



**MEETING WITH EUROJUST CONTACT POINTS AND
LIAISON MAGISTRATES APPOINTED BY MEMBER STATES**
Complementarity, synergies and cooperation

**THE HAGUE, THE NETHERLANDS
16-17 October 2014**

AGENDA

DAY 1	
08:00 – 09:00	Registration of participants
OPENING SESSION AND WELCOME SPEECHES	
09:00 – 09:15	<p>Ms Michèle Coninx, President of Eurojust</p> <p>Ms Malči Gabrijelčič, Chair of the External Relations Team, Eurojust</p> <p>Ms Jolien Kuitert, Chair of the EJN & Liaison Magistrates Team, Eurojust</p>
FIRST SESSION	
<i>Chaired jointly by Ms Malči Gabrijelčič, National Member for Slovenia and Chair of the External Relations Team, and Ms Jolien Kuitert, Deputy to the National Member for the Netherlands and Chair of the EJN & Liaison Magistrates Team</i>	
09:15 – 10:30	<i>Tour de table</i> – a brief introduction of the external participants to the meeting, their expectations, and their experience with Eurojust to date
10:30 – 10:45	COFFEE BREAK
SECOND SESSION WHAT EUROJUST CAN OFFER	
<i>Chaired jointly by Ms Malči Gabrijelčič, National Member for Slovenia and Chair of the External Relations Team, and Ms Jolien Kuitert, Deputy to the National Member for the Netherlands and Chair of the EJN & Liaison Magistrates Team</i>	



<p>10:45 – 12:15</p>	<p>International Legal Assistance</p> <ul style="list-style-type: none"> ➤ <i>General presentation by Ms Laima Čekelienė, National Member for Lithuania, and Ms Teresa-Angela Camelio, Assistant to the National Member for Italy (30')</i> <p>Requirements for exchange of information with third States</p> <ul style="list-style-type: none"> ➤ <i>Presentation by Ms Diana Alonso Blas, Data Protection Officer (30')</i> <p>Discussion (30')</p>
<p>12:15 – 13:15</p>	<p>SANDWICH LUNCH</p>
<p>THIRD SESSION WHAT EUROJUST CONTACT POINTS AND LIAISON MAGISTRATES CAN OFFER</p> <p><i>Chaired jointly by Ms Malči Gabrijelčič, National Member for Slovenia and Chair of the External Relations Team, and Ms Jolien Kuitert, Deputy to the National Member for the Netherlands and Chair of the EJNI & Liaison Magistrates Team</i></p>	
<p>13:15 – 14:45</p>	<ul style="list-style-type: none"> ➤ Liaison Magistrates posted to Member States <i>Ms Sally Cullen, Liaison Magistrate for the United Kingdom in Italy (10')</i> ➤ Liaison Magistrates posted to third States <i>Mr Luis Francisco De Jorge Mesas, Liaison Magistrate for Spain in Morocco (10')</i> <i>Mr Shane Nainappan, UK Senior Liaison Prosecutor to the United Arab Emirates (10')</i> ➤ Eurojust Contact Points in third States <i>Ms Gordana Janicijevic, Deputy Public Prosecutor, Contact Point for Eurojust in Serbia (10')</i> <i>Mr Matjaz Vlahovic, Laywer, Contact Point for Eurojust in Switzerland (10')</i> <p>Discussion (40')</p>
<p>14:45-15:00</p>	<p>COFFEE BREAK</p>
<p>FOURTH SESSION COOPERATION BETWEEN EUROJUST AND LIAISON MAGISTRATES/COOPERATION BETWEEN EUROJUST AND EUROJUST CONTACT POINTS (WORKSHOPS)</p>	
<p>15:00 – 17:30</p>	<p>Workshop 1: How can Eurojust and Liaison Magistrates better serve each other? <i>Case examples, potential need for a Guide for cooperation between Eurojust and Liaison Magistrates, discussion</i></p> <p><i>Chaired by Ms Sylvie Petit-Leclair, General Prosecutor of the Court of Appeal in Caen</i></p> <ul style="list-style-type: none"> ➤ <i>Eurojust</i> ➤ <i>Liaison Magistrates posted to Member States</i> ➤ <i>Liaison Magistrates posted to third States</i>



	<p>Workshop 2: How can Eurojust and Eurojust Contact Points better serve each other? Case examples, draft <i>Guide for cooperation between Eurojust and Eurojust Contact Points</i>, discussion</p> <p><i>Chaired by Mr Francisco Jiménez-Villarejo, National Member for Spain and Vice-President of Eurojust</i></p> <ul style="list-style-type: none"> ➤ Eurojust ➤ Eurojust Contact Points in third States
19:00 – 21:30	Dinner hosted by Eurojust

DAY 2	
<p>FIFTH SESSION WORKING METHODOLOGY BETWEEN EUROJUST AND LIAISON MAGISTRATES</p> <p><i>Chaired by Ms Jolien Kuitert, Deputy to the National Member for the Netherlands and Chair of the EJN & Liaison Magistrates Team</i></p>	
09:00 -10:20	<p>Workshop Conclusions</p> <ul style="list-style-type: none"> ➤ Chair of Workshop 1 (10') <p>Working methodology between Eurojust and Liaison Magistrates. The role of the European Judicial Network (EJN)</p> <ul style="list-style-type: none"> ➤ Presentation by Ms Jolien Kuitert, Deputy to the National Member for the Netherlands (10') ➤ Presentation by the EJN regarding the EJN website (15') ➤ Presentations by Liaison Magistrates posted to a Member State and to a third State (10'+ 10') Ms Kristel Pous, Liaison Magistrate for the UK in France Mr Nicolas Guillou, Liaison Magistrate for France in the United States of America ➤ Discussion (25')
10:20 – 10:45	COFFEE BREAK
<p>SIXTH SESSION WORKING METHODOLOGY BETWEEN EUROJUST AND CONTACT POINTS</p> <p><i>Chaired by Ms Malči Gabrijelčič, National Member for Slovenia and Chair of the External Relations Team</i></p>	



<p>10:45 - 12:05</p>	<p style="text-align: center;">Workshop Conclusions</p> <ul style="list-style-type: none"> ➤ <i>Chair(s) of Workshop 2 (10')</i> <p style="text-align: center;">Working methodology between Eurojust and Eurojust Contact Points</p> <ul style="list-style-type: none"> ➤ <i>Draft Guide for Cooperation between Eurojust and Eurojust Contact Points, presentation by Mr Lukáš Starý, National Member for the Czech Republic (10')</i> ➤ <i>Presentations by Eurojust Contact Points (10'+ 10')</i> <i>Ms Brigitte Kaiser, Contact Point for Eurojust in Principality of Liechtenstein</i> <i>Mr Tomonori Karaki, Contact Point for Eurojust in Japan</i> ➤ <i>Discussion (40')</i>
<p>SEVENTH SESSION</p>	<p>CONCLUSIONS</p>
<p>12:05 - 12:35</p>	<p style="text-align: center;">Towards effective cooperation between Eurojust, Liaison Magistrates and Eurojust Contact Points: further steps</p> <ul style="list-style-type: none"> ➤ <i>Eurojust (10')</i> <i>Mr Josip Čule, National Member for Croatia</i> ➤ <i>Liaison Magistrates posted to a Member State and to a third State (5'+ 5')</i> <i>Mr Dragos-Nicolae Dumitru, Liaison Magistrate for Romania in France</i> <i>Ms Carla Deveille-Fontinha, Liaison Magistrate for France in Brazil, Bolivia and Venezuela</i> ➤ <i>Eurojust Contact Points (5'+ 5')</i> <i>Mr Grenko Arapović, Contact Point for Eurojust in Bosnia and Herzegovina</i> <i>Mr Helgi Magnús Gunnarsson, Contact Point for Eurojust in Iceland</i>
<p>12:35 - 12:45</p>	<p>Ms Michèle Coninx, President of Eurojust</p>
<p>12:45 - 13:45</p>	<p>SANDWICH LUNCH</p>



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COMPLEMENTARITY, SYNERGIES AND COOPERATION

THE HAGUE, 16-17 OCTOBER 2014

DISCUSSION PAPER

WORKSHOP 1

*HOW CAN EUROJUST AND LIAISON MAGISTRATES BETTER SERVE
EACH OTHER?*

*CASE EXAMPLES, POTENTIAL NEED FOR A GUIDE FOR
COOPERATION BETWEEN EUROJUST AND LIAISON MAGISTRATES*



Chair: Ms Sylvie Petit-Leclair, General Prosecutor of the Court of Appeal in Caen, France, former National Member for France and former French Liaison Magistrate in the Netherlands and in the UK

1. Purpose

The focus of this workshop is on the state of play of cooperation between Eurojust and Liaison Magistrates posted by Member States, and on the main legal and practical issues, and obstacles encountered by them in their casework involving each other. The workshop is intended to foster the sharing of experiences and the reinforcement of contacts and mutual trust between Eurojust and Liaison Magistrates posted by Member States. The overall purpose of the workshop is to identify possible solutions to improving judicial cooperation and contribute to Eurojust and Liaison Magistrates posted by Member States better serving each other, such as by increasing transparency in the communication channels and provision of possible guidance. Discussion will also entail the role that Eurojust can play in this field.

2. Background

For the purpose of this Meeting, Eurojust prepared *i*) a questionnaire to the National Desks at Eurojust on the cooperation between Eurojust and Eurojust Contact Points and Liaison Magistrates (LMs) appointed by Member States, and *ii*) two requests for input: one to Liaison Magistrates posted by Member States in other Member States or in third States on their cooperation with Eurojust, and another to Eurojust Contact Points (and to IberRed Contact Points) on their cooperation with Eurojust. Replies/input has been provided by:

- 26 National Desks at Eurojust;
- 12 Liaison Magistrates (Dutch Liaison Magistrate posted in France, Monaco and Andorra, French Liaison Magistrate posted in Brazil, Bolivia and Venezuela, French Liaison Magistrate posted in Italy and Malta, French Liaison Magistrate posted in the Netherlands, French Liaison Magistrate posted in Spain, French Liaison Magistrate posted in the US, Romanian Liaison Magistrate posted in France, Spanish Liaison Magistrate posted in Morocco; four UK Liaison Magistrates posted respectively in France, Italy, Spain and United Arab Emirates provided a composite reply).
- 17 Eurojust Contact Points (from Albania, Bosnia and Herzegovina, Brazil, Canada, Georgia, Iceland, Japan, Korea, Liechtenstein, Moldova, Montenegro, Norway, Serbia, Singapore, Switzerland, Taiwan (Republic of China) and Ukraine) have provided input; 16 Contact Points for IberRed (from Andorra, Argentina, Brazil, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Paraguay, Spain and Uruguay) and the General Secretariat of IberRed have provided a composite reply.

As at July 2014, eight Member States have Liaison Magistrates posted to other Member States or third States, as follows:

- Belgium has Liaison Magistrates posted to Morocco and Mauritania,
- Finland has a Liaison Magistrate posted to Estonia,
- France has Liaison Magistrates posted to Algeria, Brazil/Bolivia/Venezuela, Canada, China, Germany, Italy/Malta, Moldova, Morocco/Andorra, the Netherlands, Qatar, Romania, Russian Federation, Senegal, Spain, Turkey, UK, and the USA,
- Germany has a Liaison Magistrate posted to France,
- The Netherlands has a Liaison Magistrate posted to France,
- Romania has a Liaison Magistrate posted to France,
- Spain has Liaison Magistrates posted to Italy, France, Morocco, the UK and the USA,
- The UK has Liaison Magistrates posted to Italy, France, Spain, and Liaison Prosecutors to Pakistan, United Arab Emirates, and to the US. In addition, the UK has criminal justice advisers posted to several states. These postings have included: Afghanistan, Egypt, Ghana, Sierra Leone, Kenya/Somalia, Tanzania, Seychelles, Nigeria, Caribbean (several areas), Falkland Islands, Belize and Peru.

Matters dealt with by Liaison Magistrates posted by Member States will very much depend on the bilateral or multilateral agreements between their Member State and the host country (ies) (Member State and/or third State).

Most Liaison Magistrates have full competence in facilitating mutual legal assistance, EAW and extradition procedures. While the vast majority is not limited to any specific crime type, some cover mainly specific crime types (*e.g.* terrorism, money laundering, drug trafficking, trafficking in human beings or irregular immigration).

Liaison Magistrates posted by Member States are primarily involved in cases involving their home country and the country (ies) of secondment. They may also become involved, through Eurojust, in a multilateral case, where their assistance in relation to one or more of the involved countries in the Eurojust case is requested by Eurojust. Moreover, it is also possible for Liaison Magistrates posted by Member States to refer cases to/bring cases to the attention of/recommend to their national authorities that cases that were initially bilateral but that became multilateral or very complex in nature be referred to Eurojust. In such cases, however, Eurojust may well keep the Liaison Magistrate involved (*e.g.* invite them to attend coordination meetings) on the basis that they had the first contacts with the local authorities and could have the knowledge of the different steps.

Eurojust's experience shows that the involvement and interaction of Eurojust with Liaison Magistrates posted by Member States, particularly with those posted in third States is very important, and that their participation, for example, in coordination meetings is highly beneficial especially when the competent authorities from the third States are unable to attend. The added value of their participation is their expertise in the national legal systems of their places of



secondment as well as their relationships with competent authorities and central authorities in the places of secondment with whom they can more easily liaise.

Normally, the involvement of Eurojust and Liaison Magistrates posted by Member States in a coordination meeting or in the setting up of a JIT is more often where *i)* the Liaison Magistrate has been previously involved in the case, *ii)* the National Desk at Eurojust needs to identify a contact person in the host State (particularly in a third State) or *iii)* Eurojust needs complementary information that is easier for the Liaison Magistrate to obtain. Furthermore, the Liaison Magistrates posted to Member States have efficient relations with the National Desks at Eurojust of both the home and the host country.

Generally, Liaison Magistrates may be involved by Eurojust in the following way: *i)* to ensure liaison between their home authorities and the local national competent authorities and central authorities of the country of secondment, *ii)* to provide practical information, *iii)* to provide information on the judicial and legal system of the host country, *iv)* to attend a coordination meeting, *v)* to provide the dissemination of foreign law, *vi)* to provide information on the most effective way of submitting a request for international judicial assistance to the relevant States, bearing in mind that the Liaison Magistrate is a channel for information but not a primary channel for transmission of formal requests for mutual assistance, *vii)* to assist where there is a need to determine the identity of any judicial authority and their functions, *viii)* to provide information on the state of play of execution of a request; *ix)* to provide assistance in the resolution of any difficulty that may arise during execution of the request given the Liaison Magistrate's actual presence in the executing country, *x)* to manage and facilitate the dialogue with a view to the setting up of a JIT, and *xi)* to coordinate and manage the conduct of proceedings through the use of videoconference.

The **main challenges** and **points for discussion** proposed below have been identified and formulated on the basis of the replies provided by the National Desks at Eurojust, and the Liaison Magistrates to the questionnaire and request for input referred to above. They are intended to serve as a starting point for dialogue for what is hoped will be a fruitful dialogue. The **case studies** proposed below are based on actual cases that have involved cooperation between Eurojust and Liaison Magistrates. This exercise is designed to facilitate discussion amongst practitioners on the cooperation between Eurojust and Liaison Magistrates.

3. Challenges

It is worth noting that the work of the National Desks at Eurojust is, in one way or another, regulated in the Member States by way of the implementation of the Eurojust Council Decision¹, while the position of the Liaison Magistrates has only been regulated by way of a Joint Action of the Council of the EU of 1996² and not all Member States have internal provisions or guidance on their role.

¹ Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime as amended by Council Decision 2003/659/JHA and by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust.

² Joint Action of the Council 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union

For some National Desks at Eurojust, some of the challenges in the cooperation with the Liaison Magistrates are:

- ✓ Some home authorities request the assistance of the Liaison Magistrate and Eurojust at the same time without transparency;
- ✓ Some European judicial authorities prefer to cooperate on a bilateral basis via a Liaison Magistrate rather than accepting to attend a coordination meeting and exchanging information with the judicial authorities involved.

For some Liaison Magistrates, some of the challenges in the cooperation are:

- ✓ Insufficient awareness of the competences of the Liaison Magistrates and Eurojust;
- ✓ Insufficient awareness of the differences between legal systems;
- ✓ Gaps or parallel communication as a result of home authorities seeking in parallel the assistance of Eurojust and of Liaison Magistrates at the same time; lack of a clear working methodology between Eurojust and Liaison Magistrates posted by Member States in third States, particularly when the third State concerned has also appointed a Liaison Prosecutor to Eurojust.

4. Case studies

A. JIT case

In a Eurojust case, an investigating judge from Member State (MS) A would like to set up a Joint investigation team (JIT) in a drug trafficking case. Nationals from MS B exported large amounts of drugs to MS A and MS C, with the selling point in the south of the MS B. This operation ended in a JIT between MSs A, B, and C. The Liaison Magistrate from MS B posted in MS A played a role in getting the right persons' attendance to the coordination meetings at Eurojust. The Liaison Magistrate from MS A posted in the MS B was also involved in this case.

- 1) In this case involving three MSs, there is the involvement of Eurojust and two Liaison Magistrates. Have you experienced a similar scenario? Was it fruitful or were there any issues?
- 2) In a similar case, what would be the impact of your role as a Liaison Magistrate, if any, in the JIT? Would it make a difference if you were a Liaison Magistrate in a MS or in a third State? From your experience as a Liaison Magistrate, have you experienced difficulties knowing when to advise a prosecutor to set up a JIT?
 - 2.1) Would your role as Liaison Magistrate differ if the JIT was bilateral or multilateral?
- 3) How could or should you be involved in the various stages of a JIT? Would you be involved in the running of the JIT?
- 4) Would you, as Liaison Magistrate, be kept abreast of progress of the case so that when it is anticipated that the JIT will come to an end you can be prepared for a bilateral response?

- 5) What if your home country and your host country are not both parties to the JIT but there may be an impact on your home country or host country's investigations? Would you be kept informed? Would you and Eurojust liaise?

B. MLA and EAW case

In a murder case believed to have been committed by a national of third State A in MS B, it came to light that the suspect was sought by MS C on suspicion of murder too. The suspect was arrested in MS B. MS B had a Liaison Magistrate in third State A. MS B needed to issue letters of request to both third State A and MS C.

There were anticipated difficulties in obtaining the sought evidence in third State A due to differences in evidence requirements and the detail required by third State A for the LoRs. MS C was seeking the surrender of the suspect. A coordination meeting at Eurojust with all three countries involved was convened to exchange information and agree on a common strategy.

- 1) From your experiences as Liaison Magistrates and members of National Desks at Eurojust, how would you have dealt with a similar scenario?
- 2) What would the involvement of the Liaison Magistrate in the third State be prior to the coordination meeting?
- 3) Do you envisage your participation as a Liaison Magistrate in a coordination meeting at Eurojust in a similar scenario?
- 4) From your experience, has the Liaison Magistrate maintained his involvement in the case after the coordination meeting(s)? Perhaps until the MLA requests had been executed in the third State? Have you experienced difficulties in this regard?
- 5) If so, how would the involvement of Eurojust and the Liaison Magistrate in third State be maintained?

5. Points for discussion

1. From your experiences as members of a National Desk at Eurojust and as Liaison Magistrates, what are the matters you commonly address to each other?
2. From your experience as a member of a National Desk at Eurojust, what are the main legal and practical issues, or obstacles encountered in the cooperation with Liaison Magistrates?
3. From your experience as Liaison Magistrates posted to Member States, and posted to third States what are the main legal and practical issues encountered in the cooperation with Eurojust?
4. From your experience as Liaison Magistrates, and as members of National Desks at Eurojust how would you describe your workflow when dealing with each other (the working methodology/practice)?

5. From your experience as members of National Desks at Eurojust and as Liaison Magistrates, how can the obstacles be reduced and judicial cooperation in criminal matters, in particular, mutual legal assistance requests, European arrest warrants, extradition requests, or requests for information on a legal point, be dealt with more efficiently? What could more efficient and effective mechanisms for future cooperation be? Are there examples of good practices? *i.e.*,
- a) Clarifying the competence of Eurojust and Liaison Magistrates to avoid overlaps?
 - b) National Desk at Eurojust seeking to engage with Liaison Magistrates at the earliest opportunity where they may have an interest?
 - c) Intensifying contacts and establishing a list of Liaison Magistrates posted to third States?
 - d) Improving communication between National Desks at Eurojust and Liaison Magistrates by providing an early notification of cases affecting Liaison Magistrates: National Desks at Eurojust could inform the Liaison Magistrate of the opening/registration of cases involving the host country of the Liaison Magistrate?
 - e) Involving Liaison Magistrates in Eurojust's activities with third States belonging to the region where the Liaison Magistrates develop their main functions?
 - f) The Member States with Liaison Magistrates posted in third States could collaborate with Eurojust so that their Liaison Magistrates could, if possible, assist Eurojust in the third State or in the area concerned?
 - g) Liaison Magistrates should exchange information as early as possible with home and foreign judicial and police authorities (before any request is drafted) in order to assess the feasibility of cooperation requests and prepare their drafting?
 - h) Sharing information between the different actors involved in the assistance in criminal matters in order to ensure transparent communication and avoid possible misunderstandings?
 - i) To avoid overlaps between a National Desk at Eurojust and their respective Liaison Magistrate, if any of them or both find that they are both dealing with the same case, they can agree between themselves on who is best placed to assist or how both their assistance can be complementary?
 - j) Exploring all avenues possible, including informal networking, or other existing contacting mechanisms?



- k) Member States with bilateral or multilateral agreements with third States could facilitate the assistance to other Member States needing to contact the given third State?
 - l) Domestic networks of practitioners (Magistrates, Public Prosecutors, Clerks of Courts) specialized in international judicial cooperation matters that can be used to resolve doubts or difficulties that may arise?
 - m) Better advertise any central pool of resources that can be contacted?
 - n) Liaison Magistrates having a broader view of JITs in operation?
6. From your experience as member of a National Desk at Eurojust is there any difference in your expectations, practice, and impact of the assistance from a Liaison Magistrate posted in another Member State as opposed to a Liaison Magistrate posted in a third State?
7. Do you, in your role as Liaison Magistrate, have any experience with the EJN? What role could EJN play in respect of your activities? How do you see the cooperation with EJN?
8. What role could Eurojust play? Would general guidance on the working methodology/practice between Eurojust and Liaison Magistrates posted by Member States be useful? Would it be helpful if this guidance could also contain information about the role of Eurojust and Liaison Magistrates posted by Member States? And also suggestions with a view to contributing to Eurojust and Liaison Magistrates posted by Member States better serving each other? Would improvement of communication between Liaison Magistrates and Eurojust be helpful? Would events similar to this Meeting, joint seminars/conferences or similar initiatives be welcome?



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*HOW CAN EUROJUST AND EUROJUST CONTACT POINTS BETTER
SERVE EACH OTHER?*

*CASE EXAMPLES, DRAFT GUIDE FOR COOPERATION BETWEEN
EUROJUST AND EUROJUST CONTACT POINTS*



Chair: Mr Francisco Jimenez-Villarejo, National Member for Spain at Eurojust

1. Purpose

The focus of this workshop is on the state of play of cooperation between Eurojust and Eurojust Contact Points (Eurojust CPs), and on the main legal and practical issues, and obstacles encountered by them in their casework involving each other. The workshop is intended to foster the sharing of experiences and the reinforcement of contacts and mutual trust both between Eurojust and Eurojust CPs. The overall purpose of the workshop is to identify possible solutions to improving judicial cooperation and contribute to Eurojust and Eurojust CPs better serving each other. Discussion will also entail the role that Eurojust can play in this field.

2. Background

For the purpose of this Meeting, Eurojust prepared i) a questionnaire to the National Desks at Eurojust on the cooperation between Eurojust and Eurojust CPs and Liaison Magistrates (LMs) appointed by Member States, and ii) two requests for input: one to Eurojust Contact Points (and to IberRed Contact Points) on their cooperation with Eurojust, and another to Liaison Magistrates posted by Member States in other Member States or in third States on their cooperation with Eurojust. Replies/input has been provided by:

- 26 National Desks at Eurojust;
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- 12 Liaison Magistrates (Dutch Liaison Magistrate posted in France, Monaco and Andorra, French Liaison Magistrate posted in Brazil, Bolivia and Venezuela, French Liaison Magistrate posted in Italy and Malta, French Liaison Magistrate posted in the Netherlands, French Liaison Magistrate posted in Spain, French Liaison Magistrate posted in the US, Romanian Liaison Magistrate posted in France, Spanish Liaison Magistrate posted in Morocco; four UK Liaison Magistrates posted respectively in France, Italy, Spain and United Arab Emirates provided a composite reply).

Eurojust CPs are of pivotal importance and offer indispensable contribution to Eurojust in the field of judicial cooperation in criminal matters between EU Member States and third States. They are appointed by third States normally from within the General Prosecution Office or a local prosecution office, national courts, the Ministry of Justice, or hold diplomatic positions outside their country. They are points of contact in a given third State between the competent authorities in their State and Eurojust.



The matters commonly dealt with by them in their capacity as Eurojust CPs are varied and the extent of the assistance provided by them will, *inter alia*, depend on their domestic competences in the field of MLA and extradition, their areas of expertise, and whether there is a cooperation agreement in place between Eurojust and the concerned third State. Such cooperation agreement allows for the exchange of personal data between Eurojust and the concerned third State.

Matters dealt with by Eurojust CPs include i) speeding up or facilitating the execution of mutual legal assistance (MLA) requests or extradition requests, ii) ensuring communication between Eurojust and the concerned third State, and providing information on the state of play of a particular case, iii) clarifying particular provisions of the national law or providing legal advice related to the legal system of the third State concerned, iv) providing assistance on how to submit a MLA request or an extradition request to the concerned third State, v) facilitating the organization or the competent authority's participation in coordination meetings or in joint investigation teams, vi) attendance to coordination meetings at Eurojust, vii) coordinating the execution of MLA requests in a given case, viii) identifying the national competent authorities and establishing contact with them and with central authorities, and, broadly, ix) solving any kind of problems occurring in the framework of judicial cooperation with Eurojust. Some Eurojust CPs also send queries to Eurojust National Members in respect of specific cases or requesting clarification of particular provisions of the national law or the provision of legal advice in relation to the legal system of the Member State concerned.

For a considerable number of National Desks at Eurojust no significant legal or practical difficulties have been encountered in the cooperation with Eurojust CPs, and they find the cooperation effective. Eurojust CPs are considered to foster cooperation between Eurojust and the concerned third State. Likewise, a considerable number of Eurojust CPs have a positive experience of dealing with Eurojust and find the cooperation with Eurojust/National Desks at Eurojust effective. Yet there are areas where practical or legal difficulties are still encountered, hence the need to address the challenges they pose with a view to improving cooperation.

The **main challenges** and **points for discussion** proposed below have been identified and formulated on the basis of the replies provided by the National Desks at Eurojust, and the Eurojust CPs (including IberRed Contact Points) to the questionnaire and request for input referred to above. They are intended to serve as a starting point for dialogue for what is hoped will be a fruitful dialogue. The **case study** proposed below is based on an actual case that has involved cooperation between Eurojust and a Eurojust CP. This exercise is designed to facilitate discussion amongst practitioners on the cooperation between Eurojust and Eurojust CPs.

3. Challenges

For some National Desks at Eurojust, some of the challenges in the cooperation with the Eurojust Contact Points are:

- ✓ Identification of the competent authority in the third State concerned;
- ✓ Lack of any feedback from Eurojust Contact Points;
- ✓ Delays in the execution of the MLA requests and, at times, lack of execution;



- ✓ The gathering and admissibility of evidence obtained in a third State due to differences in legal systems;

For a small number of National Desks at Eurojust difficulties in the fields of asset seizure and confiscation in third States, and insufficient communication or unavailability of the Eurojust Contact Points (because they are, for instance, absent from office) have been identified.

For some Eurojust CPs, some of the challenges in the cooperation with Eurojust are:

- ✓ The differences in the legal systems;
- ✓ Receipt and transmission of requests without proper identification (e-mail addresses or fax numbers) of the requesting authority, making communication increasingly difficult;
- ✓ Direct communication is sometimes difficult when the actual practitioners dealing with the case are also involved in the channels of communication;
- ✓ Some National Members' views of data protection rules, which, in their view, prohibit them from giving the Eurojust Contact Point the name of a case they are enquiring about although a request relating to the case has already been sent to the central authority of the third State concerned;
- ✓ The request or the assistance expected is not clear or insufficient information regarding the request is transmitted to the Eurojust Contact Point;
- ✓ Insufficient knowledge of the legal framework;
- ✓ Poor quality or absence of the translation of MLA requests received;
- ✓ Perception that, at times, the participation of the third State concerned in a coordination meeting is not entirely justified as their involvement may only be marginal;
- ✓ Invitations to coordination meetings should be sent earlier and be accompanied by further information regarding the case and the assistance needed – presentation of agenda of coordination meeting insufficient to motivate attendance of practitioners from the third State concerned;
- ✓ Absence of legal basis for certain third States to be part or participate in a joint investigation team; and
- ✓ Absence of cooperation agreement between Eurojust and the third State concerned may cause difficulties.

Some IberRed Contact Points, feel that Eurojust is often reluctant to provide the contact details of the competent national authority in the respective Member State which could provide the assistance sought.

4. Case study

In April 2013, a courier from Member State (MS) A smuggling 4 kg of cocaine into third State B was arrested. The suspect claimed that he believed the content of the suitcase was high value porcelain. In late May, the Eurojust CP in third State B was informed by the National Desk (ND) for MS A at Eurojust that Eurojust would like to invite the investigators of third State B to attend a coordination meeting at Eurojust because investigation agencies of MS A, MS B and MS C were also involved in this case.



DISCUSSION PAPER WORKSHOP 2

The Eurojust CP in third State B immediately liaised with its colleagues in the Criminal Affairs Bureau of the Ministry of Justice (MoJ) and consequently a delegation from third State B consisting of prosecutors, a lawyer in the MoJ, police officers, customs officer and the Eurojust CP himself attended the Coordination Meeting on 5 June. Investigators from MS A, MS B and MS C as well as members of Eurojust were in attendance.

At the coordination meeting, all participants exchanged information and it came to light that the law enforcement authorities of MS A had put in place wiretapping on the mobile phone of the suspect before he boarded the flight to third State B. The MS A possessed communications records between the suspect and an accomplice which proved the fact that the suspect had known that the content of suitcase was cocaine. Parties discussed the possible set up of a joint investigation team (JIT) involving third State B, but this was not possible due to lack of legal basis for the involvement of third State B.

After the coordination meeting, the Eurojust CP in third State B and the ND at Eurojust for MS A were in constant contact (e.g. Eurojust CP in third State B was informed about the detailed content of the communications record as well as the detailed procedure of wiretapping conducted in MS A). Consequently, in August third State B issued an MLA request to MS A seeking the communications. These were received in December.

Once the prosecutor in third State B disclosed this evidence to the defence, the suspect changed his plea and plead guilty. Moreover, MS B needed the statements of the arrested couriers and their trial records (4 couriers of the criminal organization were arrested and indicted in third State B in addition). The ND at Eurojust for MS A communicated frequently with the Eurojust CP for third State B and the latter coordinated and facilitated the possible MLA request from MS A by closely cooperating with his colleagues in the Criminal Affairs Bureau of the MoJ. MS A requested MLAs to third State B twice in September and October.

Even after these requests, the Eurojust CP for third State A was in constant contact with the his MOJ and consequently the MOJ transmitted all evidence requested by MS A by November. Furthermore, investigators from MS A were able to attend the interrogation of the couriers by investigator in third State B as well. Finally, the MS A authorities successfully arrested high ranking member of the criminal organization.

- 1) How would you have dealt with a similar scenario?
- 2) Do you envisage your participation as a Eurojust CP in a coordination meeting at Eurojust in a similar scenario?
- 3) Have you also experience difficulties with the setting up of JIT with a third State? Has Eurojust been able to assist?
- 4) From your experience, has the Eurojust CP maintained his involvement in the case after the coordination meeting(s)? Perhaps until the MLA requests (either from the MS or the third State concerned, or from both, as in this case study) have been executed? Have you experienced difficulties in this regard?
- 5) Have you seen any increase in requests for assistance between your MS and your third State after a successful outcome such as the above?



5. Possible points for discussion

1. From your experiences as members of a National Desk at Eurojust and as a Eurojust CP, what are the matters you commonly address to each other?
2. From your experience as a member of a National Desk at Eurojust, what are the main legal and practical issues, or obstacles encountered in the cooperation with Eurojust CPs?
3. From your experience as Eurojust CP what are the main legal and practical issues encountered in the cooperation with Eurojust?
4. From your experiences as Eurojust CPs, and members of National Desks at Eurojust how would you describe your workflow when dealing with each other (the working methodology/practice)?
5. From your experience as members of National Desks at Eurojust and as Eurojust CPs, how can the obstacles be reduced and judicial cooperation in criminal matters, be it mutual legal assistance requests, extradition requests, or requests for information on a legal point, be dealt with more efficiently? What could more efficient and effective mechanisms for future cooperation be? Are there examples of good practices? *I.e.*,
 - a) Early involvement of the Eurojust CP?
 - b) Contact established by email, telephone, fax; when necessary, attendance of Eurojust Contact Points to coordination meetings at Eurojust (or in the third State concerned)?
 - c) Discussion of the drafting of MLA/extradition requests as early as possible?
 - d) Where assistance is requested from a Eurojust Contact Point, the latter is informed, if applicable, of the contact details of the national authority of the third State to whom the MLA or extradition request has been sent, to allow internal communication and avoid duplication of efforts?
 - e) Clear mutual understanding of the competences of Eurojust and the Eurojust CPs and how they can mutually benefit from each other's involvement?
 - f) Clear determination, through dialogue, of the assistance that is requested either from the Eurojust CP or from the Eurojust National Desk at Eurojust?
 - g) Concrete and pragmatic contact with Eurojust CPs, and that they know better the operational work at Eurojust and Eurojust's expectations in this field as well as Eurojust's needs in this field.
 - h) Coordination meetings at Eurojust preceded by the involvement of the Eurojust CP with a view to assisting in the identification of the best placed authority in



- the involved third State to attend the coordination meeting, and establishing/managing the expected assistance?
- i) Use of direct communication channels and maintaining close connection between Eurojust and Eurojust CPs including in between coordination meetings?
 - j) Eurojust CPs informing Eurojust of *a)* the languages they can be contacted in, *b)* their areas of expertise, if applicable, *c)* receipt of request for assistance from Eurojust, and indication that the request is being handled and, if possible, the contact details of the person responsible for dealing with the request, *d)* the steps/actions taken in response to a request or a query, particularly when they have been unable to provide the requested assistance, *e)* when not available (*e.g.* on leave, out of office), the period they will be unavailable and/or, who can be contacted in their absence, *f)* any change in their contact details, including email address, telephone number, postal address, post title?
 - k) Where necessary and particularly if urgent, Eurojust Contact Points could assist in identifying a point of contact in a neighbouring country where no Eurojust Contact Point has been appointed?
 - l) Use of videoconference between Eurojust and the Eurojust CP when the matter at hand is the general understanding of the MLA or Extradition processes in the third country in question?
 - m) Improvement of the channel of contacts (direct contacts)?
 - n) That Eurojust maintains updated lists of the contact details of the Eurojust CPs and of the National Desks at Eurojust?
 - o) More training?
 - p) Regularly exchange of statistics on MLA requests and extradition requests between Eurojust and the EJ CPs where reciprocal assistance has been requested?
 - q) Designation of new Eurojust CPs in key regional areas as a result of the ever evolving operational needs?
6. What role could Eurojust play? Would general guidelines on the work methodology/practice between Eurojust and Eurojust CPs be useful? Would it be helpful if these guidelines could also contain information about the role of Eurojust and the Eurojust CPs? And also suggestions with a view to contributing to Eurojust and Eurojust CPs better serving each other? Would events similar to this Meeting, joint seminars/conferences or similar initiatives be welcome?



**MEETING WITH EUROJUST CONTACT POINTS AND LIAISON
MAGISTRATES APPOINTED BY MEMBER STATES**

COMPLEMENTARITY, SYNERGIES AND COOPERATION

THE HAGUE, 16-17 OCTOBER 2014

*DRAFT GUIDE FOR COOPERATION BETWEEN EUROJUST AND
EUROJUST CONTACT POINTS*



This Guide is the result of a common effort between Eurojust and the Eurojust Contact Points, and aims at providing general guidance in relation to the cooperation between them.

It is intended to be a flexible document. It takes into account the differences in the domestic competences in the field of mutual legal assistance and extradition, and areas of expertise of the Eurojust Contact Points, and whether there is a cooperation agreement in place between Eurojust and the concerned third State. It also takes into consideration that the manner in which Eurojust and Eurojust Contact Points interact will very much depend on the circumstances of the case at hand.

This Guide is not intended to replace any domestic provisions or guidelines on the cooperation between Eurojust and Eurojust Contact Points.

This Guide is divided into the following sections:

- I) Eurojust
- II) Eurojust's relations with partners including third States
- III) Eurojust Contact Points
- IV) Proposals for good practice between Eurojust and Eurojust Contact Points

I. Eurojust

Eurojust is the European Union Judicial Cooperation Unit. Eurojust goal is to stimulate and improve the coordination of investigations and prosecutions between the competent authorities in the Member States and improve the cooperation between the competent authorities of the Member States, in particular by facilitating the execution of international mutual legal assistance requests, European arrest warrants and extradition requests. Eurojust's aim is to support in any way possible the competent authorities of the Member States to render their investigations and prosecutions more effective when dealing with cross-border crime.

At the request of a Member State, Eurojust may assist investigations and prosecutions concerning that particular Member State and a non-Member State if a cooperation agreement has been concluded or there is an essential interest in providing such assistance. Eurojust may also, with the agreement of the Member States concerned, coordinate the execution of requests for judicial cooperation issued by a third State where these requests are part of the same investigation and require execution in at least two Member States.

Eurojust's competence covers the same types of crime and offences for which Europol has competence, such as terrorism, drug trafficking, trafficking in human beings, counterfeiting, money laundering, computer crime, crime against property or public goods including fraud and corruption, criminal offences affecting the European Community's financial interests, environmental crime and participation in a criminal organisation. For other types of offences, Eurojust may assist in investigations and prosecutions at the request of a Member State.



Eurojust may ask the competent authorities of the Member States concerned:

- ✓ to investigate or prosecute specific acts;
- ✓ to coordinate with one another;
- ✓ to accept that one country is better placed to prosecute than another;
- ✓ to set up a Joint Investigation Team;
- ✓ to provide Eurojust with information necessary to carry out its tasks.

Furthermore, Eurojust:

- ✓ shall ensure that the competent authorities inform each other of investigations and prosecutions of which they have been informed;
- ✓ shall assist the competent authorities in ensuring the best possible coordination of investigations and prosecutions;
- ✓ shall give assistance to improve cooperation between the competent national authorities, in particular based on Europol's analyses;
- ✓ shall cooperate and consult with the European Judicial Network (EJN), and make use of and contribute to the improvement of its documentary database;
- ✓ may, in accordance with its objectives, try to improve cooperation and coordination between the competent authorities, and forward requests for judicial assistance when they: (i) are made by the competent authority of a Member State, (ii) concern an investigation or prosecution conducted by that authority in a specific case, and (iii) necessitate its intervention with a view to coordinated action;
- ✓ may assist Europol, particularly with opinions based on analyses carried out by Europol; and
- ✓ may supply logistical support, e.g. assistance in translation, interpretation and the organisation of coordination meetings.

II. Eurojust's relations with partners including third States

In order to carry out its tasks, Eurojust maintains privileged relationships with the European Judicial Network (EJN), the European Union's Law Enforcement Agency (Europol), the European Anti-Fraud Office (OLAF), and Liaison Magistrates. It can also conclude cooperation agreements with third States and international organisations or bodies for the exchange of information or the secondment of officers.

Eurojust has concluded Cooperation Agreements with the following third States: Norway, Iceland, USA, Swiss Confederation, former Yugoslav Republic of Macedonia (FYROM), Liechtenstein and Moldova.

The conclusion of cooperation agreements between Eurojust and third States is essential for enabling the exchange of operational information, including personal data, between Parties. Cooperation Agreements, may also concern the secondment of liaison magistrates from third States to Eurojust. To date, Norway, the USA, and Croatia (prior to its accession to the European Union) have seconded Liaison Prosecutors to Eurojust. Eurojust has also concluded Memoranda of Understanding with the United Nations Office on Drugs and Crime (UNODC), the International



Criminal Police Organisation (ICPO-Interpol), and the Iberoamerican Network of International Legal Cooperation (IberRed).

In the particular field of joint investigation teams involving third States, it should be noted that since January 2014, JITs grants for financial and logistical assistance via Eurojust can cover costs incurred by non-EU Member States that are members of or participants in JITs. For a non-exhaustive list of legal instruments for the setting up of a JIT with non-EU Member States, see Annex 2.

VIII. Eurojust Contact Points

The appointment of Eurojust's Contact Points in third States is a tool commonly used for improving cooperation between Member States and third States through Eurojust. In principle, the involvement of Eurojust's Contact Points does not provide for the possibility to exchange operational information, including personal data, unless a cooperation agreement is in place between Eurojust and that third State.

Eurojust Contact Points are appointed by third States normally from within the General Prosecution Office or a local prosecution office, national courts, the Ministry of Justice or hold diplomatic positions outside their country. They are points of contact in a given third State between the competent authorities in their State and Eurojust.

The following 30 third States have appointed Eurojust's contact points: Albania, Argentina, Bosnia & Herzegovina, Brazil, Canada, Cape Verde, Egypt, FYROM, Georgia, Iceland, India, Israel, Japan, Kazakhstan, Korea, Liechtenstein, Moldova, Mongolia, Montenegro, Norway (Liaison Prosecutor seconded to Eurojust), Russian Federation, Serbia, Singapore, Switzerland, Taiwan (Republic of China), Thailand, Tunisia, Turkey, Ukraine, USA (Liaison Prosecutor seconded to Eurojust).

Matters dealt with by Eurojust Contact Points include:

- ✓ Speeding up or facilitating the execution of mutual legal assistance (MLA) requests or extradition request;
- ✓ Ensuring communication between Eurojust and the concerned third State, and providing information on the state of play of a particular case;
- ✓ Clarifying particular provisions of the national law or providing legal advice related to the legal system of the third State concerned;
- ✓ Providing assistance on how to submit a MLA request or an extradition request to the concerned third State;
- ✓ Facilitating the organization or the competent authority's participation in coordination meetings or in Joint Investigation Teams;
- ✓ Attendance to coordination meetings at Eurojust;
- ✓ Coordinating the execution of MLA requests in one given case;



- ✓ Identifying the national competent authorities and establishing contact with them and with central authorities;
- ✓ Solving any kind of problems occurring in the framework of judicial cooperation with Eurojust;
- ✓ Send queries to Eurojust National Members in respect of specific cases or requesting clarification of particular provisions of the national law or the provision of legal advice in relation to the legal system of the Member State concerned.

IV. Proposals for good practice between Eurojust and Eurojust Contact Points

- ✓ Early involvement of the Eurojust Contact Point;
- ✓ Contact established by email, telephone, fax; when necessary, attendance of Eurojust Contact Points to coordination meetings at Eurojust (or in the third State concerned);
- ✓ Discussion of the drafting of the Mutual legal assistance/extradition requests as early as possible;
- ✓ Where assistance is requested from a Eurojust Contact Point, the latter is informed, if applicable, of the contact details of the national authority of the third State to whom the MLA or extradition request has been sent, to allow internal communication and avoid duplication of efforts;
- ✓ Clear determination, through dialogue, of the assistance that is requested either from the Eurojust Contact Point or from the Eurojust National Desk at Eurojust;
- ✓ Concrete and pragmatic contact with Eurojust Contact Points, and that they know better the operational work at Eurojust and Eurojust's expectations in this field as well as Eurojust's needs in this field;
- ✓ Improvement of the channel of contacts (direct contacts);
- ✓ Coordination meetings at Eurojust preceded by the involvement of the Eurojust Contact Point with a view to assisting in the identification of the best placed authority in the involved third State to attend the coordination meeting, and establishing/managing the expected assistance;
- ✓ Use of direct communication channels and maintaining close connection between Eurojust and Eurojust Contact Points including in between coordination meetings;
- ✓ Eurojust Contact Points informing Eurojust of:
 - a) The languages they can be contacted in;
 - b) Their areas of expertise, if applicable;
 - c) Receipt of request for assistance from Eurojust, and indication that the request is being handled and, if possible, the contact details of the person responsible for dealing with the request;
 - d) The steps/actions taken in response to a request or a query, particularly when they have been unable to provide the requested assistance;
 - e) When not available (e.g. on leave, out of office), the period they will be unavailable and/or, who can be contacted in their absence;
 - f) Any change in their contact details, including email address, telephone number, postal address, post title.



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- ✓ Where necessary and particularly if urgent, Eurojust Contact Points could assist in identifying a point of contact in a neighbouring country where no Eurojust Contact Point has been appointed;
 - ✓ Use of videoconference between Eurojust and the Eurojust Contact Point when the matter at hand is the general understanding of the MLA or Extradition processes in the third country in question;
 - ✓ Eurojust maintains updated lists of the contact details of the Eurojust Contact Points and of the National Desks at Eurojust;
 - ✓ More training;
 - ✓ Regular exchange of statistics on MLA requests and extradition requests between Eurojust and the EJ CPs where reciprocal assistance has been requested;
 - ✓ Designation of new Eurojust Contact Points in key regional areas as a result of the ever evolving operational needs.
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ANNEX 1
LIST OF NATIONAL DESKS AT EUROJUST

ANNEX 2

NON-EXHAUSTIVE LIST OF LEGAL INSTRUMENT FOR THE SETTING UP OF A JIT WITH NON-EU MEMBER STATES

- ✓ United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1998) – Article 9(1)(c)
- ✓ United Nations Convention against Transnational Organized Crime (2000) – Article 19
- ✓ United Nations Convention against Corruption (2003) – Article 49
- ✓ Second Additional Protocol to the 1959 European Convention on Mutual Assistance in Criminal Matters (2001) – Article 20
- ✓ Police Cooperation Convention for South East Europe (2006) – Article 27
- ✓ Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union – Article 13; Council Framework Decision of 13 June 2002 on Joint Investigation Teams (2002/465/JHA) – Recital 9 and Article 1(12)
- ✓ Agreement on Mutual Legal Assistance between the European Union and the United States of America (2003) – Article 5
- ✓ Agreement between the European Union and the Republic of Iceland and the Kingdom of Norway on the application of certain provisions of the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union and the 2001 Protocol thereto (2004/79/EC) – Article 1

In addition to the non-exhaustive list of legal bases provided above, a JIT agreement may be also be concluded between a Member State(s) and a third State if there is a bilateral or multilateral agreement between the involved countries that so provides. Below is a non-exhaustive list of some existing bilateral agreements:

- ✓ Cooperation agreement between the European Community and its Member States, of the one part, and the Swiss confederation, of the other part, to combat fraud and any other illegal activity to the detriment of their financial interests (Luxembourg, 2004) – Article 22
- ✓ Agreement between Italy and Switzerland integrating the European Convention on Mutual Assistance in Criminal Matters (1959) and facilitating its application (Rome, 1998) – Article XXI
- ✓ Agreement between Italy and Albania integrating the European Convention on Extradition (1957) and the European Convention on Mutual Assistance in Criminal Matters (1959) and facilitating its application (Tirana, 2007) – Article X
- ✓ Agreement between the Kingdom of Spain and the Republic of Cape Verde on judicial cooperation in criminal matters (2007) – Article 21
- ✓ Additional Protocol to the Convention of Mutual Legal Assistance in Criminal Matters between the Kingdom of Spain and the Republic of Colombia of 29 May 1997 – Article 8

Assistance in International Cooperation in Criminal Matters for Practitioners

European Judicial Network and Eurojust

What can we do for you?

6 May 2014



Introduction

This paper is the result of a common effort of the Joint EJM-Eurojust Task Force (JTF). It aims at assisting practitioners in deciding whether cases should be dealt with by the EJM or Eurojust. The paper also ensures that both the EJM and Eurojust will deal with cases falling within their mandates by using time and resources efficiently and effectively and preventing duplication of work.

The paper informs judicial practitioners in the Member States of the services and assistance in international cooperation in criminal matters that can be provided by the EJM and Eurojust. It also covers the use of the Eurojust National Coordination System (ENCS).

It is not intended to replace any domestic provisions or guidelines regarding streamlining of cases between the EJM and Eurojust.

I What is the European Judicial Network?

The EJM is a network of national Contact Points for the facilitation of judicial cooperation in criminal matters.

National Contact Points are working prosecutors, investigating judges or other persons who deal almost exclusively with matters related to international cooperation. The National Contact Points are designated by each Member State from central or other authorities carrying out international judicial cooperation, both in general and for certain forms of serious crime, such as organised crime, corruption, drug trafficking and terrorism. The EJM is composed of more than 300 national Contact Points throughout the 28 Member States. From among the Contact Points, each Member State designates an EJM National Correspondent. A Tool Correspondent is also appointed by each Member State to deal with matters related to the EJM's electronic tools.

The EJM Secretariat, located in The Hague, is the administrative body of the EJM. To ensure close interaction between Eurojust and the EJM, the Secretariat forms part of Eurojust's staff, but functions as a separate unit. The EJM Secretariat is responsible, inter alia, for providing support to the national Contact Points in fulfilling their tasks, for setting up, maintaining and improving the EJM website and its operational e-tools and for the overall administration of the EJM.

More detailed information about the EJM Secretariat can be found at http://www.ejm-crimjust.europa.eu/ejm/EJM_Secretariat.aspx, or by contacting the EJM Secretariat at ejm@eurojust.europa.eu.

set up 16 years ago → 1998.

What can the EJN do for you?

If you need assistance from the EJN, you should contact either the Contact Points in your country or a Contact Point in the country involved in the case. More detailed information about the Contact Points can be found in a restricted area of the EJN website - <http://www.ejn-crimjust.europa.eu/ejn/>. Access can be gained via your national authorities.

The EJN should be used in the following situations:

① • **To identify competent authorities abroad to enable direct communication**

On the website of the EJN, www.ejn-crimjust.europa.eu, you can find an electronic Atlas for mutual legal assistance (MLA) requests and a European Arrest Warrant (EAW) Atlas. Both of these Atlases will assist you to obtain the addresses and telephone/fax numbers of the competent authorities abroad. The main sections of the Atlases are translated into all of the European Union's official languages. Should you be unable to find the contact information you require in the Atlas, you can ask an EJN Contact Point in your Member State to provide it immediately. The list of EJN Contact Points is password protected for security reasons – but is accessible to the EJN Contact Points of your own Member State. Therefore, should you require assistance in making contacts with the EJN in another Member State, the best method of doing so is to address one of your national EJN-Contact Points.

② • **To facilitate judicial cooperation**

If you need information regarding the conditions for receiving assistance from another Member State in a specific case, you can address the Contact Points in your Member State or use the relevant sections of the EJN website:

- ✓ *when issuing a Letter of Request (LoR)*, to obtain more detailed information on the legal requirements laid down by the law of the requested Member State or to discuss special formalities in the application of Article 4 of the EU 2000 MLA Convention. The Compendium of the EJN website offers the possibility to electronically create an LoR;
- ✓ *in the execution phase of an LoR*, to obtain supplementary information or to allow for the proper execution of the request;
- ✓ *in the event of a delay or lack of execution of an LoR*, to check the state of execution in the requested Member State and/or speed up execution through the intervention of a national Contact Point; or
- ✓ *when issuing an EAW*, you can use the form provided under the EAW section of the EJN website, where you can also find information on the status of implementation of the EAW, practical information related to the forms, declarations and notifications from different Member States;
- ✓ *when you urgently require information on EAW or MLA cases with a very short deadline*;
- ✓ *when information is needed on the status of implementation of EU legal instruments in judicial cooperation in criminal matters, or on relevant practical documents (i.e. notifications, handbooks, evaluation reports)*, via the EJN Library at:

<http://www.ejn-crimjust.europa.eu/ejn/libcategories.aspx>

- ***To facilitate the exchange of information between judicial authorities***

As working prosecutors and examining magistrates, the EJM Contact Points are often able to share information regarding ongoing investigations or proceedings and their outcomes, detained persons, periods of detention and judicial decisions in specific cases quickly and informally. This type of information exchange can sometimes avoid the necessity of sending a formal LoR. If you require such information during your own investigation or proceedings, especially in urgent situations, and your legislation permits such inquiry, get in touch with an EJM Contact Point, indicate why you need this information, and provide a short description of your own investigation or proceedings.

- ***To obtain information on investigative measures***

The EJM website provides, in its Fiches Belges, an overview of relevant national legislation regarding investigative measures in the field of MLA. If you need more information, you can always address your questions to the EJM national Contact Points.

II What is Eurojust?

Eurojust is a European Union body established in 2002 to stimulate and improve coordination and cooperation between the competent authorities of Member States when they deal with serious cross-border crime, such as organised crime, corruption, drug trafficking and terrorism.

Eurojust is based in The Hague. It fulfils its core task by facilitating MLA and the execution of instruments of mutual recognition, such as the EAW.

The activities of Eurojust relate mostly to cooperation between the competent national authorities of Member States. However, Eurojust can also cooperate with third States.

What can Eurojust do for you?

If you require Eurojust's assistance, you should contact your National Desk at Eurojust. See Eurojust's website for further information:

<http://eurojust.europa.eu/Pages/home.aspx>

Eurojust can offer a wide range of practical assistance:

- ***To facilitate judicial cooperation***

Eurojust provides support to national authorities through the National Members, their deputies and assistants, all of whom are in a position to facilitate contact between investigating and prosecuting authorities in complex matters, in urgent cases or in situations where other cooperation channels do not appear appropriate or likely to produce results within the necessary timeframe.

Eurojust can assist in obtaining information on the status of a request for MLA or the execution of instruments of mutual recognition (MRIs) when other channels of communication (i.e. direct contact between national authorities or other communication channels) have not been successful.

Eurojust may also provide assistance in cases when MLA requests and MRIs are to be executed urgently. Due to Eurojust's core task of facilitating judicial cooperation, other channels are open for the exchange of police information and for intelligence purposes.

Eurojust receives information on a number of ongoing investigations and prosecutions in the Member States. Where Eurojust has received such information, it will be in a position to provide national authorities with information on relevant pending cases in other Member States.

Eurojust can also support practitioners by examining the draft MLA requests ('quality check').

- ***To help prevent or resolve conflicts of jurisdiction***

In cases where more than one Member State has jurisdiction, Eurojust can, to prevent or resolve conflicts of jurisdiction, be consulted for a non-binding opinion on which Member State is in a better position to undertake an investigation or prosecute the case.

- ***To coordinate investigations or prosecutions***

Due to its structure and level of experience in judicial cooperation, Eurojust is in a favourable position to assist in cases where ongoing investigations in two or more Member States need to be coordinated by exchanging relevant case information. Eurojust also helps to determine if Member States should continue with separate investigations or if they should concentrate investigations and proceedings in one or more Member States.

In addition, Eurojust assists in discussions and agreements between involved Member States on how, when or where to perform a joint action or to prosecute.

- ***To organise and support coordination meetings and coordination centres***

Eurojust can arrange coordination meetings in The Hague or elsewhere between investigators, prosecutors and investigating judges from different Member States. Coordination meetings sometimes include representatives of judicial or law enforcement authorities of third States, Europol and OLAF.

Coordination meetings are highly useful tools that allow practitioners to exchange information in their own language on linked investigations and plan joint actions. Issues that could have taken time and considerable resources to settle under traditional cooperation schemes can often be rapidly resolved during such meetings.

Currently Eurojust covers the costs of accommodation in The Hague and travel expenses for two participants from each Member State Eurojust can also organise coordination centres, which are aimed at supporting and coordinating joint actions (often agreed during coordination meetings) that have to be carried out simultaneously in different Member States. Coordination centres ensure a real-time transmission and coordination of information between competent authorities during an action day, for instance when there is a need to carry out simultaneous house searches in different countries. Coordination centres also allow the resolution of possible issues arising during the execution of EAWs or search and seizure through the amending of LoRs or warrants.

- ***To facilitate and support joint investigation teams***

Eurojust can assist in and facilitate the setting up, functioning and evaluation of joint investigation teams (JITs). Eurojust can identify suitable cases for establishing JITs, it can provide useful legal and practical information, e.g. on national laws, practical obstacles and

best practice, and can provide assistance in the drafting of JIT agreements and operational action plans. Where considered helpful, Eurojust National Members can also participate in JITs.

Eurojust can also provide financial support to cover some of the expenses arising from JITs and/or equipment, such as mobile telephones. See the following website for more information:

<http://eurojust.europa.eu/Practitioners/Eurojust-Support-JITs/JITs/Pages/history.aspx>

- ***To coordinate and facilitate requests for judicial cooperation to and from third States***

If you need to contact a national authority in a third State, you can contact your National Desk at Eurojust. Eurojust has Contact Points in around thirty third States (including Argentina, Brazil, India, Thailand, the Russian Federation, and Ukraine).

Eurojust also has cooperation agreements in place with Norway, the USA, Iceland, Switzerland, the former Yugoslav Republic of Macedonia and Liechtenstein. Such agreements might also include the exchange of personal data. Furthermore, liaison prosecutors from Norway and the USA are posted at Eurojust.

More information is available on the Eurojust website at:

<http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/Pages/agreements-concluded-by-eurojust.aspx>

III What is the role of the ENCS?

The ENCS is currently being implemented in the Member States. The ENCS has two main functions: 1) to ensure coordination of the work carried out by the various correspondents/contact points/experts established in the fight against crime, including the EJM National Correspondent and up to three EJM Contact Points; and 2) to facilitate the carrying out of the tasks of Eurojust in the Member States. When several correspondents for Eurojust are designated, one of them shall be responsible for the functioning of the ENCS.

The ENCS is entrusted, *inter alia*, with the tasks of 1) ensuring that Eurojust's Case Management System receives information related to the Member State concerned in an efficient and reliable manner, 2) assisting national judicial authorities and practitioners in determining whether a case should require the assistance of Eurojust or the EJM, and 3) assisting Eurojust National Members in identifying the relevant authorities for the execution of requests for judicial cooperation and MRIs.

IV EUROJUST or EJM – which way to go?

Eurojust and EJM are both at your disposal. If you are not sure which one to contact, it does not matter because the National Desks of EUROJUST and the EJM Contact Points can easily liaise. In conclusion the institutional framework ensures that your request for support will be handed over to the most suitable actor. Therefore there is no need to address both entities with the same problem.