eurojust documents. Four were received directly by Eurojust, and in the other seven instances Eurojust was consulted as a third party following requests received by other organisations.

Of the four requests that were directly received by Eurojust, two were staff-related and two concerned investigations or prosecutions in which Eurojust was involved. The two requests related to staff matters were granted in full. The two case-related requests were refused for reasons given below.

Of the seven requests where Eurojust was consulted as a third party following requests to other organisations, one request was case-related and six were not. The case-related request was refused (for reasons included in the list below) and the other six, which related to access to EU documents, were granted in full.

The case-related requests (received both directly and indirectly) were considered both individually and in relation to specific documents, and refused for a variety of reasons. These reasons were: because disclosure would undermine the protection of the privacy and integrity of individuals; for protection of the public interest as regards the fulfilment of Eurojust's tasks in reinforcing the fight against serious crime, national investigations and prosecutions in which Eurojust assists; and because of compliance with applicable rules on pro-

Heads of Units and Services
Left to right: Jacques Vos, Corporate Services; Joannes Thuy, Spokesperson, Press & PR; Diana Alonso Blas, Data Protection Officer; Carla Garcia Bello, Legal Secretary to the College; Alinde Verhaag, Acting Head Case Analysis; Anna Baldan, JITs Network Secretariat Coordinator; Klaus Rackwitz, Administrative Director; Catherine Deboyser, Legal Service; Jon Broughton, Information Management; Mike Moulder, Budget, Finance and Procurement; Linda Scotts, Human Resources; Matevž Pezdirc, Genocide Network Coordinator; Fatima Martins, Secretary to EJN

fessional secrecy. Other reasons for refusing access were that the documents originated from a Member State that had refused their disclosure; because the documents were drawn up for internal use relating to a matter where the decision had not been taken by Eurojust; where disclosure would undermine Eurojust's decision-making process; and where no overriding public interest in disclosure was served.

Eurojust seminar, Sofia, Bulgaria

Eurojust seminar, Budapest, Hungary

Eurojust seminar, Rome, Italy

4 Follow-up to Council Conclusions

On 9-10 June 2011, the JHA Council adopted Conclusions on the ninth Eurojust Annual Report (10645/1/11 REV 1). As in previous reports, Eurojust provides information in this chapter on the areas where the Council made recommendations.

Eurojust - EJN	
Elaborate and implement mechanisms aiming at enhancing cooperation between Eurojust and the EJN, in particular within the framework of the ENCS, and regarding the referral of simple cases to the EJN.	The Joint Task Force Eurojust-EJN has been set up to consider, amongst other topics, the role of the EJN contact points in the ENCS. See section 2.2 for more details.
Coordination meetings and the involvement of Europol and OLAF	
Promote coordination meetings between the competent authorities of the Member States, as well as to involve, where relevant and within the frame of existing legal instruments, other EU bodies such as Europol or OLAF.	2011 saw a significant increase in coordination meetings. Eurojust organised coordination meetings in 204 cases. Europol participated in 89 coordination meetings and OLAF in 8 cases. See also subsection 1.2.2.

Centre of Expertise	
Continue efforts in becoming a 'centre of expertise' on judicial cooperation in Europe with a view to contributing to the debates amongst other concerned stakeholders.	Eurojust is developing a centre of expertise concept to facilitate effective judicial action against organised cross-border crime in the European Union by serving as a repository of institutional knowledge and experience in the area of judicial cooperation in criminal matters.
Use of Article 7(2) and (3) of the Eurojust Decision	
To report on the use of Article 7 (2) and (3)	The College did not issue a written non-binding opinion in accordance with Article 7 (2) and (3) but cases were solved at National Desk level. See subsection 1.2.8 for details of conflicts of jurisdiction and subsection 1.2.10 for details of EAWs.
Articles 85 and 86 TFEU	
Eurojust expertise may be taken into account in policy debate over the future implementation of Articles 85 and 86 TFEU.	In 2011, Eurojust continued to reflect on its future development under the TFEU and actively participated in the ongoing European debate on the basis of its operational experience. Eurojust is committed to an evidence-based approach to Articles 85 and 86 before the formulation of conclusions for the policy debate. See section 3.2.
Statistical tools	
Consider further development of statistics introducing a distinction on country by country basis.	See Annex, Figure 2.

Joint Investigation Teams	
Continue engaging in training sessions devoted to JITs.	Eurojust supports training on JITs, organised by CEPOL. Through the annual meetings of the JITs Network, expert practitioners share their experiences and knowledge, as well as best practices, and contribute to promoting the use of JITs.
Cooperation with third States	
Continue providing its assistance in casework involving third States.	Third States participated on 45 occasions in coordination meetings. See section 1.5 for more details.
Case Management System	
Implement the changes stemming from the Eurojust Decision in respect of the exchange and provision of information to Eurojust; further strengthen capacity to deal with and analyse received information, including cross-referencing analysis; exploit the full potential of the Eurojust database with a view to possible requests to Member States, on the basis of cross-referencing analysis, to request to undertake an investigation or prosecution of specific acts.	A template for transmission of information to Eurojust under Article 13 was prepared. A questionnaire to help develop the CMS was completed in March and April 2011. Different areas were identified for further reflection: registration of cases; monitoring of cases; statistics; Article 13 information and feedback; evaluation of casework; analysis in casework; electronic folder system (document management); and means of communication. These topics will be discussed individually during College plenary meetings in 2012 to give guidance from the user perspective to a functional evaluation of the current CMS. In addition, the College adopted an amended list of crime types.

Cooperation with Europol	
Continue working together, within the framework of existing legal instruments and ensuring a high level of data protection.	2011 saw an increase in casework cooperation with Europol and a 35% increase in the exchange of operational data (911 exchanges) through the secure communication link. Common data protection principles were applied by both organisations. See subsection 2.3.1.
Cooperation with OLAF	
Maintain the privileged partnership in the fight against fraud, corruption and other crimes affecting the financial interests of the EU.	In 2011, the transmission of case-related information increased. OLAF recommended criminal investigation and prosecution by national authorities throughout the European Union in approximately 30 cases in 2011. Eight cases were referred to Eurojust for assistance. See subsection 2.4.
Cooperation with Frontex	
Continue work towards establishing formal working arrangements with Frontex in particular by enhancing the exchange of information.	Following the adoption of a new Regulation on Frontex, a cooperation agreement allowing the exchange of personal and operational data is envisaged. See section 2.5.

Organisational Structure Review Project	
Present results of the projects on College Performance and the Organisational Structure Review.	Eurojust continued working on the implementation of the OSR in seven areas. The project on *Structure of the Administration* is largely finalised. Significant progress has been made on the projects *Performance and risk management*, *Cooperation between the Administration, the College and the National Desks, and Training*. An action plan for mitigating potential risks to Eurojust is under preparation. On the basis of the strategic key performance indicators (KPIs) developed by Eurojust, draft generic KPIs measuring the quality of Eurojust services, expertise, awareness and organisational performance have been included in the draft Annual Work Programme 2013. The other projects, *Delegation of decisions, Portfolio management* and *Culture*, are ongoing.
Implementation of the Eurojust Decision and On-Call Coordination	
Further implement the new Eurojust Decision; Revise the Rules of Procedure and create a standard template through which information could be transferred and processed at Eurojust; Report on the implementation of the relevant provisions in the next annual report; Speed up the setting up of an On Call Coordination system and to advance efforts in the implementation of the mechanism for facilitating the transmission of casework information.	Chapter 3 deals with the implementation of the Council Decision on the strengthening of Eurojust, in particular on the OCC, ENCS and Article 13.

Eurojust seminar, Krakow, Poland

Anti-Trafficking Day, Warsaw, Poland: Mr Williams signs the Joint Statement by JHA Agencies

Consultation meeting between Eurojust and the Republic of Croatia, Brijuni, Croatia

Annex

Figure 1

In 2011, Eurojust registered 1,441 cases, which continued the upward trend in the number of referrals for assistance by Member States since 2002. Approximately 20% of these cases involved three or more Member States.

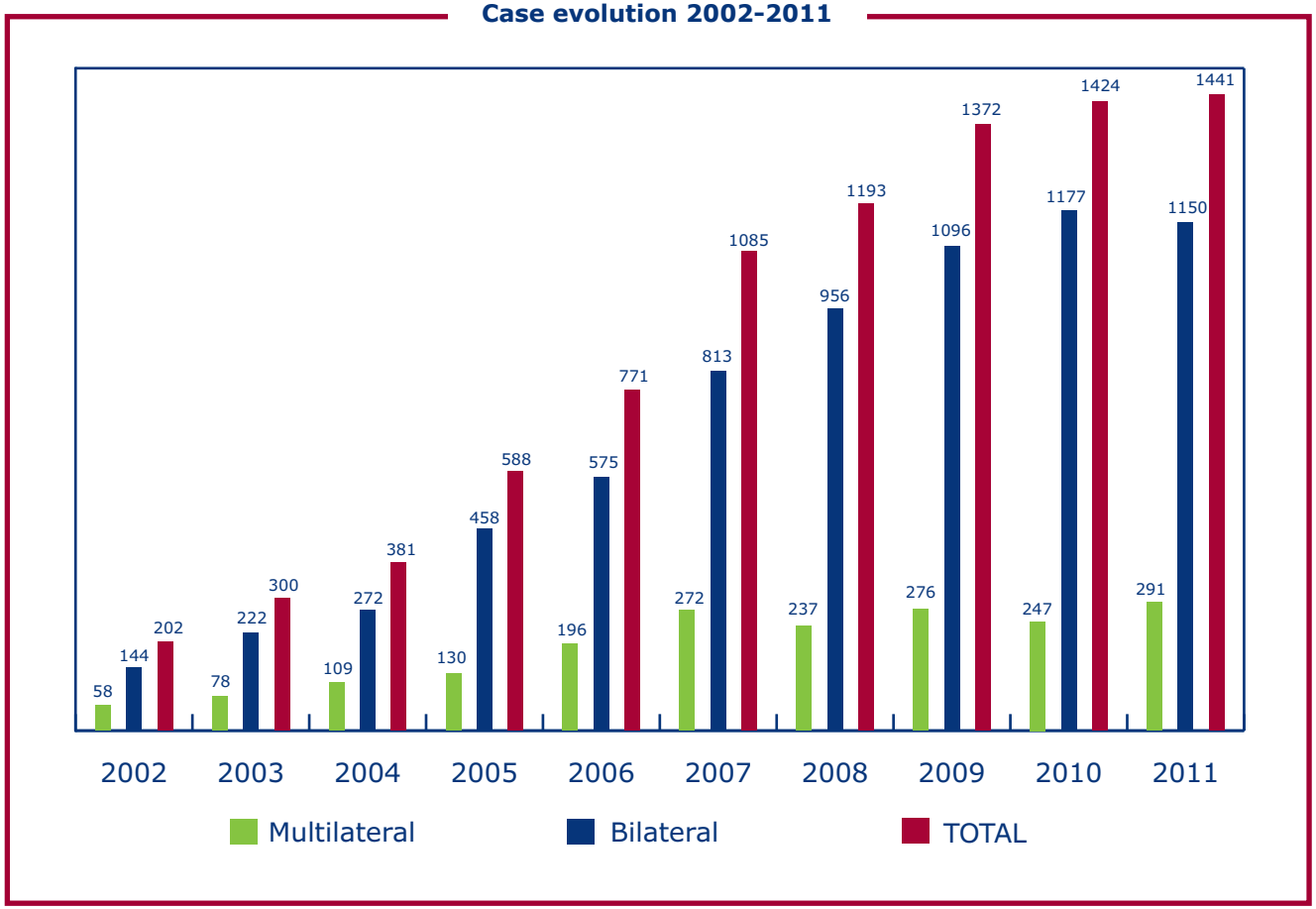


Figure 2

The figure shows the number of bilateral and multilateral cases registered by each National Desk in 2011.

A bilateral case does not mean that a less serious criminal offence is concerned or that limited involvement by Eurojust is appropriate. A bilateral case at Eurojust may be multilateral in a Member State.

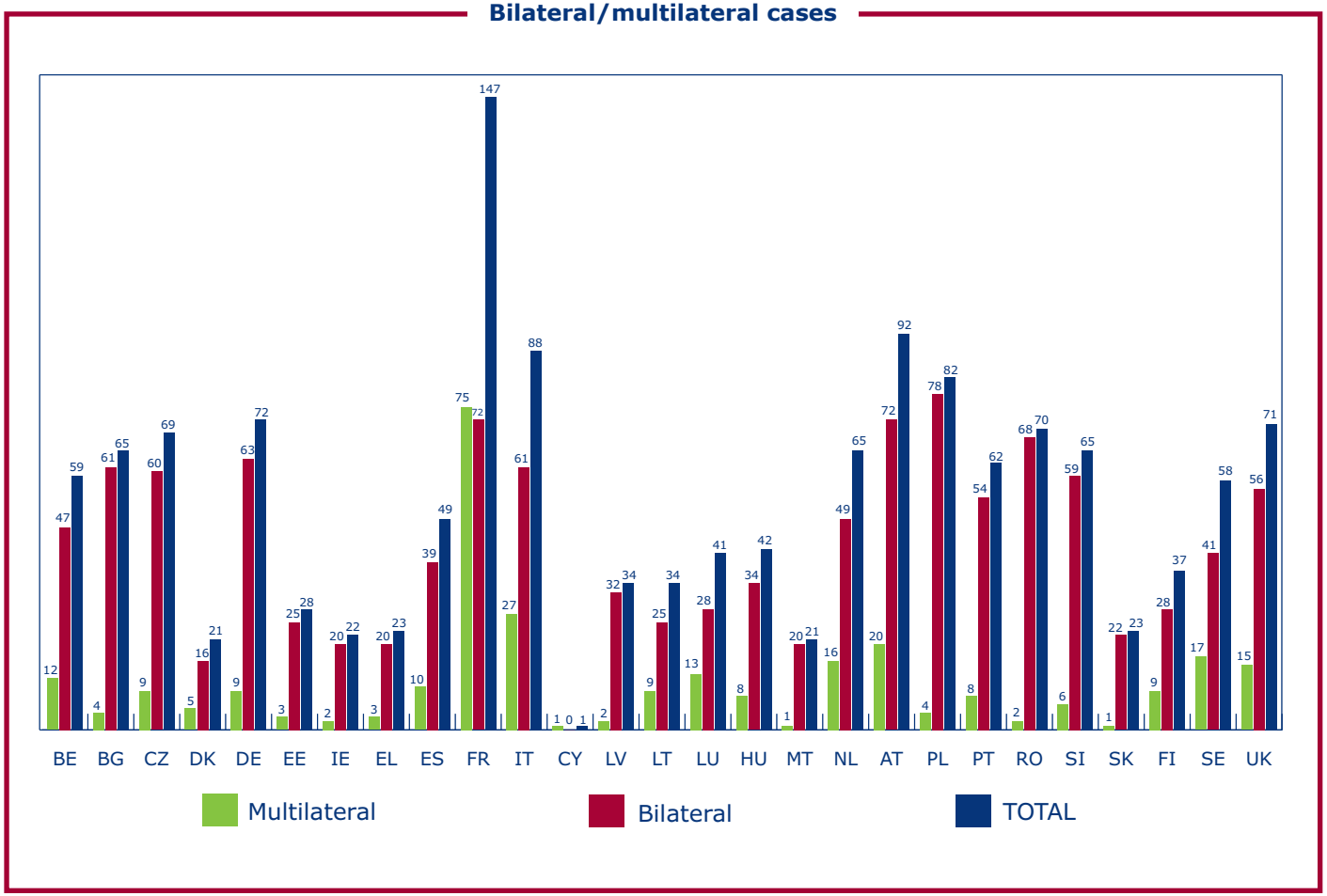


Figure 3

The caseload of the National Desks is impacted not only by the number of cases registered in a year, but also by ongoing cases of previous years. Eurojust has a total of 500 cases pending from previous years (2003-2010) that still require attention and assistance.

Cases opened and closed 2003-2011

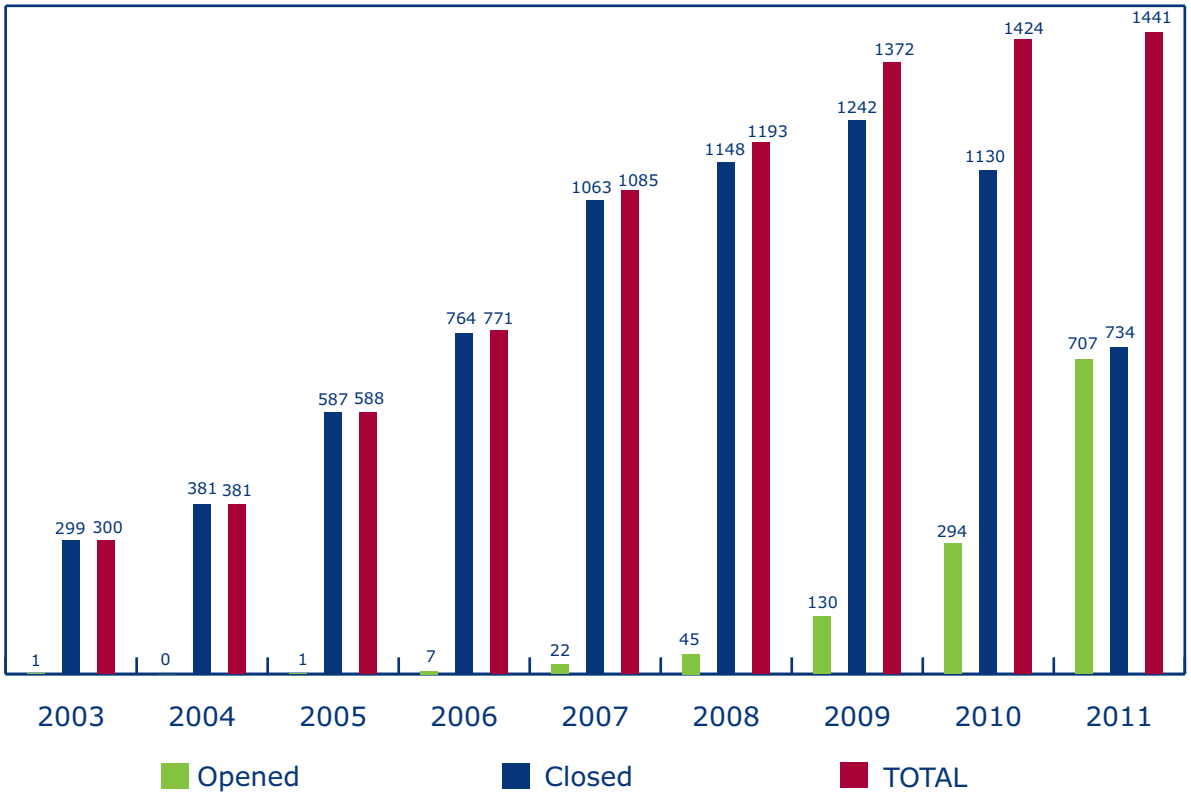


Figure 4

According to Article 4(1) of the Eurojust Decision, the general competence of Eurojust covers the types of crimes and offences in respect of which Europol is at all times competent to act and other offences committed together with these types of crimes and offences.

For other types of offences, Eurojust may, in accordance with its objectives, assist in investigations and prosecutions at the request of a competent authority of a Member State as per Article 4(2).

Eurojust may also be requested by a Member State to provide assistance in matters or topics of a more general nature that are not necessarily directly linked to an ongoing operational case, *inter alia*, concerning national legislation or procedures (legal topic cases).

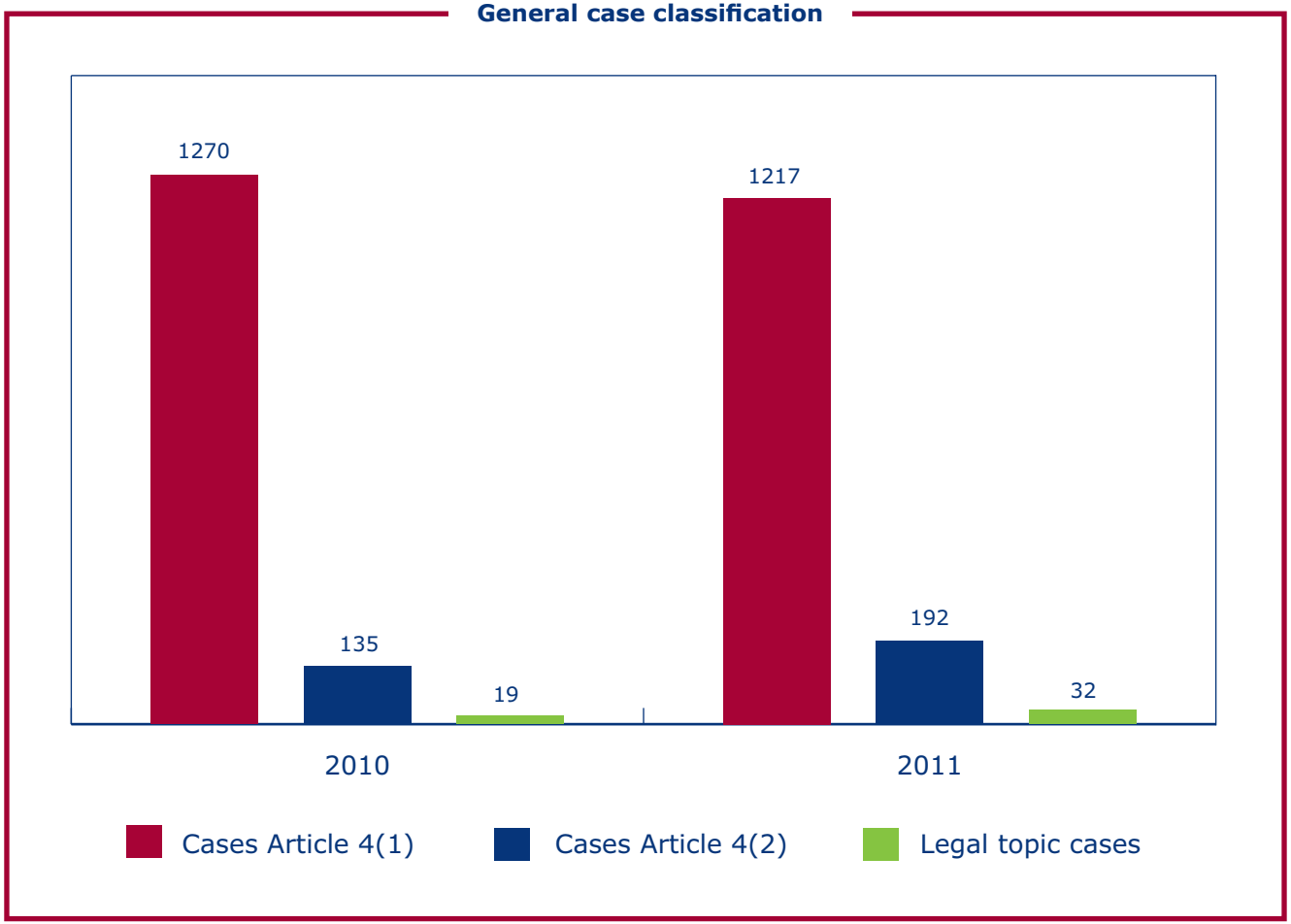


Figure 5

The operational priority areas adopted by Eurojust in 2010-2011 cover drug trafficking, THB, terrorism, fraud, corruption, money laundering, cybercrime and other activities related to the presence of organised crime groups in the economy.

The figure shows the number of times that these crime types were involved in the cases registered at Eurojust in 2010 and 2011. One case may involve more than one crime type. Further information can be found in the relevant sections in Chapter 1.

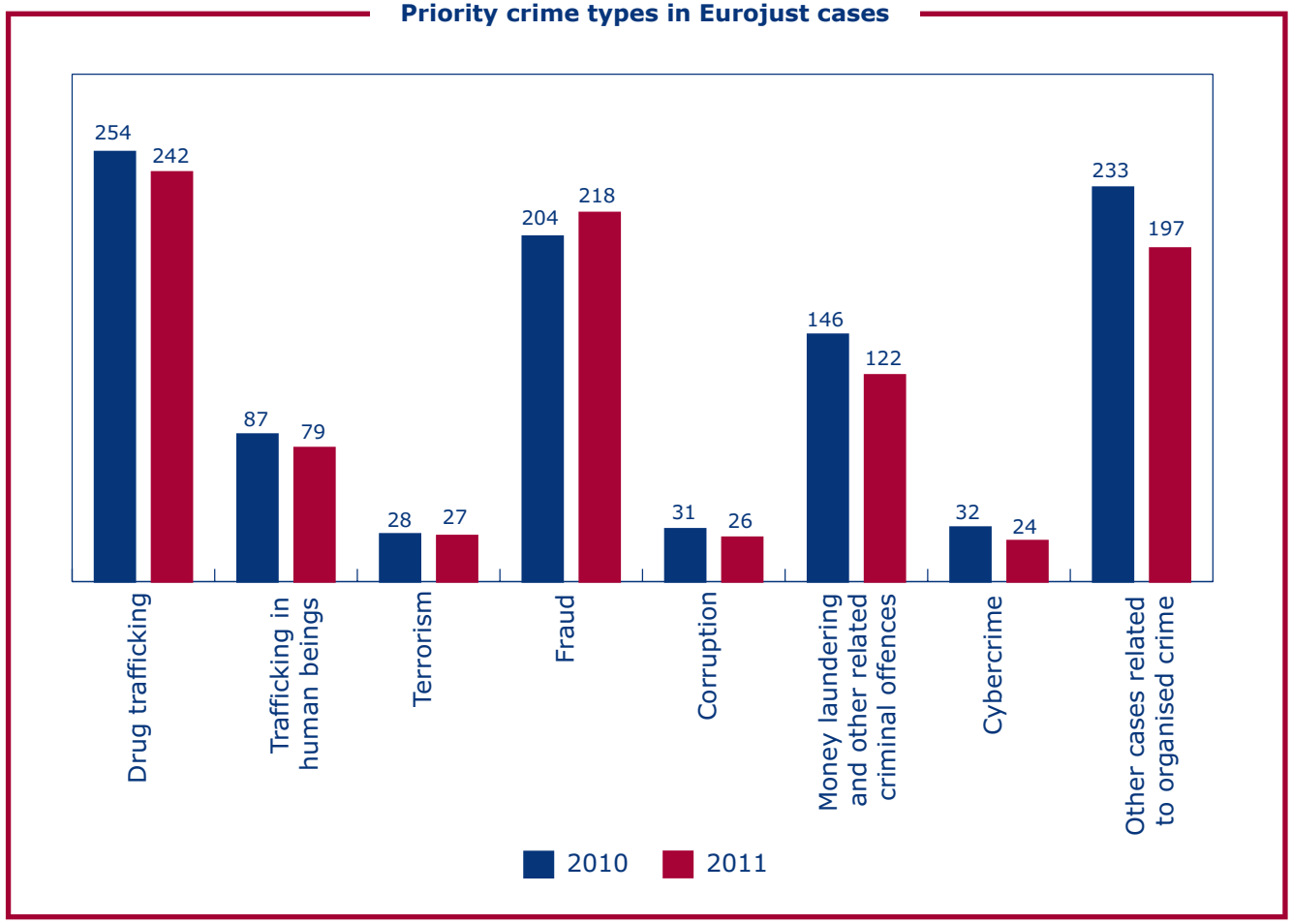


Figure 6

The operational priority areas adopted by Eurojust in 2010-2011 cover drug trafficking, THB, terrorism, fraud, corruption, money laundering, cybercrime and other activities related to the presence of organised crime groups in the economy.

The figure shows the number of times that crime types in the priority areas, as well as other types, were involved in the cases registered at Eurojust in 2010 and 2011. One case may involve more than one crime type.

Priority crime types and other crime types in Eurojust cases

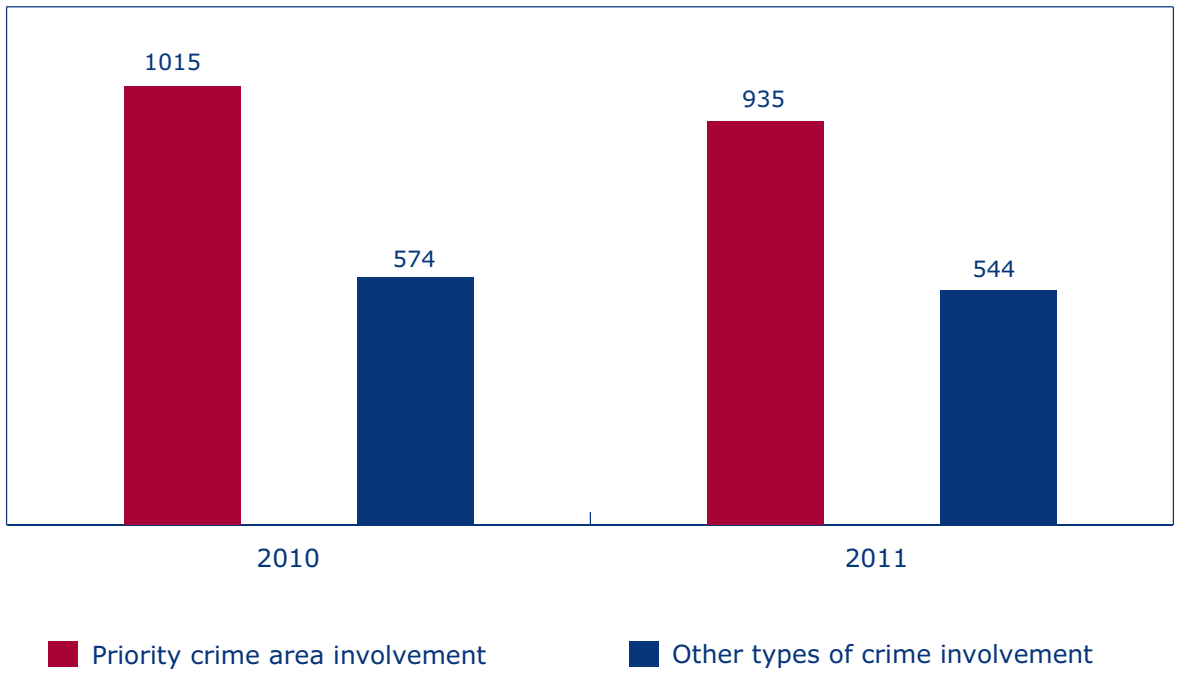


Figure 7

The figure shows by Member State the number of times Eurojust's assistance was requested in 2010 and 2011.

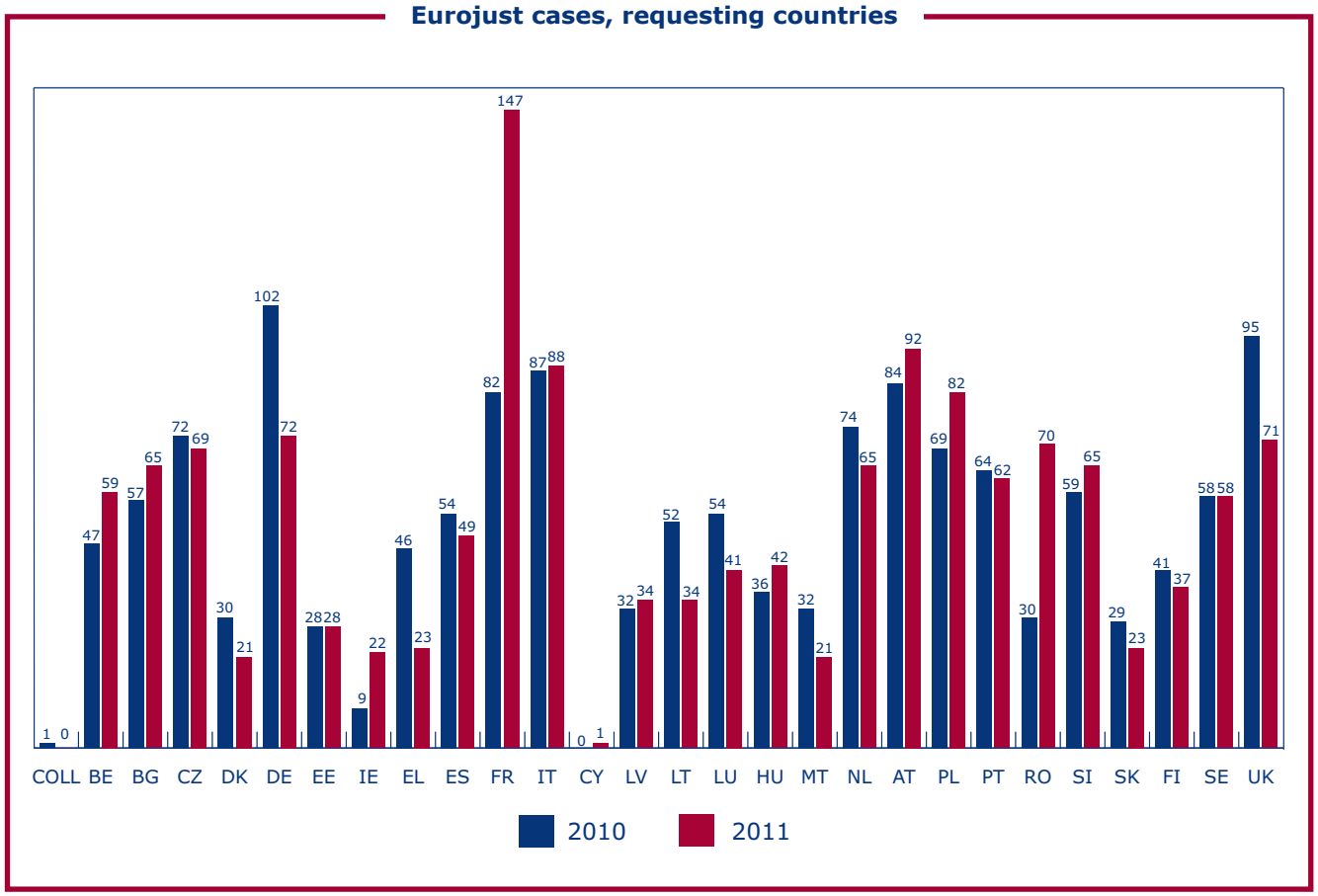


Figure 8

The figure shows the number of times the assistance of authorities in each Member State was requested through Eurojust in 2010 and 2011.

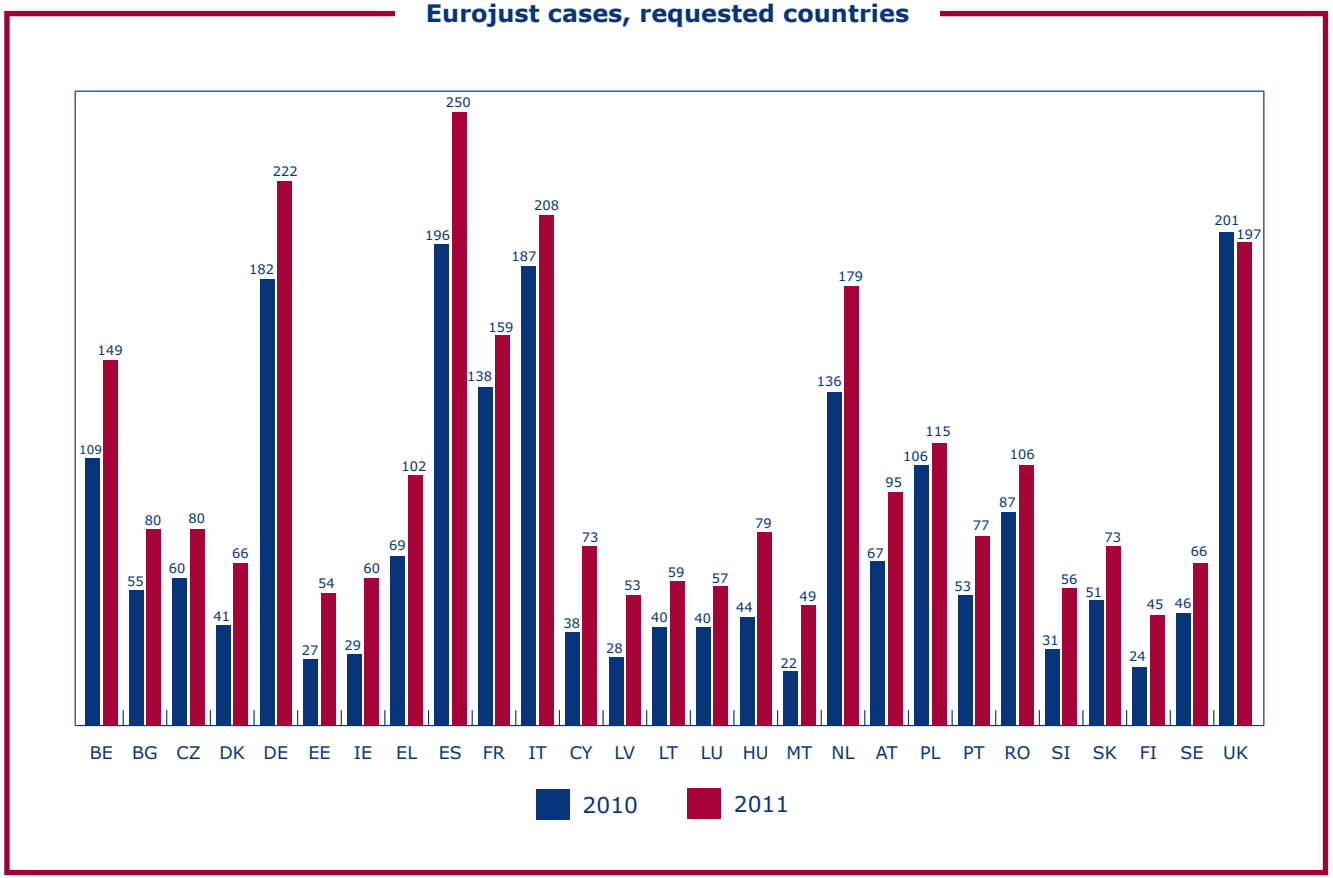


Figure 9

The figure shows the number of cases that required a coordination meeting. Coordination meetings are normally held at Eurojust's premises in The Hague. In certain situations, coordination meetings are held outside Eurojust, in a Member State or in a third State.

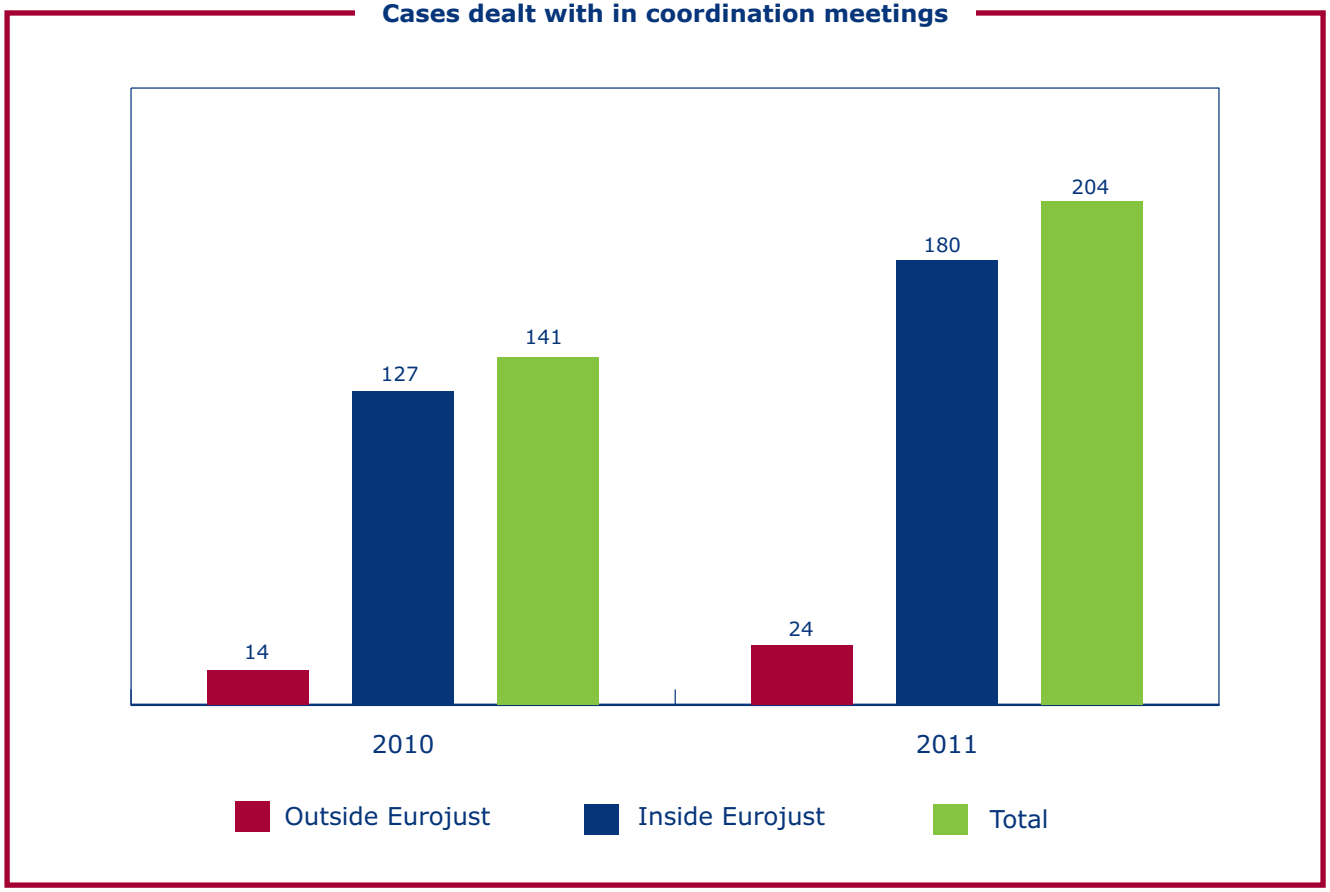


Figure 10

The figure shows the number of cases that required a coordination meeting following a request for assistance from each Member State or third State.

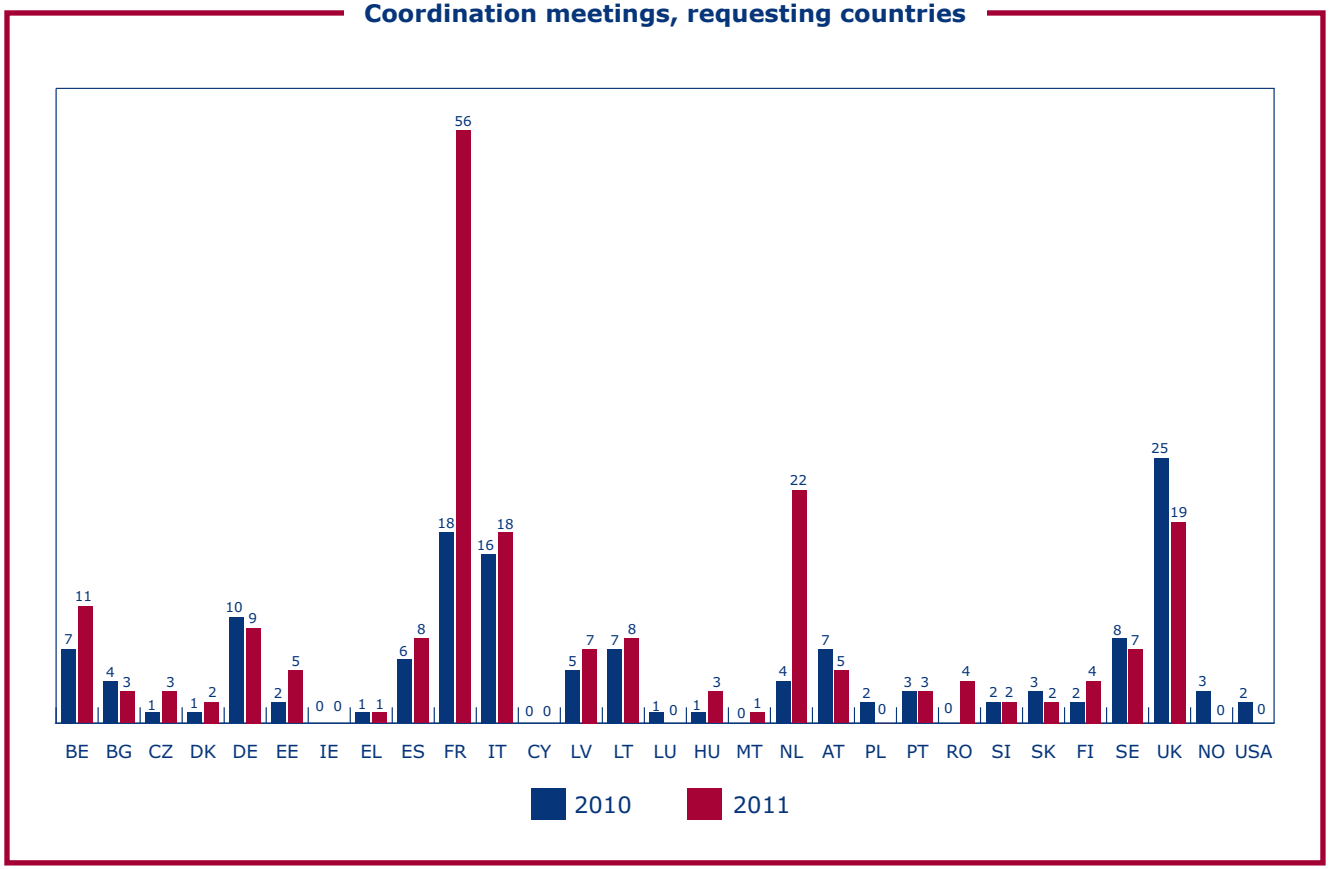
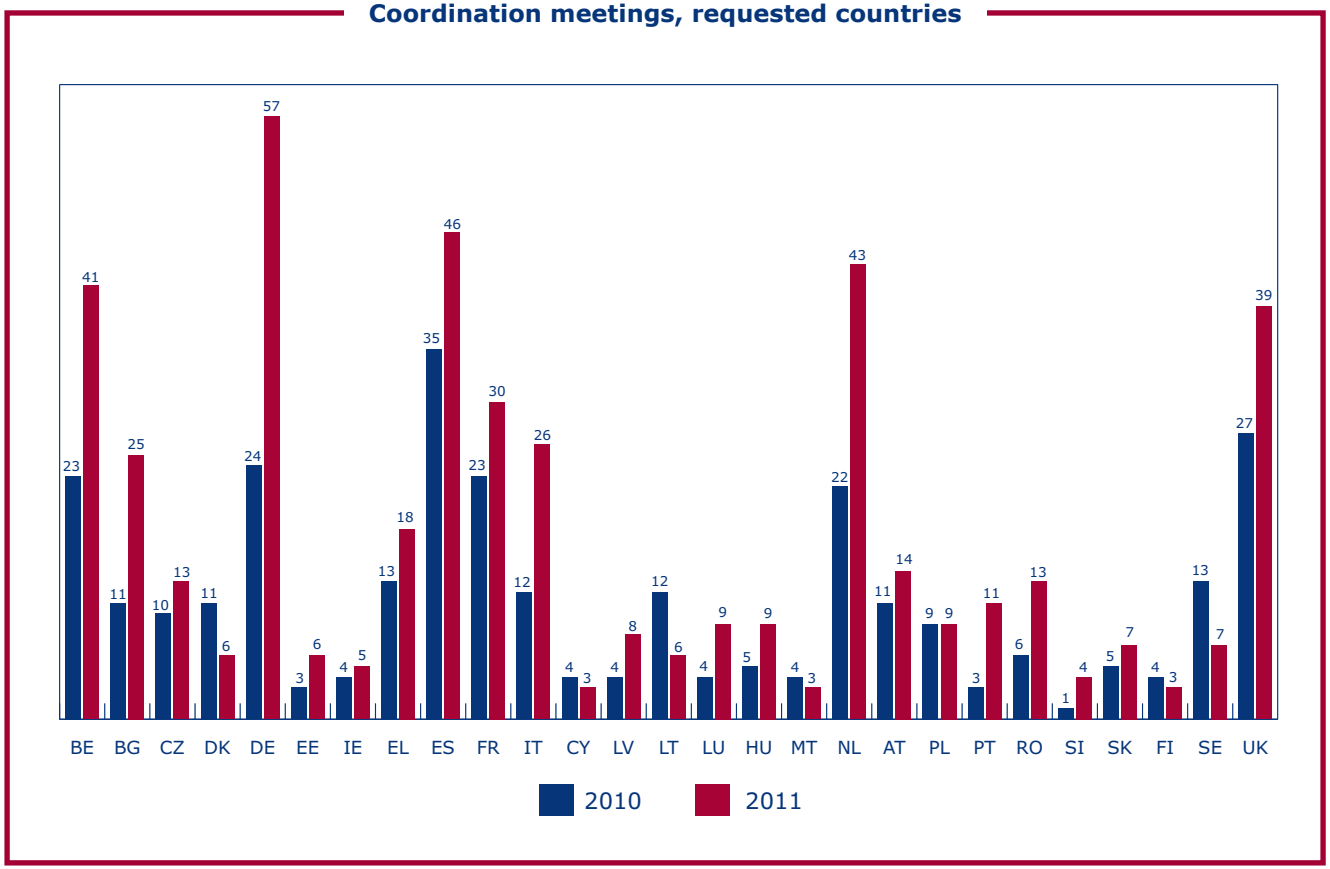


Figure 11

The figure shows the number of times Member State authorities participated in Eurojust coordination meetings on cases requiring coordination after being requested for assistance.



Eurojust Haagse Veste 1 building

Photos: Joannes Thuy, Leen De Zutter & Jacalyn Birk, Eurojust
Michel Mees, The Hague
Zollkriminalamt, Köln, Germany