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COVER NOTE

From:	Presidency
To:	Delegations
Subject:	EUROJUST Annual Report 2014

Delegations will find attached the EUROJUST Annual Report 2014.

Annual Report 2014

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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.

Acronyms and abbreviations

CMS Case Management System
EAW European Arrest Warrant
EJN European Judicial Network
ENCS Eurojust National Coordination System
EMPACT European Multidisciplinary Platform against Criminal Threats
EPPO European Public Prosecutor's Office
JIT Joint investigation team
JSB Joint Supervisory Body of Eurojust
MASP Multi-Annual Strategic Plan
MLA Mutual legal assistance
MOCG (Mobile) Organised crime group
MPJM Maritime Piracy Judicial Monitor
MTIC Missing Trader Intra-Community
OAP Operational Action Plan
OCC On-Call Coordination
OCG Organised Crime Group
PIF Protection of the financial interests of the European Union
SOCTA Serious Organised Crime Threat Assessment
TCM Terrorism Convictions Monitor
TE-SAT Terrorism Situation and Trend Report
TFEU Treaty on the Functioning of the European Union
THB Trafficking in human beings

Foreword

It is with great pleasure that I present to you Eurojust's 13th Annual Report. The report provides an overview of Eurojust's developments and main activities, and its contributions and support to improve judicial cooperation among the Member States in 2014. Eurojust's casework is growing each year, and this year was not an exception.

The number of cases for which Member States requested Eurojust's assistance increased by 14.5 per cent to 1 804 cases. Eurojust's unique tool, coordination meetings, brought 1 882 external practitioners to Eurojust – including prosecutors, judges and police officers - to streamline operations, facilitate coordination and cooperation in strategic and operational actions, and resolve legal and practical difficulties resulting from differences in the 30 legal systems in the European Union. In addition, coordination centres provided effective real-time support.

JITs, along with coordination meetings and coordination centres, assist the Member States in the collection and connection of vital case-related information. These tools provide speedy, results-driven cooperation.

Eurojust continues to support the setting up and running of JITs, with the number of JITs supported by Eurojust increasing by more than 20 per cent. The number of JITs funded by Eurojust also increased substantially, showing that this tool is being used more and more by the Member States.

In this year's report, the focus is on the EAW as well as challenges and best practice in drug trafficking and cybercrime cases. Eurojust held three seminars, on drug trafficking, cybercrime and the EAW. The drug trafficking seminar was dedicated to controlled deliveries, new psychoactive substances and (pre)precursors, the cybercrime seminar to the admissibility of evidence, and the EAW seminar to problems and best practice in the operation of the EAW. These areas raise considerable challenges and difficulties for practitioners, and we must work closely together to find effective solutions.

We also focus on a cybercrime case, *BlackShades*, one of several success stories in 2014. These successes result from the greater recognition and use Eurojust is experiencing, as witnessed by the increase in casework.

Continued progress is being made in supporting and strengthening coordination and cooperation between the national investigation and prosecution authorities of the Member States when dealing with cases of serious cross-border crime, also with regard to enhancing cooperation with third States. In 2014, Eurojust signed a cooperation agreement with Moldova, strengthened its relationship with the JHA Agencies, and signed two Memoranda of Understanding, with FRA and EMCDDA.

The Sixth Round of Mutual Evaluations was finalised and Eurojust adopted an Action Plan to address the recommendations. In 2014, work also began on the external evaluation. These assessments will contribute to the effective and efficient functioning of Eurojust.

Eurojust welcomed six new National Members and is looking forward to the arrival of the new Liaison Prosecutor from Switzerland in 2015.

To effectively prevent and fight against serious cross-border crime and terrorism, a multidisciplinary approach is essential, based on enhanced information exchange among different actors and increased use of the available tools. Eurojust, as an EU actor, is committed to playing its role as a centre of legal and judicial expertise and to closely cooperate with all partners involved.

I hope you enjoy reading this report.

Michèle CONINSX

President of Eurojust

Executive summary

- The **number of cases** for which Member States requested Eurojust's assistance in fighting serious cross-border crime increased by 14.5 per cent, from 1 576 cases in 2013 to 1 804 in 2014.

- To support coordination and cooperation between the national authorities, **coordination meetings** (197), **coordination centres** (10) and **joint investigation teams** were used, and the participation of Europol (98) and OLAF (3) in Eurojust's coordination meetings increased. The number of JITs supported by Eurojust was 122, 45 of which were new, being formed in 2014. Eurojust also financially supported 67 JITs.

- An increase in **Eurojust's casework** can be noted in the following crime areas: drug trafficking, fraud, cybercrime, PIF crimes, illegal immigration, corruption and money laundering.

- On 266 occasions, Eurojust's assistance was requested in the execution of **European Arrest Warrants.** In addition, Eurojust focused its activities on the EAW and reported on its casework and experience, and organised a strategic seminar on the subject.

- **Secure Network Connections** were set up with six Member States - bringing the total to 11 connections - to facilitate the safe exchange of information.

- Eurojust participated in the development of the 2014-2017 policy cycle and the 2015 **Operational Action Plans.** Eurojust also posted a College member at EC3 in July.

- Eurojust organised two **strategic seminars** in combination with **the meetings of the Consultative Forum** under the Greek Presidency and the Italian Presidency:

    - *The European Arrest Warrant: which way forward?* and the 7th meeting of the Consultative Forum on 10 and 11 June. *Towards Greater Cooperation in Freezing and Confiscation of the Proceeds of Crime: a Practitioners' Approach* and the 8th meeting of the Consultative Forum on 11 and 12 December.

- Eurojust also organised three **strategic meetings** and one **tactical meeting**:

    - *Annual strategic meeting on terrorism* on 4 June and the *tactical meeting on terrorism* on 5 June.
    - *Strategic meeting on drug trafficking* on 29-30 September.
    - *Strategic meeting, Cybercrime – rising to the challenges of the 21st century,* on 19 and 20 November.

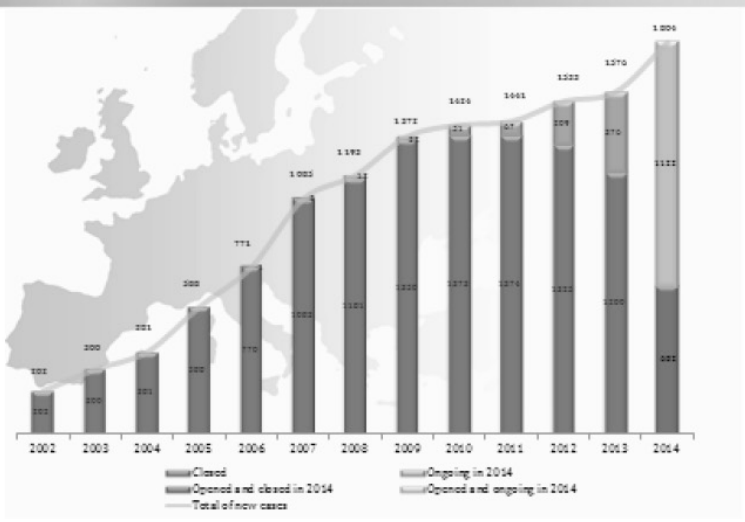
- Eurojust held a meeting of the Eurojust contact points and Liaison Prosecutors on 16 and 17 October and the 2nd meeting of the National Correspondents for Eurojust on 27 November.

- Eurojust published, amongst others, the CBRN-E Handbook, the TCM and the Report on the Strategic Project on Environmental Crime. Eurojust also deals in this annual report with the challenges and best practice identified in respect of controlled deliveries, new

psychoactive substances and (pre)precursors, and the gathering and admissibility of evidence in cybercrime cases.

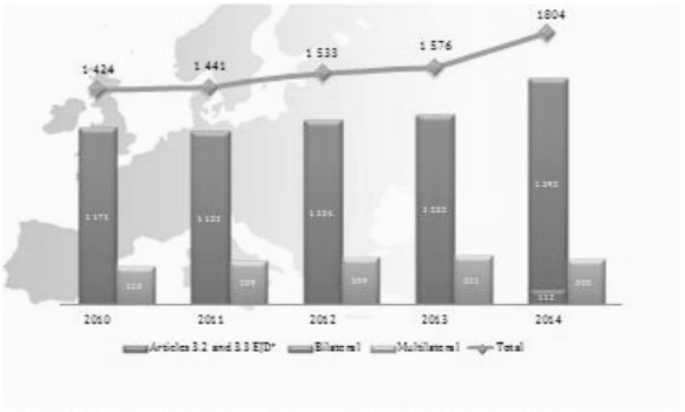
- Eurojust signed a **Cooperation Agreement** with Moldova on 10 July, and **Memoranda of Understanding** with EMCDDA on 15 July and FRA on 3 November.
- **Eurojust's budget** for 2014 was EUR 33.6 million. Budget implementation was 99.82 per cent.
- The Sixth Round of Mutual Evaluations was concluded and the final report was adopted by the Council in December. The external evaluation project, in accordance with Article 41 of the Eurojust Decision, was launched in 2014.
- Eurojust published its new **Multi-Annual Strategy 2016-2018**.
- The College in April contributed in writing to the draft Eurojust Regulation. The Council adopted the partial general approach on this draft in December.

Casework 2002 - 2014



Statistics produced with data retrieved from CMS on 13 January 2015.

Bilateral/multilateral cases 2010 - 2014



* Cases involving one Member State and one third State, cooperation partner or international organisation.

Statistics produced with data retrieved from CMS on 13 January 2015.

Bilateral/multilateral cases per Member State

	Bilateral	Multilateral
COLL*		5
BE	50	16
BG	80	1
CZ	67	17
DK	43	9
DE	39	20
EE	25	2
IE	13	4
EL	32	4
ES	70	17
FR	58	39
HR	11	1
IT	97	19
CY	14	0
LV	36	7
LT	34	10
LU	12	1
HU	70	28
MT	22	2
NL	46	13
AT	113	14
PL	112	2
PT	77	4
RO	58	13
SI	97	6
SK	33	4
FI	50	6
SE	57	17
UK	88	19

Statistics produced with data retrieved from CMS on 12 January 2015.
*The cases registered by the College are not included in the map, only in the table data.

Requesting/requested Member States

	Requesting	Requested
COLL*	5	
BE	66	131
BG	81	72
CZ	84	67
DK	52	52
DE	59	244
EE	27	36
IE	17	52
EL	36	68
ES	87	217
FR	97	190
HR	12	51
IT	116	208
CY	14	79
LV	43	50
LT	44	51
LU	13	53
HU	98	87
MT	24	33
NL	59	197
AT	127	109
PL	114	114
PT	81	57
RO	71	119
SI	103	41
SK	37	90
FI	56	42
SE	74	60
UK	107	208

Statistics produced with data retrieved from CMS on 12 January 2015.
*The cases registered by the College are not included in the map, only in the table data.

2014 timeline

14 February The Hague

Visit of MEP Axel Voss, Rapporteur for the Eurojust Regulation

26 February The Hague

35th regular meeting of European Judicial Network (EJN) Contact Points

24 March The Hague

Eurojust participates in Nuclear Security Summit

15-16 May

Marketing seminar in Poland

26-27 May

Marketing seminar in Hungary

21-22 May The Hague

16th meeting of the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes

4-5 June The Hague

Strategic meeting on terrorism

10 -11 June The Hague

Strategic seminar on the European Arrest Warrant and Meeting of the Consultative Forum

11-12 June

Marketing seminar in France

25-26 June The Hague

10th annual meeting of JITs national experts

10 July The Hague

Cooperation Agreement between Eurojust and the Republic of Moldova

15 July The Hague

Memorandum of Understanding between Eurojust and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)

19-21 September

7th Hague International Day

29-30 September The Hague

Strategic meeting on drug trafficking

16-17 October The Hague

Meeting of Eurojust contact points and Liaison Prosecutors: *Complementarity, synergies and cooperation*

3 November Valletta

Memorandum of Understanding between Eurojust and the European Agency for Fundamental Rights (FRA)

19-20 November The Hague

Meeting, *Cybercrime: rising to the challenges of the 21st century*

21 November Brussels

Media briefing and presentation of Eurojust's Report on the Strategic Project on Environmental Crime

11-12 December The Hague

Strategic seminar on the freezing and confiscation of proceeds of crime, and meeting of the Consultative Forum

1. Eurojust at a glance - Eurojust tools

1.1 Eurojust at a glance

What? Eurojust is the European Union's Judicial Cooperation Unit. As a body of the European Union established in 2002, Eurojust's goal is to stimulate and improve the coordination of investigations and prosecutions and the cooperation between the competent authorities in the Member States in relation to serious cross-border crime, particularly when it is organised. At the request of a Member State, Eurojust may also assist investigations and prosecutions concerning a particular Member State and a non-Member State if a cooperation agreement between Eurojust and the non-Member State has been concluded or there is an essential interest in providing such assistance is present. At the request of a Member State or the Commission, Eurojust may also assist investigations and prosecutions concerning only that Member State and the Community.

Who? The College of Eurojust (the College) is composed of 28 National Members who are prosecutors, judges or police officers of equivalent competence seconded by each Member State. National Members are based at Eurojust in The Hague.

Most National Members are assisted by a Deputy and/or an Assistant. Eurojust is supported by an administration and hosts the Secretariats of the European Judicial Network (the EJN), the Network of Experts on Joint Investigation Teams (the JITs Network) and the European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes (the Genocide Network). In addition, Liaison Prosecutors from Norway and the USA are currently posted at Eurojust. The total number of people working at Eurojust, including College members, is approximately 350.

How? Eurojust's key roles and powers include responding to requests for assistance from the competent national authorities of the Member States. In return, Eurojust can request Member States to undertake the investigation or prosecution of specific acts. National Members carry out Eurojust's mandate to coordinate the work of the national authorities at every stage of criminal investigation and prosecution.

Coordination meetings Coordination meetings are a unique and effective tool in judicial cooperation. They bring together judicial and law enforcement authorities from Member States and third States, and allow for informed and targeted operations in cross-border crime cases. During coordination meetings, legal and practical difficulties resulting from differences among the 30 existing legal systems in the European Union can be resolved.

Coordination centres In addition, coordination centres play a highly relevant role in operations, fostering real-time support during joint action days, coordination and immediate follow-up of seizures, arrests, house/company searches, freezing orders and witness interviews.

Joint investigation teams Eurojust provides funding and expertise for the setting up and operational needs of JITs. A JIT is a team consisting of prosecutors, judges and law enforcement authorities. Established for a fixed period and a specific purpose by way of a written agreement between the States involved, JITs allow criminal investigations to be carried out much more effectively in one or more of the involved States.

External relations Eurojust's work is based on robust relationships with a number of partners. On the basis of agreements, particularly close cooperation exists with national authorities and EU institutions and partners: the European Commission; the European Judicial Network (the EJN); Europol; the European Anti-Fraud Office (OLAF); the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex); the European Monitoring Centre for Drugs and Drug Addiction (the EMCDDA); the European Police College (CEPOL); the European Judicial Training Network (the EJTN); the European Union Agency for Fundamental Rights (the FRA) and international bodies: INTERPOL, Ibero-American Network for International Legal Cooperation (IberRed) and the United Nations Office on Drugs and Crime (UNODC). Furthermore, Eurojust has signed cooperation agreements with Liechtenstein, Switzerland, the former Yugoslav Republic of Macedonia, the USA, Norway, Iceland and Moldova.

1.2 Eurojust tools

1.2.1 Coordination meetings

Eurojust's coordination meetings are a unique tool in the field of international cooperation in criminal matters. By providing legal and practical expertise, along with material support (e.g. meeting rooms, high-quality interpretation services, travel reimbursement for up to two participants per State, accommodation), Eurojust brings together judicial and investigative authorities from Member States, and also from third States, taking a step beyond the once revolutionary principle of direct communication between judicial authorities and fostering mutual trust.

In an informal yet professional work environment, investigators, prosecutors and judges can directly exchange information about linked investigations, and, free of linguistic barriers, can discuss and agree on the spot on strategies to better coordinate investigations (e.g. by planning a common action day, possibly supported by a coordination centre, by setting up a JIT, by identifying conflicts of jurisdiction and agreeing on how to prevent or resolve these conflicts by eventual transfer of proceedings, or by simply exploring ways to prevent or remove problems in the execution of MLA requests or mutual recognition instruments). In addition to operational issues, legal challenges are addressed or effectively tackled (e.g. judicial use of information exchanged by the police, bank secrecy rules, legal counselling at interviews). In doing so, the national authorities are assisted by highly qualified practitioners, most of them prosecutors and judges themselves, who can provide the expertise gathered while working at Eurojust and support their national authorities with a comprehensive analysis of different investigations, which draws the bigger picture in which each piece of the puzzle fits, showing a previously unsuspected or overlooked dimension of their work.

Eurojust, aware of the uniqueness and effectiveness of this tool, has constantly worked on promoting and improving it. In 2014, the number of coordination meetings held at Eurojust remained stable after the significant increase experienced in 2011. The UK, France and Germany were the most requesting Member States, while the Netherlands, the UK and Spain were the Member States most often requested to participate. Of the 41 coordination meetings involving third States, most meetings concerned the USA, Switzerland and Norway. Europol participated in 98 such meetings, OLAF in three and INTERPOL in one.

The fact that a slightly smaller number of coordination meetings were held while more cases were registered at Eurojust reflects Eurojust's continuing effort to promote and improve this tool, by selecting the cases for which a coordination meeting is suited. The best decision about how to handle a case is sometimes not to organise a coordination meeting, because Eurojust's objectives can be achieved through less costly options. At the same time, when a coordination meeting is necessary, organisational and cost tools are often used, such as: (a) co-chaired meetings in which two National Desks hold a joint meeting and deal with two linked cases; (b) meetings held by a single National Desk to tackle several related cases simultaneously; and (c) videoconferencing, which in 2014 enabled participants to attend nine coordination meetings.

The College adopted *Guidelines on confidentiality and disclosure within the framework of Eurojust coordination meetings,* on 8 April to assist in how to best deal with sensitive legal issues arising during coordination meetings.

Case illustration

An OCG was suspected of skimming activities (stealing payment card data from Points of Sale (POS) and cash machines in different European States) and fraudulent money withdrawals using blank cards (made, among other places, in Cambodia, Panama, Ecuador and Columbia). The Romanian Desk at Eurojust organised a coordination meeting to verify if the OCG was active in France, Germany, Sweden, Denmark, Norway and Spain and if investigations were ongoing in those States. Due to the fact that two Romanian cases were linked, the investigation was under some time pressure; to have a successful prosecution, close cooperation and coordination of actions with the other States involved was important.

During the coordination meeting, information regarding cases in the Member States was exchanged and additional steps were discussed to enable the execution of MLA requests sent by Romania. With regard to the MLA requests to the UK to locate the suspects and to conduct telephone interceptions, the UK authorities clarified that an additional MLA request was needed. The German authorities explained that a prosecutor needed to open a case in Germany to ensure that the information exchanged at law enforcement level could be used in the Romanian court proceedings. That information was of value to the Romanian proceedings.

At the coordination meeting, Eurojust highlighted the movements of the OCG around Europe and those States that had only recently been targeted by the group, underlining the need for further investigation.

The case was ongoing in 2014.

Case illustration

The Belgian authorities investigated an OCG operating in Belgium, Bulgaria, the Netherlands and Romania. The OCG allegedly committed fraud on a large scale, including infringement of social security law. Since 2007, approximately 100 Romanian workers had been illegally employed by Dutch and Romanian nationals in the Belgian construction sector, with a carousel of Belgian and Bulgarian companies involved. Several Belgian construction companies were suspected of using these Romanian workers in violation of the prohibition on the temporary placement of employees. The Romanian workers were fictitiously seconded by Dutch companies via Bulgarian enterprises or falsely registered as self-employed in Belgian companies.

At the request of Belgium, Eurojust hosted two coordination meetings. During the first meeting in May 2013, the Belgian authorities elaborated on the ongoing Belgian investigation. While several States were involved in the case, the meeting clarified that investigations were only ongoing in Belgium and, accordingly, prosecutions were not likely to take place in other States. In addition, the execution of a Belgian MLA request to the Netherlands was subject to modification. The Dutch authorities clarified the additional information needed. The Bulgarian authorities explained that a request for information regarding Bulgarian bank accounts needed the consent of the Supreme Court prior to its execution, due to the secrecy rules applicable in Bulgaria.

During the second meeting in February 2014, an assessment was made of the practical and legal challenges involved in conducting simultaneous interviews and searches in all involved Member

States on one day. One of the possible legal obstacles concerned the interviews in the Netherlands that were to be carried out in the presence of a Belgian investigating officer. This setting gave rise to concerns regarding the conformity of the measure with the case law as established by the European Court of Human Rights in the Salduz case, and as laid down in the Belgian Salduz Act. According to this legislation, a suspect has the right to legal counsel at the first (police) interview. Acknowledging the possible consequences of this legislation on the use of the testimonies as evidence, the participants agreed that an *ex officio* request for the presence of a lawyer during the interviews would be made by the Belgian investigating judge. Having assessed the possible outcome of simultaneous actions, the participants also decided to organise a common action day in April 2014 and to set up a coordination centre at Eurojust. The aim of the joint operation was to prevent collusion and the destruction of evidence, and to stem further losses to the Belgian and Dutch authorities. The results of the simultaneous actions were 19 house searches, 30 searches at construction sites and 42 persons interviewed.

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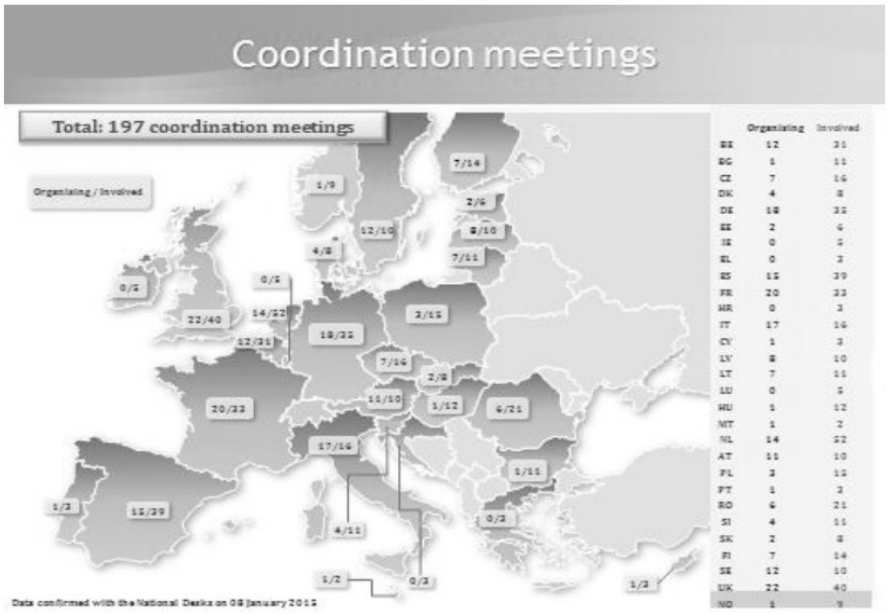
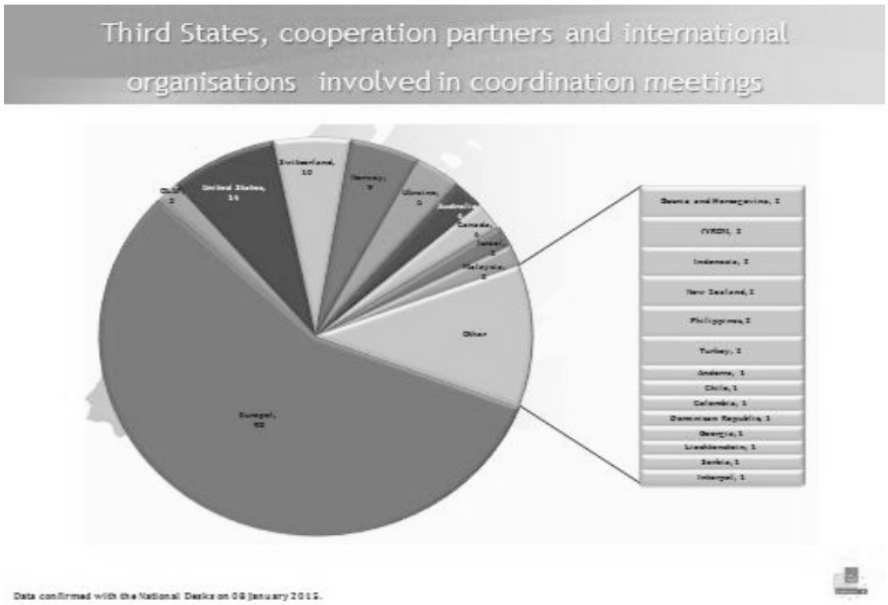


	Organising	Involved
BE	12	31
BG	1	11
CZ	7	16
DK	4	8
DE	18	31
EE	2	6
IE	0	5
EL	0	2
ES	15	39
FR	20	33
HR	0	3
IT	17	16
CY	1	3
LV	8	10
LT	7	11
LU	0	5
HU	1	12
MT	1	2
NL	14	22
AT	11	10
PL	3	13
PT	1	3
RO	6	21
SI	4	11
SK	2	8
FI	7	14
SE	12	10
UK	22	40
NO	1	9



1.2.2 Coordination centres

Coordination centres provide a unique opportunity for the real-time exchange of information and centralised coordination of the simultaneous execution of, *inter alia*, arrest warrants and searches and seizures in different States. Coordination centres expedite the timely transmission of additional information urgently needed to execute such measures and newly issued MLA requests.

Ten coordination centres were set up at Eurojust to support joint action days, and were organised by Belgium (1), France (1), Finland (1), Czech Republic (1), Spain (2), Italy (2) and the Netherlands (2), with the participation of other Member States, including Belgium (4) and the UK (4). Europol (9) and the USA (2) also participated in several of these joint action days.

The crime types targeted included swindling and fraud, cybercrime, illegal immigration and drug trafficking.

The 10 coordination centres held in 2014, compared to the seven in 2013, demonstrate the growing popularity of this operational tool among domestic authorities and National Desks at Eurojust in the fight against cross-border crime in Europe. These joint operations, involving the national prosecutorial authorities, are further confirmation of the added value of Eurojust.

In addition to their inherent operational added value, coordination centres may also play a significant role in the development of the judicial dimension of the case, particularly in facilitating the anticipation and timely resolution of complex legal issues arising prior to and during common action days, such as those stemming from the different domestic legal frameworks of confiscation and asset seizures or the procedural requirements set out at national level for the execution of EAWs.

Case illustration

A network of several OCGs was discovered to be operating a sophisticated carousel fraud scheme involving alcoholic drinks in different Member States. Alcoholic drinks were traded around Europe through mirror or phantom movements sanctioned by falsified electronic Accompanying Documents (e-ADs) to conceal their true final destination, in most cases the UK, where the beverages were put on the market. The amount of excise tax unlawfully evaded is estimated to be tens of millions of euros. The Italian case (Operation Cocktail) was registered in April 2013, and involved Belgium, France, Germany, the Netherlands, Romania, Spain and the UK.

The case evolved in two phases. During the first phase in 2013, Eurojust collected and analysed operational information from national authorities (e.g. customs and law enforcement authorities) to detect the *modus operandi* and criminal patterns of the OCGs and to present possible options for the judicial response. In addition, Eurojust coordinated the issuance and execution of MLA requests and organised two coordination meetings.

Throughout the second phase in 2014, Eurojust coordinated the judicial response provided at national level against the OCGs by organising two coordination centres that supported two different joint action days, with a six-month interval.

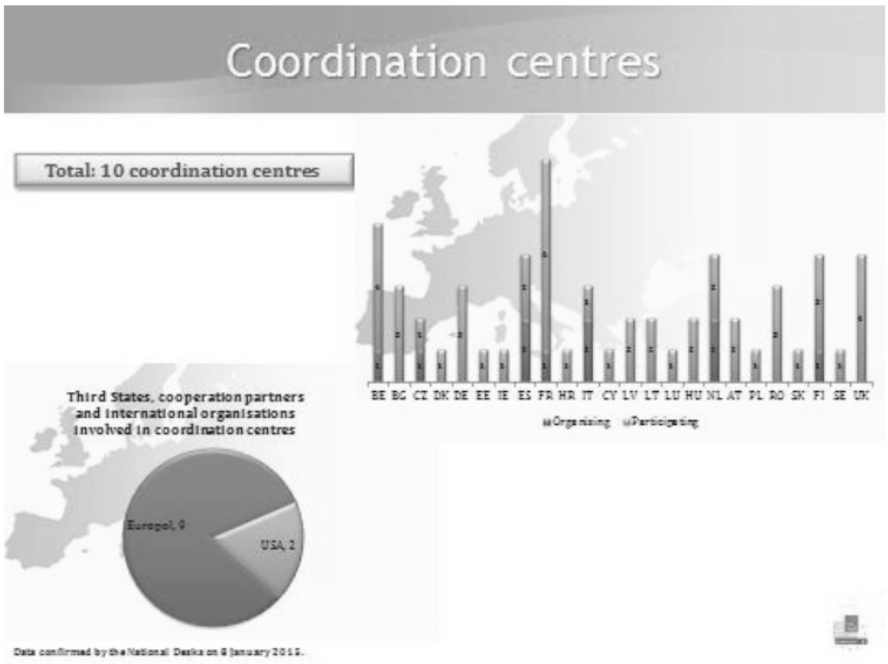
The first coordination centre in May 2014 followed a series of arrests, searches and seizures in France and Germany, and focused on targets in Belgian investigations. This resulted in five

arrests, including the leaders of the Belgian OCG. Other results were the freezing of three bank accounts in Latvia, 23 searches, and the seizure of cash, computers, laptops, mobile telephones, vehicles and other high-value items.

The second coordination centre in November 2014 focused on targets in Italian criminal proceedings and resulted in the arrest of 20 members of the OCGs, including the leaders. The arrests were made on the basis of 14 national arrest warrants executed in Italy and six EAWs executed in Germany, Romania and the UK. In addition, 30 premises were searched and financial and real estate assets (including several bank accounts), weapons, computers, vehicles, mobile telephones and documents were seized.

The added value of this coordination centre becomes evident if one looks at the circumstances surrounding the execution of an EAW issued against one of the main targets in this case, an Italian national resident in the UK. All arrangements were made for his arrest on UK territory during the joint action day. However, as the joint operations started, the coordination centre learned that he had travelled to Spain the previous night. The coordination centre promptly informed the Spanish Desk at Eurojust, which in turn immediately engaged the relevant Spanish authorities in an attempt to locate the target. The Spanish authorities actively for searched him, but the target was not found. In the early hours of the next day, the UK authorities learned that the target appeared on the passenger list of a UK-bound flight from Spain, due to land at Gatwick Airport. This information was relayed, through the coordination centre, to the Italian and Spanish authorities. The cycle was now complete, and the target was arrested at Gatwick Airport upon arriving from Spain.

The challenges faced in this case were the complexity of the fraudulent scheme applied by the OCGs, their ability to move large quantities of alcoholic drinks across Member States almost undetected by the investigating law enforcement authorities and the different legal systems involved. During the coordination centres, Eurojust supported the timely and joint execution of actions such as arrests and seizures while respecting each Member State's own procedural timeline and requirements. At both coordination centres, Europol deployed a mobile office for additional on-the-spot support to the operation.



1.2.3 Information exchange and the Eurojust CMS
Development and adoption of polices related to the CMS

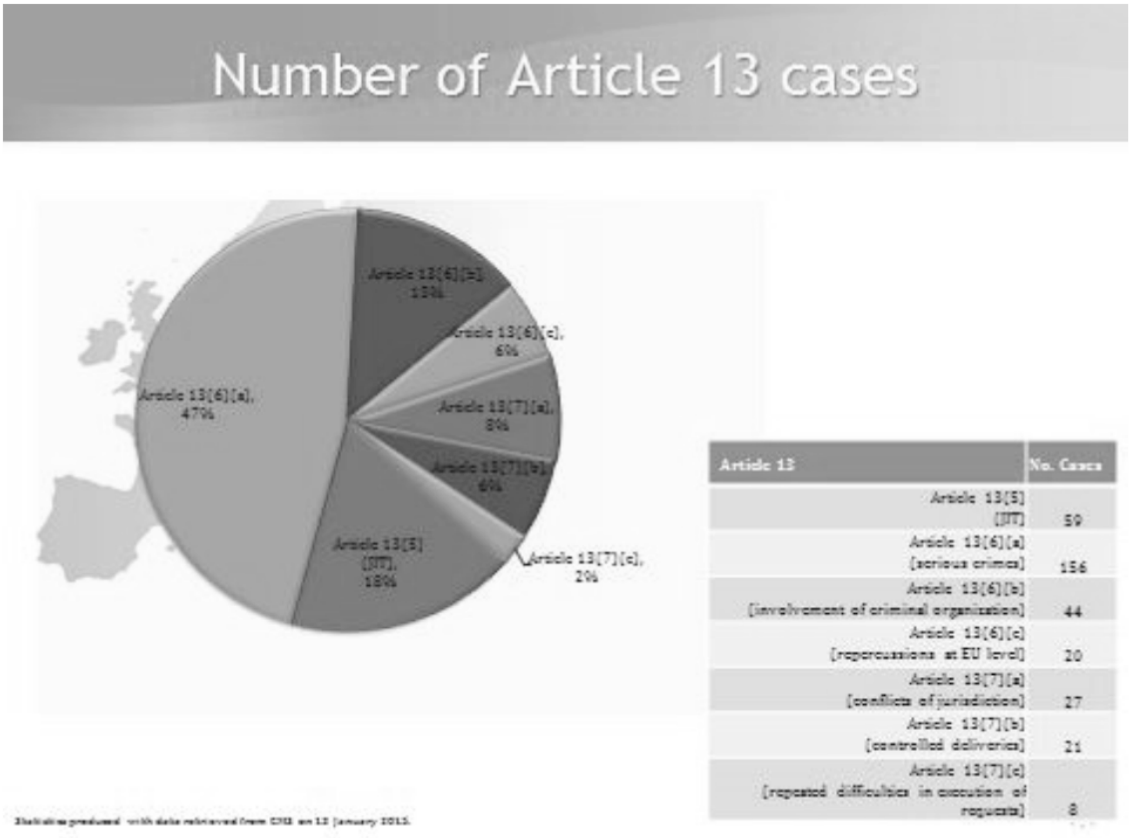
The CMS is a tailor-made database for storing and processing case-related data. It facilitates the coordination work of Eurojust, allows the accessing and cross-referencing of data by the involved parties and facilitates monitoring of the lawfulness of the processing of personal data.

In 2014, two upgraded versions of the CMS were developed to improve its operational capabilities and usability. In the first half of 2014, CMS 3.5 was released to provide a wider range of functions for data input and processing, and to increase compliance with data protection rules. During the second half of 2014, a second upgrade, version 4.0, was developed and tested. CMS 4.0, which is expected to be released in early 2015, offers the possibility for flexible access to the CMS for different user groups and creates the precondition for ENCS users' access to the CMS. It updates the automatic importing of the 'smart' Article 13 form and improves the response time of the system. The next CMS version, CMS 4.1, which will also be implemented in 2015, includes an important update to allow the recording of decisions on the basis of Article 19 of the *Rules of procedure on the processing and protection of personal data at Eurojust*.

New policies, related to the use and maintenance of the CMS, were agreed by the College in 2014. The 'approach to data entry', adopted in July, introduced common standards for data input and uniform working methods to be applied by the National Desks. The 'holistic approach', adopted in October, expanded the concept of the CMS to include components that have been added to the system during different stages of its development, and provides the basis for the maintenance and change management of the multiple system components in a unified fashion.

'Smart' Article 13 form

Article 13 of the Eurojust Decision requires the national authorities to provide Eurojust with any information necessary for the performance of Eurojust's operational tasks. The 'smart' Article 13 form is an electronic template developed by Eurojust to enable the structured transmission of such information from national authorities to Eurojust. In 2014, the College reviewed the applied process and accumulated experience and discussed a possible way forward with the implementation by Eurojust of Article 13 of the Eurojust Decision. The need to make the Article 13 form more user-friendly for national authorities was highlighted during the Sixth Round of Mutual Evaluations, and represented one of the outcomes of the 2nd meeting of the National Correspondents for Eurojust in November 2014. Three updated versions of the form were issued in 2014. The updates allowed Croatia to initiate and import the form into the CMS and introduced a number of adjustments in the text of the form that increased its clarity. Eurojust launched a procedure to simplify the form at the end of 2014.



Article 13	No. Cases
Article 13(5) (JIT)	59
Article 13(6)(a) (serious crimes)	156
Article 13(6)(b) (involvement of criminal organization)	44
Article 13(6)(c) (repercussions at EU level)	20
Article 13(7)(a) (conflicts of jurisdiction)	27
Article 13(7)(b) (controlled deliveries)	21
Article 13(7)(c) (repeated difficulties in execution of requests)	8

Connections between the ENCS and the CMS

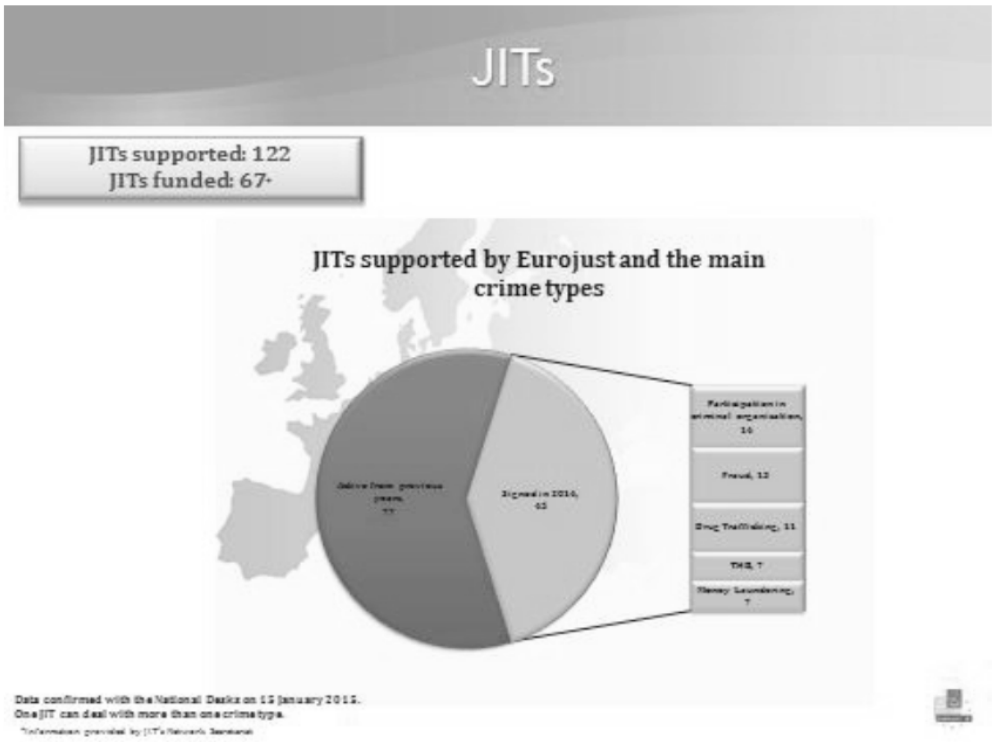
Work continued on the implementation of the Secure Network Connection project in 2014. This project focuses on setting up secure network connectivity between Eurojust and each of the 28 Member States. The connections with Belgium, Hungary, Poland, Slovenia, Finland and Sweden became operational, bringing to 11 the total number of Member States with an established and operational secure connection (connections with Bulgaria, Czech Republic, Latvia, the Netherlands and Romania were already in place). The secure connections allow for the implementation of the requirements arising from Article 12 (providing the ENCS in each Member State with access to the CMS) and Article 13 (exchange of 'smart' PDF templates by e-mail) of the Eurojust Decision and improve the safe exchange of information between Eurojust and the Member States.

Fiches Suédoises

The *Fiches Suédoises* provide an overview of the structure and functioning of the ENCS by Member State. This tool is regularly updated by Eurojust to support ENCS implementation and the exchange of experience and best practice. Since November, the *Fiches* include a section providing a collection of available national guidelines relating to the implementation of Article 13 of the Eurojust Decision and to the distribution of cases between Eurojust and the EJN.

1.2.4 Eurojust and JITs

JITs are an effective operational tool for law enforcement and judicial authorities in the facilitation of legal assistance in cross-border investigations. The ability of JIT members to share information directly without the need for formal requests and to request investigative measures among themselves directly, and the involvement of Eurojust by way of direct support and assistance, have continued to prove highly valuable. In 2014, 122 JITs were supported by National Members, 45 of which were newly formed in 2014. National Members participated either in their capacity as competent national authorities or on behalf of Eurojust in accordance with Article 9f of the Eurojust Decision.



Pursuant to Article 13(5) of the Eurojust Decision, Member States shall ensure that National Members are informed of the setting up of JITs and of the results of the work of such teams. Eurojust received 59 notifications. Eurojust's assistance included: (i) drafting of JIT agreements or extensions to existing agreements; (ii) advising on the EU and international legal frameworks in setting up a JIT; (iii) providing information on different procedural systems; (iv) identifying suitable cases for JITs; (v) organising coordination meetings to support JITs; and (vi) providing assistance concerning coordinated action.

Coordination meetings organised to facilitate the work of JITs contributed to the resolution of recurring obstacles, such as: i) differences in legal systems with regard to rules on the gathering of evidence; ii) admissibility of evidence; iii) disclosure of information; and iv) time limits for data retention.

JITs have also developed into a swift and flexible tool for cooperation with third States. Eurojust provided support to the running of seven JITs involving third States, three of which were newly created in 2014. Eurojust helped to overcome legal and practical obstacles that are particularly linked to participation by third States.

Case illustration

In relation to the crash of Flight MH17 in Ukraine on 17 July 2014, a JIT between the Netherlands, Belgium, Australia and Ukraine, with the participation of Malaysia, was set up with the assistance of Eurojust. The JIT members decided at a later stage that Malaysia would also become a member of the JIT. Eurojust hosted three coordination meetings and assisted in i) determining the legal basis for the JIT with respect to the third States involved; ii) clarifying the role of third States in their capacity as participants or members of the JIT; iii) drafting the JIT agreement; and iv) defining the eligibility of third States that are members of or participants in a JIT for funding via Eurojust.

Recognising the need to reflect on the challenges to greater cooperation with third States, in June 2014, Eurojust hosted the 10th annual meeting of the network of JIT national experts organised by the JITs Network Secretariat. The meeting, entitled *JITs 'Beyond the EU': Towards a Greater Use of JITs with Non-EU States*, focused, *inter alia*, on the legal and practical aspects of the setting up and running of JITs with third States, on specific issues related to the exchange of information and evidence with third States, and on the contribution by the JITs Network Secretariat to the promotion and development of JITs with neighbouring countries.

Experts agreed on the importance of the assistance provided by Eurojust when considering the involvement of third States in JITs by identifying suitable cases, initiating and facilitating contact, and providing analysis that can influence the decision to set up a JIT. Due to the significant differences in legal systems, the EU model agreement on JITs is considered by the experts to be not completely appropriate in relation to third States, and may need some adjustments. The experts recommended that all Member States implement the Second additional protocol to the 1959 Convention on Mutual Assistance in Criminal Matters.

The experts further emphasized the importance of the secure exchange of information with third States in the framework of JITs. In that respect, the lending of technical equipment by Eurojust allows a secure channel of communication between JIT parties to be established.

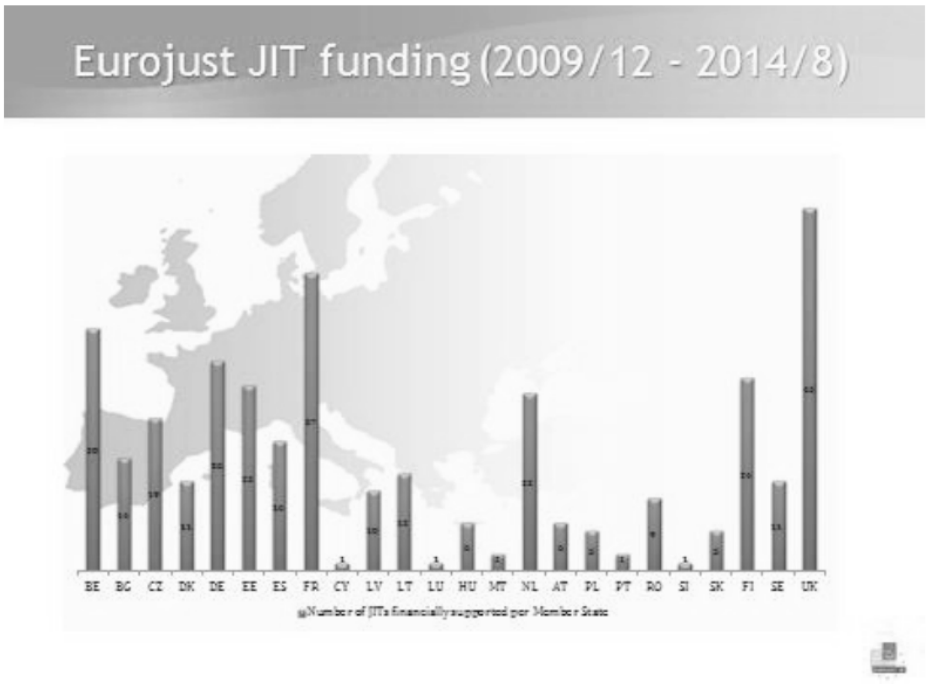
The issue of the use of information and evidence needs to be carefully addressed, especially in relation to third States that enforce the death penalty. Furthermore, the JITs Network Secretariat should facilitate the establishment of contact with partners (e.g. Europol, CEPOL, the EJTN and the Secretariat of the Police Cooperation Convention for Southeast Europe Secretariat) for carrying out training and raising awareness about JITs outside of the European Union.

Practitioners have evaluated the results achieved, legal issues and practical difficulties encountered at different stages of a JIT. A number of JIT evaluations have been submitted to the JITs Network Secretariat (*see* section 6.2).

Eurojust's financial support to JIT operations

Eurojust continued providing financial and logistical assistance from within its regular budget to JIT operations by supporting 67 JITs, 48 of which were newly funded.

Several refinements to the JIT funding procedure were introduced in 2014, including financial assistance being made available to third States involved in JITs with Member States. In the course of the year, Eurojust received 12 applications from JITs in which third States were involved. In addition, funding was granted to JITs set up under legal instruments other than the 2000 European Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and Framework Decision 2002/465/JHA on JITs.



Case illustration

A JIT was established to dismantle several OCGs originating from the former Yugoslav Republic of Macedonia that were engaged in trafficking large quantities mainly of heroin and cocaine to the Netherlands, Austria and Germany. As a result of the JIT, the activities of the OCG were significantly reduced. The cooperation in this case resulted in numerous arrests and convictions in Austria, Germany, the Netherlands and the former Yugoslav Republic of Macedonia, as well as the confiscation of substantial amounts of heroin, cocaine, cutting agents, marijuana and cash.

Eurojust played an essential role in this case by coordinating investigations in the Member States and promoting the initiation of investigations and prosecutions in the former Yugoslav Republic of Macedonia and the Netherlands. A total of eight coordination meetings over a period of four years were organised by Eurojust, which facilitated discussions on the ongoing investigations, the suitability of setting up a JIT and the activities performed. This form of cooperation was considered profitable as it removed the requirement of MLA requests between the participating Member States and the third State. It also enabled the authorities of the former Yugoslav Republic of Macedonia to inform the participating Member States of the results of telephone interceptions while they were taking place. Such possibility did not exist when a regular request for MLA was made. Eurojust assisted in drafting the JIT agreement and provided support concerning the clarification of legal requirements and advice on special provisions contained in the JIT agreement. In collaboration with the involved authorities, Eurojust prepared an overview of the suspects and the state of proceedings in the involved Member States. In addition, Eurojust granted financial support to the JIT.

2. Eurojust casework

2.1 Eurojust casework in priority crime areas

Eurojust's operational priorities for the period 2014-2017 substantially mirror the EU's priorities in the fight against serious and organised crime, as provided by the Council of the EU, with the exception of illegal trafficking in firearms. However, Eurojust's priorities include certain crime types that were not set as priorities in the EU policy cycle, namely corruption, criminal offences affecting the EU's financial interests and terrorism.

EMPACT

Each of the priorities agreed by the Council for the EU for the period 2014-2017 was translated into Multi-annual Strategic Plans (MASP) defining the strategic goals to achieve. In order to achieve these strategic goals, nine EMPACT projects (one for each of the Council's priorities) were launched to coordinate actions by Member States and EU organisations against the identified threats. On a yearly basis, EMPACT projects set out their Operational Action Plans (OAPs) to achieve these strategic goals.

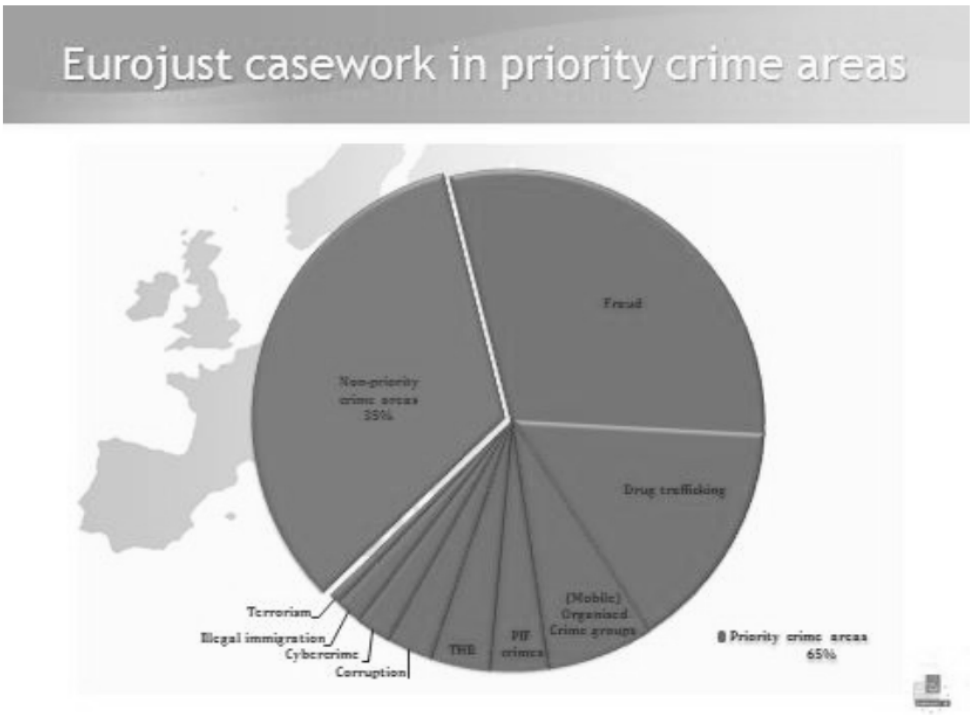
Eurojust actively participated in the preparation and drafting of the OAPs for the year 2015. In this regard, Eurojust representatives attended 33 meetings held within all nine EMPACT crime priority areas, including the National EMPACT Coordinators meeting of November (*see* Council doc. 15930/14), as follows: facilitation of illegal immigration; THB; counterfeit goods; excise and MTIC fraud; synthetic drugs; cocaine and heroin; illicit firearms trafficking; organised property crime; and cybercrime.

Eurojust's participation in the development of the 2015 OAPs was guided by the common position adopted by the College in 2013, which had foreseen Eurojust's involvement in the following six areas: cooperation with third States; financial investigations (including asset recovery); awareness raising; training; legal/practical obstacles; and increase coordinated investigations and prosecutions.

Tackling the proceeds of crime

Eurojust's efforts in supporting practitioners in dealing with serious crimes included identifying, freezing, confiscating and the sharing and return of the proceeds of crime.

Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, and Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders, are important tools in ensuring that crime does not pay. Each Decision provides practitioners with a standard certificate. To facilitate the application of and compliance with the Decisions, Eurojust has made editable formats of the certificates available to practitioners on its website.



	Cases		Coordination meetings		JITs	
Priority crime	2013	2014	2013	2014	2013	2014
Drug trafficking	239	283	56	52	26	31
Illegal immigration	25	32	5	10	7	9
THB	84	71	24	12	15	18
Fraud	449	560	60	60	21	32
Cybercrime	29	42	10	15	9	6
Terrorism	17	14	3	4	1	2
MOCGs	257	128	66	13	8	13
PIF crimes	31	70	8	7	1	2
Corruption	52	55	16	9	3	4

2.1.1 Fraud

The significant growth in fraud cases continued, following a trend which started in 2012. With a total of 560 cases, fraud cases represent almost one-third of Eurojust cases registered in 2014. Compared to 2013, the number of coordination meetings remained unchanged (60), while that of JITs greatly increased (32).

Fraud cases were mainly handled as stand-alone offences (348) or through the generic 'other types of fraud' category. Of its subcategories, the most reported are swindling (157) and VAT fraud (141). Fraud is typically associated with money laundering (83), participation in a criminal organisation (48) and forgery of administrative documents (41).

Eurojust's casework shows that the most requesting Member States were Hungary, Austria and Slovenia. The UK, Germany and Spain were the most requested Member States.

In addition to its operational casework, Eurojust stepped up its contribution to efforts undertaken at EU level to counter all forms of fraud. Against this background, Eurojust hosted meetings with delegations from the European Court of Auditors to assess the effectiveness of the EU in the fight against cross-border VAT fraud, and with representatives of the European Commission's Directorate General for Health and Consumer Protection, DG SANTE (formerly DG SANCO), to discuss methods of strengthening cooperation in the area of fraud related to food, alcohol, pesticides and the labelling of products.

Eurojust worked with Arcadia International, a member of the Food Chain Evaluation Consortium, which DG SANTE commissioned earlier in 2014 to conduct a study on illegal trade and counterfeiting of pesticides and an ad-hoc study on the impact on official controls and enforcement actions of the current legal framework applicable to food fraud. These studies are intended to assist in the ongoing work of the Commission to step up the fight against fraudulent practices in the food chain and, in particular, to assess whether the relevant EU policy and legal framework are sufficient and effective or if further action is needed.

Case illustration

Companies suspected of involvement in complex VAT fraud were under investigation for several years by the German authorities. The German Public Prosecution Offices in Cologne and Augsburg sent MLA requests to the Dutch authorities to carry out searches. In accordance with the Dutch Code of Criminal Procedure, a court decision is required to allow documents seized in the Netherlands to be handed over to a foreign authority, and offers the possibility for complaints to be lodged by interested parties. Due to this procedure, certain targets, some of which shared legal counsel, lodged a complaint and won an appeal against the seizures.

As a result, to speed up the execution of multiple MLA requests against the same persons and/or corporations, the assistance of Eurojust was requested and a bilateral case was registered.

A coordination meeting held at Eurojust in February 2014 focused on the possibilities to expedite the execution process, while recognising the restrictions on the procedures involved. The German and Dutch authorities present at the meeting agreed on methods of enhancing cooperation by:

- Sending separate MLA requests for a summons to surrender documents and searching the warehouses of a number of corporations instead of processing two requests contained in the same document;

- Inquiring with the national authorities whether documents of value to the investigation in Augsburg had been seized by the Dutch authorities during earlier investigations into these corporations and sending an MLA request for the purpose of transferring these documents; and

- Withdrawing the MLA requests from Cologne and executing the two requests sent by the PPO in Augsburg only. At a later stage, the PPO in Cologne could request the information collected for the purpose of the Augsburg cases.

The common interest and constructive dialogue of the participating national authorities were key factors in ensuring judicial cooperation between the two Member States while respecting existing procedural requirements.

2.1.2 Corruption

The number of corruption cases (55) and JITs within this crime type (4) increased slightly over the previous year, and the number of related coordination meetings significantly decreased (9).

Corruption is often addressed as a stand-alone offence (26), or in conjunction with money laundering (14) or swindling and fraud (10).

With regard to corruption cases, the most requesting Member States were Spain, Greece, Croatia, Italy, and Latvia. The most requested Member States were the UK, Austria, Germany and the Netherlands.

To reinforce its involvement in the field of countering corruption, the relevant procedures are ongoing for Eurojust's association with the following Focal Points: Sports Corruption and Asset Recovery.

Furthermore, Eurojust attended and delivered a presentation at a conference organised by the EU Cross Border Bribery Taskforce. The Taskforce consists of law enforcement practitioners and prosecutors from the Member States and is led by the Overseas Anti-Corruption Unit within the City of London Police. It is designed to bring together EU agencies with similar remits to share information on contemporary practice and case studies, identify mutual cases and opportunities for joint investigations, develop networks and build working relationships with anti-bribery professionals to improve EU-wide knowledge of different agencies' legal, jurisdictional and operational parameters.

2.1.3 Criminal offences affecting the EU's financial interests (PIF offences)

Introduced as a crime priority in 2014, PIF offences increased within Eurojust's casework compared to the previous reporting period. The number of cases dealing with PIF offences registered in 2014 (70) more than doubled over 2013 (31). Seven coordination meetings and two JITs dealt with PIF offences.

Within the framework of Eurojust's casework, PIF offences include the crimes of cigarette smuggling and counterfeiting in addition to all criminal offences strictly affecting the EU's financial interests. In most cases, PIF crimes are dealt with as a stand-alone set of offences, or in conjunction with swindling and fraud (35) or money laundering (8).

The most requesting Member States were Hungary, Bulgaria, Malta and Poland. Germany, the UK and the Slovak Republic were the most requested Member States.

The protection of the financial interests of the European Union was also the subject of a questionnaire circulated to all Member States. The compilation of the answers was presented to the College on December 2014. The Member States' responses highlighted the following factors as the main legal/practical challenges in cross-border cooperation in this field: the tensions inherent in differing legal systems (e.g. different requirements concerning the admissibility of evidence in court); delays in or failure to execute MLA requests; and the non-coordinated execution of search warrants. The responses also attached importance to Eurojust's support in this field, with particular regard to its ability to provide assistance in the preparation and/or execution of MLA procedures or instruments and to resolving conflicts of jurisdiction.

Case illustration

An investigation conducted by the Lithuanian customs authorities into bribery and forgery of documents and the unlawful possession of goods subject to excise duty showed that Lithuanian nationals joined an OCG in 2011 to illegally bring large quantities of cigarettes into the EU market, avoiding excise duties and VAT. The OCG transported the cigarettes from one excise or customs warehouse to another in different Member States without paying taxes, by using loopholes in the Excise Movement and Control System (EMCS), which was developed to monitor the transport of excise goods between the Member States. The investigation established that the cigarettes were partly destined for the Swedish and UK markets. Criminal activities linked to the offences committed in Lithuania were also discovered in Bulgaria, Cyprus, Denmark, Estonia, Germany, Greece and Poland.

Eurojust was requested to support the judicial cooperation due to the large number of Member States involved and because the *modus operandi* used by the OCG had not been previously been detected in Lithuania. In March 2013, a coordination meeting was convened with Belgium, Denmark, Germany, Sweden and the UK to discuss proactive judicial cooperation for the purposes of preventing further crimes being committed using the same modus operandi and dismantling the criminal group, as well as to consider the establishment of a JIT.

As an investigation into similar criminal activities was ongoing in Sweden, a JIT agreement between Sweden and Lithuania was signed in July 2013 for a one-year period to identify and prosecute the perpetrators. The JIT received funding from Eurojust, which was used for the translation of documents needed in the proceedings of both Member States. The JIT was extended until January 2015.

Fourteen Lithuanian suspects were brought to trial and Lithuania transferred the proceedings against two Swedish nationals arrested in Lithuania to Sweden. In addition to the work of the JIT, the judicial cooperation between all involved Member States resulted in witness hearings throughout Europe and the seizure of millions of illegal cigarettes.

The Lithuanian prosecutor stated that *'the outcome achieved by 2014 would not have been possible without the judicial cooperation among participating Member States'.*

2.1.4 MOCGs

The number of cases registered (128) and coordination meetings (13) held at Eurojust in relation to MOCGs decreased greatly from the levels recorded in 2013. This drop is linked to the

change in the calculation methodology applied to this crime type as of 1 January 2014. The effect of the new methodology is that this crime type no longer includes (cases relating to) participation in a criminal association or organised crime as an offence, and is limited to the following offences: organised property crime (OPC) including organised robbery; motor vehicle crime; and illicit trafficking in cultural goods. JITs involving this crime type went up significantly (13) compared to 2013.

OPC cases are predominately based on one of the following core offences: OPC including organised robbery (58), motor vehicle crime (15) or illicit trafficking in cultural goods (5). When associated with other criminal conduct, these crimes are typically linked to participation in a criminal organisation (24) or murder (9).

The most requesting Member States in OPC cases were France, Poland, Belgium and the Czech Republic, while the most requested Member States were France, Italy, Denmark and Romania.

In addition to casework in the field of OPC, Eurojust has focused its attention on analysing procedural and legal issues in proceedings on MOCGs specialising in OPC, as part of a project undertaken within the framework of the OAP 2014 for EMPACT priority OPC.

To that effect, a report was prepared in 2014 with the main objective of assessing law enforcement actors' perception of the extent to which legal and procedural issues are an element in the proliferation of MOCGs specialising in OPC and how these issues influence police operations against MOCGs, with the result that actual prosecutions or convictions rarely occur. A follow-up to the 2014 report, expected in 2015, is intended to tackle the same issues as the first report, but from the point of view of prosecutors and judges.

This Eurojust-supported project is due to reach its conclusion in 2016, when a strategic seminar with prosecutors, judges and representatives of EMPACT priority OPC will be organised to provide a platform for exchanging views and best practice. A final report providing recommendations to Member States will then be issued.

Case illustration

Since 2013, investigations were carried out in Belgium, France, Italy, the Netherlands, Romania and the UK into jewellery store robberies committed from 2011 onwards. The investigations uncovered a hierarchical and disciplined OCG composed of Romanian nationals that was believed to be active in many Member States. They planned their activities carefully, using sledgehammers and distraction methods such as Molotov cocktails, crowded streets and burning cars. The jewellers were targeted on the basis of getaway routes. It is believed that the proceeds of the robberies, amounting to several million euros, were transferred to the OCG in Romania. The exchange of information at police level (via INTERPOL, Europol and bilaterally) and the forensic analysis of clothes and other objects seized at the crime scenes, allowed suspects to be linked to a number of robberies in several Member States.

Several cases were registered at Eurojust, and a coordination meeting between the UK and Romania was convened in June 2013 that resulted in the establishment of a JIT between the UK and Romania one month later. Belgium joined the JIT five months later. The JIT received funding from Eurojust. The support provided by Eurojust ensured that JIT members could take a pragmatic approach to the handling of evidence and easily access information available in the

ongoing investigations. As a result of links between the robberies throughout Europe, the Italy and the UK hosted another coordination meeting in December 2013 with Belgium, Croatia, France, Hungary, Italy, the Netherlands, Romania, Slovenia, Spain and the UK in attendance. Up-to-date information on the investigations and prosecutions was shared. After the meeting, further information was exchanged and assessed on new robberies committed by members of the same OCG. Although no crimes were committed in Romania, the information provided by the Romanian authorities to the other participating States was essential to the successful judicial cooperation in this case.

EAWs were issued by several Member States and arrests were made in Belgium, France, Italy and the UK. Many suspects were in the act and often pleaded guilty when facing trial. By the end of 2014, more than 20 people had been convicted in the involved States. The case was ongoing in 2014 and further trials and convictions are expected in 2015.

2.1.5 Drug trafficking

The number of drug trafficking cases grew significantly (283), while the number of corresponding coordination meetings slightly decreased (52). The number of JITs dealing with this crime type increased (31) compared to 2013. Drug trafficking is the second most common crime type in Eurojust's 2014 casework.

Following a pattern seen the previous year, the vast majority of drug trafficking cases registered in 2014 dealt with this crime as a stand-alone offence (223). Participation in a criminal organisation (37), organised crime (19) and money laundering (16) were the most often-linked crimes. The controlled substances most frequently targeted in these cases were cannabis and cocaine.

The most requesting Member States *vis-à-vis* drug trafficking cases were Spain, Italy and Slovenia. Spain, the Netherlands and Italy were the most requested Member States.

In addition to its operational casework, Eurojust has been particularly active at strategic level in this crime priority. It interacted with many of the key players in this field, such as the EMCDDA, the Pompidou Group, and the European Network of Prosecutors on Synthetic Drugs and Psychoactive Substances (ENPSDP).

In this regard, Eurojust participated in the project led by the ENPSDP and the Council of Europe (the Pompidou Group and HELP) to create a website dedicated to prosecutors specialising in synthetic drugs.

Case illustration

In 2013, two trucks bearing Dutch license plates, coming from Spain and driven by two Dutch nationals, were subjected to an inspection by French customs officers. In the first truck, the investigators found and seized 901 kilogrammes of cannabis. While no cannabis was found in the second lorry, a hiding place for drugs was discovered.

The two Dutch nationals were arrested by the French authorities and an investigation into the alleged conspiracy to import drugs was opened against them in France. According to their testimonies, the two drivers worked for the same criminal network, operating in three Member States. The drugs were picked up in Spain, France was a transit State and the Netherlands was the end destination. A suspect was identified as the head of logistics of this drug trafficking

network and it was subsequently discovered that parallel investigations into the same OCG were being carried out in the Netherlands for drug trafficking and money laundering.

The support of Eurojust was requested to coordinate these parallel investigations and to facilitate the execution of MLA requests, particularly to avoid facing a *ne bis in idem* issue. A coordination meeting between France, the Netherlands and Spain was set up in March 2014. At this meeting, it was agreed firstly to send an MLA request from the Netherlands to France to obtain a copy of the French file and to carry out an interview with the two arrested suspects, and secondly that France would send an MLA request to Spain to verify the confession of one of the two suspects and to clarify the precise involvement of the company serving as pick-up location for the drugs. The Spanish authorities confirmed the pick-up location as well as its owner, a Dutch national residing in Spain, and identified his connection to suspects arrested in France. The Dutch national was arrested as a member of the investigated OCG.

Cooperation with EMCDDA

The Director of EMCDDA attended the College meeting of 15 July and exchanged views on cooperation. At the end of the meeting, the President of Eurojust and the Director of EMCDDA signed a Memorandum of Understanding (MoU). The MoU paves the way to reinforced cooperation between the two bodies on drug-related matters and will be implemented through joint activities. These activities will be decided on the basis of the partners' respective work programmes. In September, EMCDDA participated in the strategic meeting on drug trafficking by delivering a presentation entitled *The EU drug situation. Drug penalties and indicators* and by discussing, during the related workshop, possible solutions to the issues caused by differences in legislation on new psychoactive substances (NPS) and (pre)precursors.

Strategic meeting on drug trafficking

A strategic meeting on drug trafficking, organised by Eurojust, was held in The Hague on 29 and 30 September. In total, 80 prosecutors, law enforcement authorities and experts in the drug trafficking field from across the Member States met for two days of intensive workshops and discussions. Contributions were also received from representatives of Brazil, the USA and Norway, as well as EU bodies and international organisations, including Europol, the EMCDDA, the Council of Europe (Pompidou Group) and UNODC. This strategic meeting, which followed up on Eurojust's strategic seminar on drug trafficking held in Krakow in October 2011, under the Polish Presidency of the EU, focused on increasing the effectiveness of international judicial cooperation in drug trafficking cases. In particular, the meeting's discussions addressed the following areas: controlled deliveries, NPS and (pre)precursors, and cooperation with third States.

The outcome report of the meeting, together with the Implementation Report of the Action Plan on Drug Trafficking and supporting material, can be found on Eurojust's website. *See also* section 3.2.

2.1.6 Cybercrime

The number of cybercrime cases registered at Eurojust (42) increased substantially; cybercrime-related coordination meetings experienced a 50 per cent increase (15), and six JITs were established.

Although typically associated with the crimes of participation in a criminal organisation (11) and swindling and fraud (16), cases registered in 2014 also dealt with cybercrime as a stand-alone offence (15).

The most requesting Member States in the field of cybercrime were Romania, the UK and Hungary, while the most requested Member States were France, Denmark and the Netherlands.

Strategic meeting on cybercrime

On 19 and 20 November, Eurojust held a strategic meeting entitled Cybercrime - rising to the challenges of the 21st century, with the participation of judicial and police experts from the Member States, who shared their expertise and views during interactive workshop sessions. The meeting focused on topics related to cybercrime: admissibility of e-evidence, trans-border access to data and data retention.

In the margins of the Eurojust strategic meeting on cybercrime, a brainstorming session for EU prosecutors specialising in cybercrime took place on 21 November, which offered an opportunity to explore methods and tools of strengthening their cooperation in this field. *See also* section 3.3.

Eurojust is associated with the Illegal Trade on Online Marketplaces (ITOM) Project, which is a Dutch-led initiative funded by the European Union, to promote an integrated approach against illegal trade on anonymous marketplaces on the Internet, by initiating coordinated interventions in close cooperation with (inter)national law enforcement agencies including the European Cybercrime Centre (EC3), judicial authorities, other public organisations, and the private sector within the European Union.

Eurojust is also associated with the Training of Trainers and Certification Programme Project (TOT) which is a Spanish EU funded project aiming at significantly improving the effectiveness, cooperation and mutual understanding between law enforcement authorities (LEAs) and prosecutors in the fight against cybercrime. The main objectives of the project are to organise a 'train the trainer' course for LEAs and prosecutors and to create a framework for certification of European cybercrime investigators and prosecutors.

Cooperation with EC3

Eurojust continued to support the work of EC3 by attending meetings of the Programme Board, and since July 2014 by posting a College member representing Eurojust at EC3 to facilitate the exchange of information. Furthermore, to enhance cooperation with EC3, negotiations were finalised and approval given for the model *Agreement between Eurojust and Europol for the temporary placement of a Eurojust representative to the European Cybercrime Centre*. The purpose of the temporary posting of a Eurojust representative at EC3 is to facilitate the exchange of information, to help ensure admissibility of evidence in judicial proceedings, to facilitate the early involvement of Eurojust and to optimise coverage of the judicial dimension within EC3. The presence of a Eurojust representative can increase the effectiveness of prosecutions and, where appropriate, the confiscation of assets in cybercrime cases. To do so, the Eurojust representative may attend operational meetings organised by EC3, will promote Eurojust's role and tasks when setting up a JIT, and will assist national authorities, particularly when coordination of simultaneous investigative and judicial activities are required. In

December, Eurojust launched a call for expressions of interest in the recruitment of a seconded national expert (SNE) for the primary purpose of representing Eurojust at EC3.

Case illustration

Eurojust's Annual Report 2013 presented a case example concerning criminal proceedings against an OCG of Bulgarian origin that specialised in fraud and counterfeiting, particularly through the cloning of credit cards by placing electronic reading devices on ATMs. The OCG harvested financial data from ATMs in Spain and other Member States to create fake credit and debit cards that were then used to withdraw large amounts of cash, also from ATMs.

Eurojust hosted a coordination meeting in April 2013 in which the Spanish and Bulgarian authorities and Europol participated. A JIT between all parties was established to facilitate cooperation and exchange evidence. A common action day in October 2013 in eastern Spain led to three house searches, the arrest of six individuals, the seizure of 15 devices used to copy PINs, several devices to record the information onto credit/debit card magnetic strips, several laptops, and documents plotting ATM locations.

Encouraged by this first successful action, the JIT continued its work with parallel investigations held both in Bulgaria and Spain, intending to completely identify the group structure and enable its dismantling. The exchange of information and evidence through the JIT allowed the investigating authorities to identify the main suspects in Bulgaria and Spain, locate their residences and collect incriminating evidence. The next step was to carry out simultaneous actions to arrest the suspects and collect further evidence through personal and site searches.

One of the main issues in this respect was to decide whether the arrests would be based on EAWs issued by both national authorities on the grounds of their respective criminal proceedings, or whether one Member State would take the lead and issue EAWs towards the other party as needed. A decision regarding the latter option would need to be made at the very last minute in view of the latest developments and evidence obtained by the investigation. To this end, a coordination centre led by the Spanish and Bulgarian Desks was set up at Eurojust in January 2014 to ensure that judicial decisions were made in a timely and agreed manner and immediately implemented. On the advice of the Bulgarian Desk, the EAWs issued by the Spanish authorities were drafted and translated with the assistance of Eurojust prior to the coordination centre, as under Bulgarian legislation the time limit for issuing an EAW after the detention of a requested person is only 24 hours. The awareness of this legislative specificity and the proactive approach of the National Desks at Eurojust ensured the timely issuance of the EAWs during the coordination centre.

The coordination centre acted in close cooperation with EC3. The common actions led to 16 arrests and the searching of 14 houses and two companies. Items seized included 19 mobile telephones, 21 debit cards, several laptops and other electronic devices - including those designed to commit skimming offences. Experts from EC3 and Europol's liaison officers were equipped with a mobile office, which allowed the cross-checking, analysis and exchange of intelligence in real time. Simultaneously, Europol representatives were deployed to Bulgaria and Spain to support the operation on the ground. An additional action day in February resulted in three arrests and four house searches. Two factories were raided and equipment used for skimming was seized, including blank cards, cameras and card readers.

Following the tactical actions, the role of Eurojust extended to supporting the competent national authorities in discussing the most appropriate judicial follow-up, and on 20 February, a

coordination meeting was convened with the Bulgarian and Spanish investigative authorities to discuss the existing evidence, the progress of national criminal proceedings and the applicable national procedural and substantive criminal law. The parties agreed that the Spanish authorities were in a better position to prosecute due to the advanced stage of their investigation, which would be reinforced by the evidence obtained through the Bulgarian proceedings. To that end, the evidentiary materials seized in Bulgaria were then transferred to Spain. The parties agreed that the Spanish authorities would issue a formal request to their Bulgarian counterparts to transfer all the existing proceedings so that all the suspects would be tried only in Spain. During the meeting, the formalities and legal requirements were discussed in order to surrender the suspects in pre-trial custody in Bulgaria by way of EAWs.

2.1.7 Illegal immigration

Cases concerning illegal immigration registered at Eurojust in 2014 (32) increased. This positive trend was confirmed by the growth of related coordination meetings (10) and JITs (9), with the former doubling the 2013 figure.

The majority of these cases dealt with the crime of illegal immigration (22), while in some instances it was associated with the crime of participation in a criminal organisation (5).

Belgium, the UK, Hungary and Italy were the most requesting Member States within the field of illegal immigration cases, while the most requested Member States were Italy, France and the UK.

Eurojust appointed a contact point for the International Organization for Migration regional project *Strengthening the fight against trafficking in persons and migrant smuggling in the Western Balkans* and attended the first workshop, which took place in Skopje in the former Yugoslav Republic of Macedonia on 17 and 19 December. The project, financed by the Italian government, is intended to strengthen the capacity and cross-border cooperation of stakeholders from the Western Balkans in fighting cross-border transgressions, such as trafficking in human beings and migrant smuggling.

Following the Communication of the European Commission on 4 December 2013 on the work of Task Force Mediterranean, the European Asylum Support Office (EASO) launched a pilot project in May to learn more about the phenomenon of facilitation of persons seeking international protection. Eurojust has joined the project as an observer.

2.1.8 Terrorism

While the number of terrorism cases registered at Eurojust (14) decreased slightly in comparison to 2013, the number of coordination meetings (4) and JITs (2) increased.

Casework mostly focused on terrorism as a distinct offence, although there were instances where murder was also linked to the case (2).

The most requesting Member States were Spain, the Netherlands, Portugal and the UK, while Germany, France and Belgium were the most requested.

Annual strategic meeting on terrorism

The strategic meeting of 4 June, attended by the Eurojust National Correspondents for Terrorism, covered the topic *Eurojust's role in counter-terrorism – Eurojust counter-terrorism deliverables.* The participants exchanged information on terrorism offences and counter-terrorism strategies and reflected on methods of sharing data effectively. The latest available editions of Eurojust's TCM and MPJM (*see* section 2.2), the Memorandum on Terrorist Financing, the CBRN-E Handbook, as well as Europol's TE-SAT 2014, were presented at the meeting.

Tactical meeting on terrorism

The tactical meeting on terrorism of 5 June addressed the topic *Current trends in the EU counter-terrorism framework: foreign fighters in Syria – Judicial cooperation with third States in this field*. The morning session was attended by experts from the Member States, delegates from the USA and Norway and representatives from Europol and the Office of the EU Counter-Terrorism Coordinator. The Eurojust restricted report on foreign fighters in Syria, its conclusions and an analysis of recent developments in this matter were presented and discussed by the participants. The afternoon session of the event focused on judicial cooperation with third States to counter foreign fighters. Counter-terrorism experts from the Western Balkans and Turkey joined this session and shared their experience related to their investigations and trials.

Foreign Fighters: Eurojust's Insight into the Phenomenon and the Criminal Justice Response - Updated Report

In 2014, Eurojust collected and analysed relevant information for the update of the classified report on foreign fighters it released in 2013. The updated report identified challenges stemming from investigations and prosecutions of aspiring foreign fighters and returnees, recruiters and facilitators, and highlighted some relevant national practices. The report contains Eurojust's reflections on the possible methods of enhancing some mechanisms and tools with a view to reinforcing the effectiveness of the European Union and national criminal policy response to the phenomenon. The report was adopted by the College and classified as Eurojust and EU RESTRICTED.

Eurojust contributed to the TE-SAT 2014 by providing data on convictions and penalties for terrorist offences in the Member States and relevant amendments in national legislation on terrorism.

CBRN-E Handbook

The CBRN-E Handbook provides EU practitioners with specialist multi-sector legal support for investigations and prosecutions related to 'chemical, biological, radiological, nuclear and explosive' (CBRN-E) transnational crimes. It provides an overview of the basic European and international administrative and criminal legislation applicable to CBRN-E substances, including waste. The CBRN-E Handbook is updated annually and shared with pertinent external actors.

Memorandum on Terrorist Financing

Eurojust's Memorandum on Terrorist Financing contains an overview of the legal instruments and standards adopted at international and EU level to counter terrorist financing, providing a

summary of their provisions. It also presents the state of play of Eurojust's involvement in judicial cooperation in the area of countering terrorist financing. The Memorandum was first issued by Eurojust in 2006. The fourth updated version of the Memorandum was released in 2014, following previous updates in 2008 and 2011.

Terrorism Convictions Monitor (TCM)

Since 2008, Eurojust has published the TCM regularly. The TCM is an internal report classified as Eurojust LIMITED, which is based on open source information and contains data provided by the national authorities in the implementation of Council Decision 2005/671/ JHA. It provides a regular overview of terrorism-related convictions and acquittals throughout the European Union as well as analytical and statistical information.

2.1.9 THB

Eurojust's casework in THB recorded a decrease with regard to both the number of registered cases (71) and coordination meetings (12). The number of JITs established on THB-related matters grew to 18 from the 15 recorded in 2013.

Sexual exploitation continued to be the main type of THB case at Eurojust as in 2013, and mostly occurred as single-offence cases, although they were sometimes associated with participation in a criminal organisation (12).

Bulgaria, the UK and Romania were the most requesting Member States, while Romania, Germany and Italy were the most requested.

Case illustration

Investigations in the Netherlands, Belgium and Hungary showed that a group of individuals of Hungarian origin was involved in forced prostitution in the Netherlands and Belgium. The network falsely promised well-paid jobs to Hungarian women of Roma background and organised their travel to the Netherlands and Belgium. Upon arrival, the victims were forced into prostitution. Most of their earnings were handed over to the members of the network and transferred to Hungary.

This case was initiated by the Netherlands within the EMPACT project on THB in 2013, which showed positive results in 2014.While all requested Member States - Belgium, Hungary, Germany, Austria and the UK - participated in the first of four coordination meetings held in 2013, it later became clear that only the links to Belgium and Hungary proved strong enough to open investigations in these Member States.

Four coordination meetings were convened at Eurojust. Both prior to and following the coordination meetings, Level II meetings were held to inform the National Desks involved of the prior and future Dutch investigation and to discuss the possibility of a JIT.

At the third coordination meeting, the draft JIT agreement was discussed and the readiness of the involved parties to sign the agreement was considered. Europol's Focal Point Phoenix provided cross-check reports to the participants of the coordination meetings. Operational meetings were also organised at Europol to identify a group of top targets on which the investigation should focus. At the final coordination meeting in December 2013, the JIT

agreement was signed by the Netherlands, Belgium and Hungary. The JIT received Eurojust funding in 2014.

In February 2014, a bilateral Level II meeting was convened between the Dutch and UK Desks to ensure the smooth continuation of the JIT investigation. A potential victim of trafficking was about to travel to the UK and to be checked at the border. By contacting the UK police to obtain assurance that the check at the border would simply be a routine procedure, the UK Desk allayed concerns expressed at this meeting that this action might jeopardise the investigation.

On 12 and 13 March, an action day took place in Hungary and Belgium that resulted in six house searches being performed simultaneously. A large quantity of cash in local currency, seven luxury cars, jewellery, mobile telephones, passports and other significant evidence were seized. Two suspects were arrested in Hungary and eight in Belgium. The case was ongoing in 2014.

In 2012, Eurojust initiated a strategic project entitled *Eurojust's action against trafficking in human beings* (THB Project). The THB Project identified and addressed the reasons underlying the limited number of THB prosecutions in the European Union and the problems in judicial cooperation in THB cases. It also analysed the added value of Eurojust's involvement in THB cases and identified other actions Eurojust could take to assist Member States in bringing human traffickers efficiently to justice. Eurojust is monitoring the progress achieved in implementing the action plan and prepared a mid-term evaluation report of its results. This report will be discussed during a strategic meeting on THB to be organised by Eurojust in 2015.

To communicate Eurojust's activities in this area, a THB Project webpage was created in April and can be found on Eurojust's website. The webpage contains a number of items of significance to the project, such as the report and action plan of the Eurojust strategic project and the report of the strategic meeting of 2012.

On 17 October, on the occasion of the 8th EU Anti-Trafficking Day, the European Commission published the *Mid-term report on the Implementation of the EU Strategy towards the eradication of Trafficking in Human Beings 2012-2016*. The mid-term report contains an Annex that includes a *Report on Joint Actions in the field of Trafficking in Human Beings* that seven JHA agencies (CEPOL, EASO, Europol, Eurojust, FRA, Frontex and EIGE) developed between October 2012 and October 2014. As a follow-up to the Commission's report, and with a view to complementing it, the JHA Agencies jointly produced a document listing the main actions developed individually by the Agencies in the field of THB in that period. One example of such joint action is the CEPOL Module on THB that was produced with the support of Frontex, Europol, Eurojust, FRA and EIGE and launched on CEPOL's website at the end of March 2013.

2.2 Eurojust assistance in other fields of criminal activity

2.2.1 Money laundering

While money laundering is not one of Eurojust's crime priorities for the period 2014-2017, it still accounted for 220 of all cases registered at Eurojust, a clear increase compared to the figures recorded in 2013 (193), and consolidates the growth in this area of Eurojust's operational work that began in 2012 (144).

Money laundering cases are mostly dealt with in conjunction with related offences such as fraud (84) or participation in a criminal organisation (52). However, they also focus on money laundering as a discrete, stand-alone crime (71).

The most requesting Member States were France, Spain and Italy. Spain was the most requested Member State, followed by Germany and the UK.

2.2.2 Environmental crime

The number of cases dealing with environmental offences registered at Eurojust (5) dropped in comparison with 2013 (8). These cases dealt with environmental crime as a stand-alone offence (3), or in association with fraud (1) and illegal trading (1). In the field of environmental crime, the Netherlands, Germany, Czech Republic and Sweden were the most requesting Member States. Among the most requested Member States were France, Greece, Ireland, Latvia, the Netherlands and Poland.

In November, Eurojust published the *Report on the Strategic Project on Environmental Crime*. This Report summarises the findings of the Strategic Project on Environmental Crime which Eurojust launched in 2013. It highlights the main problems encountered by the National Authorities in prosecuting environmental crime and attempts to present suggestions for addressing certain difficulties, particularly those linked to cross-border cooperation, with a special focus on illegal trafficking of waste, trafficking of endangered species and surface water pollution. The Report also outlines the diverse national organisational structures to tackle environmental crime and access to expertise in the Member States.

In April, Eurojust contributed to the Commission's Communication on the EU Approach against Wildlife Trafficking by sending its input to DG Environment.

2.2.3 Maritime piracy

Further to the publication in September 2013 of Eurojust's first issue of the MPJM in July, the College approved the continuation of the MPJM and decided to open a case towards all Member States specifically designed to address this topic.

The next edition of the MPJM is expected to be published in April 2015. In keeping with the goals set for its first edition, the MPJM intends to offer a tool to assist practitioners in the resolution of problems arising in the investigation and prosecution of piracy-related offences.

Eurojust interacted with several key players as part of the preparatory work for the next MPJM, with a view to collaborating with and following the work of relevant regional and international bodies active in countering maritime piracy. These bodies included the European External Action Service (EEAS), the European Security and Defence College (ESDC), the United Nations, INTERPOL, and the Contact Group on Piracy off the Coast of Somalia (CGPCS), which was chaired by the European Union in 2014.

2.2.4 Eurojust Contact Point for Child Protection

Twenty-nine cases were registered involving victimised children. These cases were typically associated with offences such as child abuse images (7) and kidnapping (7). The UK and Spain were the most requesting Member States, while Germany, Romania, France and Greece were the most requested Member States.

Eurojust's determination to counter any form of child abuse is reinforced by the work of the Contact Point for Child Protection. The Contact Point is mandated to represent Eurojust in child protection and related matters *vis-à-vis* national authorities, law enforcement organisations and other national or international bodies active in the field of child protection. Within this framework, the Contact Point attended the expert conference, *Child Alerting in the EU: Saving the lives of endangered missing children,* that was held in the European Parliament, and participated in the conference, *Lawyers in Europe on Parental Child Abduction (LEPCA)*, which took place in The Hague.

The Contact Point's role includes advising on and supporting the use by Eurojust's National Desks of tools and measures specifically designed for criminal investigations and proceedings concerning children, such as witness/victim protection and INTERPOL's database on missing children.

Case of the year

BlackShades was an organisation developing and selling malicious software (malware) that enabled buyers to infect computers and remotely take over and control the operations of the infected computers, and perform distributed denial-of-service (DDoS) cyber-attacks, among other things. An FBI investigation revealed links to several Member States. An example from the Netherlands of how the malware could be used for criminal purposes was that of an 18-year-old man who infected at least 2 000 computers, controlling the victims' webcams to take pictures of women and girls.

Eurojust was approached through the Dutch prosecutor who was in contact with the FBI and the US Attorney's Office regarding this investigation. While the US authorities intended to take down the BlackShades server, they did not have the intention of pursuing foreign subjects for prosecution in the USA. As creators, sellers and users of BlackShades malware were targeted by judicial and law enforcement authorities in 16 States during this worldwide investigation, the added value of judicial cooperation was apparent and the Netherlands opened a case in November 2013; a coordination meeting was convened in the same month. Three additional coordination meetings were organised in January, April and July 2014.

The objective of the initial coordination meeting was to ascertain which States could take judicial measures against identified subjects and to explore the possibility of a common judicial approach among the States involved. Although arranged on relatively short notice, authorities from the requesting State, the USA, Romania, Belgium, Germany, France and representatives from EC3 at Europol attended the meeting. Some States had been carrying out their own investigations into this malware and acknowledged the need for judicial cooperation at international level. It was evident that States other than those participating in the meeting were affected, and at subsequent meetings, these States were invited.

The US authorities were already at an advanced stage in their investigations and informed this first meeting of a two-step plan: the dismantling of the BlackShades organisation and the international takedown of the server to stop the sale of the software. The coordination meeting contributed to the US investigations through the identification of 20 customers of the BlackShades organisation.

Investigations in the participating Member States were at different stages, which inevitably meant that some time was needed to align the efforts of the various national authorities. Several States indicated that while some suspects had been identified, there was a need for more information either to be able to open a case or to enrich the data already available. Participants of the meeting were informed that not only suspects in the USA, but also in Member States, were already known for, or could be linked to, other cybercrime offences. For one Member State, the possession of a copy of the malicious software itself was important, while for another Member State, the mere possession of the software was not enough, and it had to be shown that the software was created predominantly for illegal use.

The investigation culminated in a common action lasting two days in May 2014, coordinated by Eurojust through a coordination centre at Eurojust, supported by EC3. During the two action days, 359 house searches were carried out worldwide, and 97 people were arrested. Over 1 100 data storage devices suspected of being used in illegal activities were seized, including computers, laptops, mobile telephones, routers, external hard drives and USB memory sticks.

Substantial quantities of cash, illegal firearms and drugs were seized. Authorities also succeeded in seizing the domain of the BlackShades website. States that undertook actions were the Netherlands, Belgium, France, Germany, the UK, Finland, Austria, Estonia, Denmark, Italy, Croatia, the USA, Canada, Chile, Switzerland and Moldova.

Eurojust assisted the involved States by delivering overviews of the status of the investigations in each State and by providing judicial assistance. Representatives of Europol and the FBI were present at the coordination centre set up at Eurojust, and EC3 provided real-time analytical support. EC3 was also committed to supporting the follow-up and identification of victims, as well as to promoting technical solutions to protect computers against this malware.

The Dutch prosecutor in charge of the case and the Assistant to the National Member for the Netherlands jointly commented on the success achieved: *'Operation BlackShades is a fine example of cross-border judicial cooperation in practice. The Internet is not a safe environment for criminals. This case, involving so many Member States and third States, with the common goal of stopping further cyber-attacks, shows the potential of worldwide joint actions and points the way to future common efforts. We are very pleased with the outcome.'*

Based on meeting reports and the evaluation performed in the aftermath of the common action days, it was possible to detect some legal and practical challenges that had an impact on the timeframe and the outcome of the case. A number of lessons learned and the best practice in this case were identified.

Legal and practical issues

- A challenge throughout the case was the fact that the investigations were at different stages in the participating States: at the first coordination meeting, it became clear that some States needed an additional period of up to two months to receive additional information regarding the alleged criminal acts.
- The advantages of extending the case to a large number of States and covering as many criminal acts as possible had to be weighed against the disadvantages of delays and loss of momentum in States in which the investigations were at a more advanced stage.
- At the beginning of the Eurojust case, some States needed to enrich their data through MLA to have enough evidence to pursue the case at national level.
- Some States were limited by the fact that possession of the software alone was not sufficient to commence judicial proceedings against the suspect, that there was a need to prove the malware had caused damage and that victims had been identified. Others needed to prove that the software had been created for predominantly illegal use.
- Several States indicated that information for their investigations was needed quickly to comply with data retention terms, which varied among the States and depended on whether the term concerned IP addresses only or also other data.
- In some States, several cases concerning BlackShades were opened, which added complexity to the coordination of the case. For instance in France, where no national cyber prosecutor exists, coordination had to be ensured between the eight interregional specialised jurisdictions, which represent cz1 prosecution districts.
- In some instances, authorisation to publish a press release is required from more than one authority. Awareness of the accurate contact points and early communication ensured timely publication of the press release.

Lessons learned

- Two common action days appeared at the time to be the method of delivering the best possible result. However, as news on the internet spreads swiftly, synchronising the timing of searches, seizures and arrests in future operations is to be preferred, particularly when large-scale operations are involved.
- The importance of collecting information on the victims and financial loss caused by the malware was emphasized, as sentencing in cybercrime cases, particularly in the USA, is victim- and loss-driven.
- Instead of focusing solely on repressive measures, the UK undertook high-volume preventative activity to deter lower-level purchasers of BlackShades from becoming involved in cybercrime. This activity involved sending warning e-mails and letters to approximately 500 purchasers and warning visits by the National Crime Agency (NCA) and police staff to approximately 100 purchasers.

Best practice

- During the first coordination meeting, participants pointed to the positive effects of having a meeting at judicial level at an early stage of the case, as in most Member States decisions regarding searches, seizures and arrests are taken at judicial level. Early coordination at judicial level also made it possible to find a unified approach among the Member States to ensure sufficient information for convictions in several Member States.
- The distribution of points of discussion prior to the coordination meeting was seen as very advantageous to the productivity and concrete outcome of the meeting.
- To streamline and simplify the house searches and interviews regarding the malware in question, an FBI Interview/Search Guide was circulated by Europol via its Secure Information Exchange Network Application (SIENA) to the participating authorities. Due to the complications involved in securing evidence in cybercrime cases, this guide was considered very useful.
- To hold a debriefing after the coordination centre was valuable in identifying the added value of this coordination tool and drawing lessons from the cooperation during the common action days.
- The evaluation of the case at the final meeting showed that Eurojust's analysis of the judicial situation in the participating States at the early stages of the case was advantageous to the results of the case, as this analysis allowed the national authorities to come prepared to the coordination meetings.
- A letter from the Dutch authorities, which was transmitted through Eurojust and which confirmed that the information provided in this case could be used as evidence in judicial proceedings, was seen as welcome support for the ongoing proceedings in various participating States.
- Willingness to share information between the participating States largely contributed to the impressive results of the case and was seen as a key factor in future cybercrime cases.

2.3 Eurojust's partners

2.3.1. Cooperation partner: Europol

Eurojust and Europol continued their efforts to strengthen the cooperation and exchange of information, as predicated in their 2009 Agreement and as foreseen in the Lisbon Treaty, in which Eurojust's coordination role is based upon 'information supplied by Member States and Europol'.

Operational cooperation

Eurojust involved Europol in 44 cases and 98 coordination meetings held at Eurojust. The significant increase in the number of Eurojust coordination meetings attended by Europol (75 in 2013) indicates that efforts undertaken by Eurojust to strengthen operational ties have met with some success. Such efforts also included the regular and mutual exchange of lists of operational meetings organised at Europol and coordination meetings organised at Eurojust.

In addition, Eurojust implemented a policy designed to inform the processing of Europol's requests – provided via SIENA – to perform the cross-checking of personal data related to ongoing investigations against all data in the CMS. This policy was positively received by the JSB.

Eurojust contributed to the SOCTA Interim Assessment 2015, SOCTA and TE-SAT, and actively participated in the preparation and drafting of the 2014-2017 policy cycle MASP and OAPs. *See* Chapter 2.

Eurojust also followed Operation Archimedes in September and attended the daily briefing sessions at Europol. Operation Archimedes was a large-scale, joint international law enforcement operation that targeted serious and organised crime in the European Union, including THB, drug trafficking and firearms trafficking.

Eurojust signed one new association - with Focal Point Firearms - bringing the total number of such associations to 18. Procedures are ongoing for Eurojust's association with the Focal Points related to terrorism, as well as the new Focal Points Travellers, Sports Corruption and Asset Recovery.

Strategic cooperation

Eurojust and Europol representatives continued to hold regular meetings at working and managerial level, in which topics such as the use of SIENA, information exchange, cooperation within EC3, cooperation with the Europol Counter-Terrorism Unit (TCU), JITs funding and the association with Focal Points were addressed, as well as the draft Europol regulation. In addition, Europol officials participated in Eurojust strategic seminars, and Eurojust representatives attended the meetings of the Heads of Europol National Units. Several sessions of the Europol-Eurojust staff exchange programme were held in 2014 to inform participants of the structure and functions and to raise awareness of the services provided by both organisations.

The 2013 Joint Annual Report (*see* Council doc. 11305/14) on cooperation between Eurojust and Europol was submitted to the Council and the Commission on 24 June.

2.3.2 Cooperation partner: OLAF

Cooperation between Eurojust and OLAF is regulated by the *Practical Agreement on arrangements of cooperation* of 2008. Eurojust and OLAF continued to cooperate in the fight against fraud, corruption and other crimes affecting the financial interests of the European Union and regularly exchanged case summaries, and the list of Eurojust-OLAF common cases.

Operational cooperation

Eurojust and OLAF worked jointly on four cases and Eurojust registered three additional cases related to cases already opened by OLAF in previous years. OLAF participated in three coordination meetings, which dealt with cases involving swindling, excise fraud, customs fraud and corruption. The slight increase in the number of cases and coordination meetings compared to 2013 (2 and 1, respectively) indicates that the two agencies' cooperation benefits from the regular exchange of operational information (case summaries and list of common cases).

Strategic cooperation

At the beginning of 2014, a bilateral meeting between the President of Eurojust and the Director of OLAF took place. This meeting provided an opportunity for discussing practical cases of common interest and reaching a general agreement on the exchange of case summaries, as provided under Point 5 of the Practical Agreement.

Regular liaison team meetings continued in 2014. These meetings serve as a platform for setting out and formalising the details of the exchange of case summaries. They focus on the organisation of additional training sessions for OLAF investigators, based on the positive feedback received after the first training session held in December 2013.

2.3.3 JHA Agencies cooperation

Two joint contributions have been published by the nine JHA Agencies (CEPOL, EASO, EIGE, EMCDDA, Eurojust, Europol, FRA, Frontex and eu-LISA): the new multiannual JHA Programme, *Common general considerations by the JHA Agencies*, which identified cross-cutting issues of common interest and how inter-agency cooperation can assist the effective implementation of the new guidelines, was published in February (*see* Council doc. 7313/14). A second joint statement, *From strategic guidelines to actions: the contribution of the JHA Agencies to the practical development of the area of freedom, security and justice in the EU*, was released in November and is available on Eurojust's website. This second statement outlines Eurojust's role and support in the implementation of EU priorities and objectives in the Area of Freedom, Security and Justice in the European Union. These documents have been submitted to the European Commission, the European Parliament and the Council of the European Union.

Eurojust and the other JHA Agencies also contributed to a public consultation with regard to the renewed *Internal Security Strategy* for 2015-2020. The final report on the activities of the JHA agencies in 2014 and its scorecard (*see* Council doc. 16286/14) were presented to the COSI in December.

Eurojust continued its practice of exchanging its work programme with the other JHA Agencies.

On 3 November, Eurojust signed an MoU with FRA in the margins of the annual meeting of the Justice and Home Affairs Heads of Agencies in Malta. An MoU was also signed with EMCDDA on 15 July (*see* section 2.1).

Eurojust and training

The Council Strategic Guidelines, adopted in June, underline the need to enhance training for practitioners and stressed the importance of training of, among others, prosecutors, judges, legal practitioners and police as a crucial component of the establishment of mutual trust.

Eurojust contributed to training through its MoUs with CEPOL (2010) and the EJTN (2008). In addition, Eurojust organised thematic seminars, during which practitioners shared experience and best practice.

Cooperation between Eurojust and the EJTN in the field of judicial training continued. Eleven prosecutors/judges from Bulgaria (2), Czech Republic, Germany, Estonia, Spain, Hungary, Austria, Poland and Slovenia (2) participated in the long-term traineeship programme at Eurojust and were involved in the daily work of the National Desks of their country of origin. In July, Judge Postulski, Secretary General of the EJTN, visited Eurojust. Eurojust and the ETJN agreed on the valuable practical experience gained during the three-month exchange programme. Eurojust and the EJTN also formally agreed on a common understanding of short-term (one week) study visits and their reintroduction in 2015.

In addition, members of the National Desks actively participated in six EJTN seminars within the framework of Criminal Justice Project I, *International Judicial Cooperation in Criminal Matters in Practice: EAW and MLA simulations*. These successful seminars, which took place in Germany, Bulgaria, Cyprus, France, Italy and Slovakia are based on the principle of 'learning by doing'. Practical case examples are provided to achieve a high degree of mutual trust and confidence among European prosecutors and judges, and a strengthening of the common judicial culture, leading to a more efficient administration of justice in EU cross-border prosecutions.

Work was finalised with CEPOL on the Common Curriculum on Eurojust. The goal of this training module is a better understanding of the added value of involving Eurojust in cross-border investigations and operations, and therefore closer cooperation between judicial authorities and law enforcement authorities in effectively combating serious cross-border crime.

As in previous years, cooperation with CEPOL also led to the organisation of several online seminars (webinars). Eurojust contributed to, among others, courses on illegal immigration, child protection, mobile OPC, drug trafficking, VAT fraud and JITs.

2.3.4 Third States and organisations outside the European Union

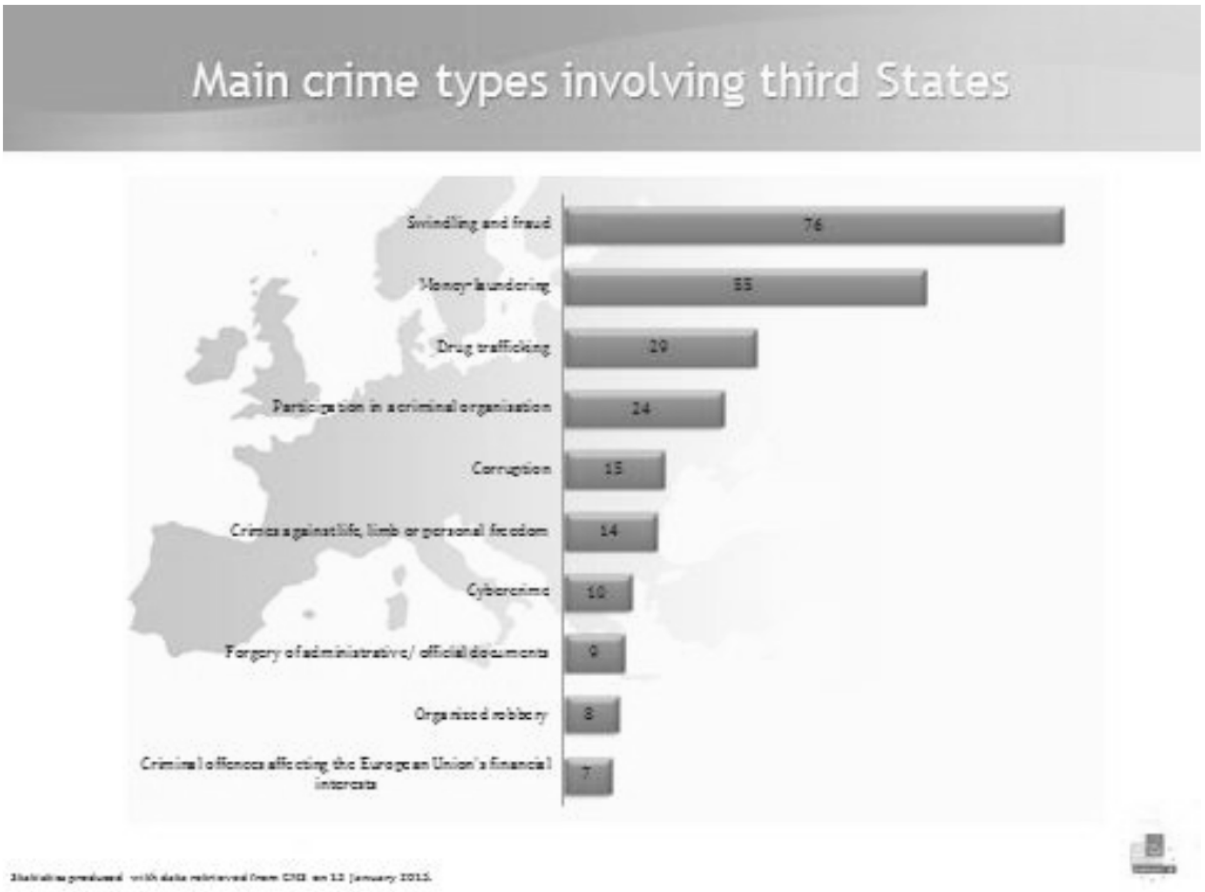
Cooperation agreements

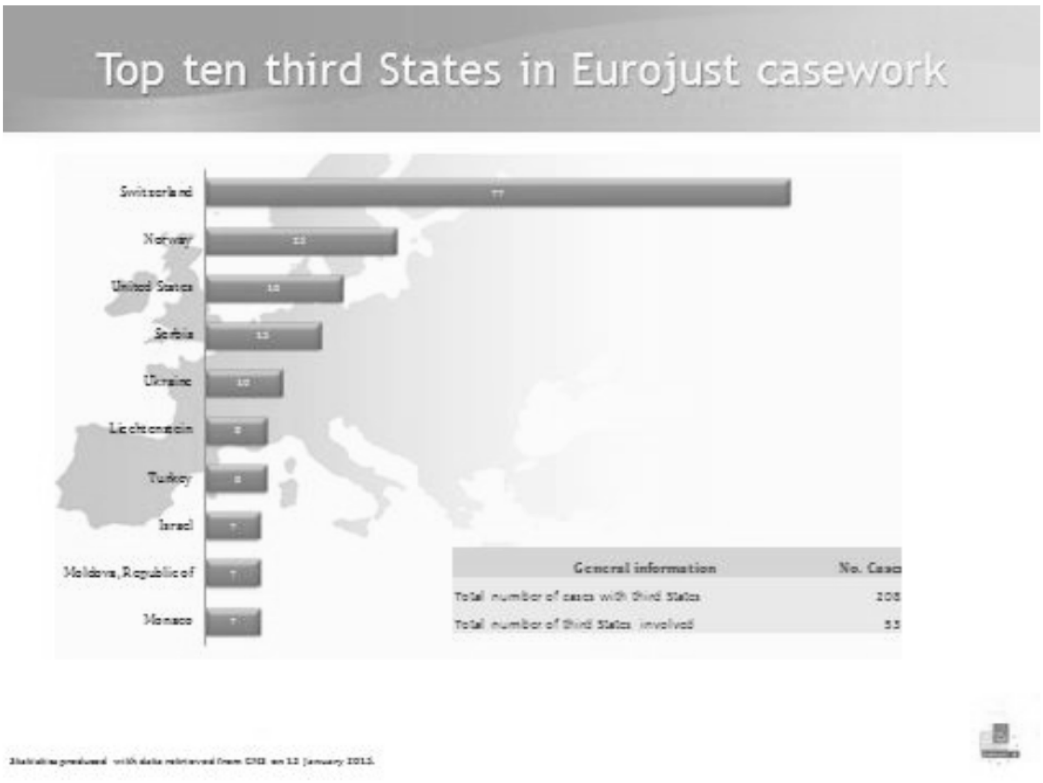
In July, Eurojust signed a cooperation agreement with the Republic of Moldova, which will enter into force when the parties notify each other in writing that all internal procedures have been completed. The conclusion of a cooperation agreement with Ukraine was confirmed as a priority. Eurojust informed the Council of its plan to institute negotiations to conclude a cooperation agreement with Montenegro.

Contacts were continued with a view to assessing the implementation of data protection legislation and exploring the possibility of initiating negotiations on cooperation agreements with Albania, Bosnia and Herzegovina, Israel, Serbia and Turkey.

Casework involving third States

Eurojust provided assistance in 208 cases in which third States were involved. The main crime types in these cases were swindling and fraud, money laundering, involvement of an organised crime group and drug trafficking. The most frequently involved third States were Switzerland, Norway and the USA. Third States were represented at 41 coordination meetings organised by Eurojust. The most frequently involved third States in Eurojust coordination meetings were the USA (14), followed by Switzerland (10), Norway (9) and Ukraine (6).





Liaison Prosecutors at Eurojust

The presence of Liaison Prosecutors from Norway and the USA at Eurojust has been considered beneficial, as they facilitate judicial cooperation between the competent authorities of the Member States and the third States concerned. In 2014, Eurojust and Switzerland agreed on the secondment of a Liaison Prosecutor to Eurojust, who will take up duties in March 2015. The Liaison Prosecutor for Norway registered 52 cases, mainly dealing with drug trafficking, tax fraud and murder, organised one coordination meeting and participated in nine coordination meetings. The Liaison Prosecutor for the USA participated in 14 coordination meetings.

*Corrigendum: the figure provided (19 cases) in the 2013 Annual Report was incorrect.

Eurojust contact points in third States

The appointment of Eurojust contact points to third States is a tool commonly used to improve cooperation between Member States and third States through Eurojust. Contact points are typically appointed by third States from within the General Prosecution Office or a local prosecution office, national courts or the Ministry of Justice, or hold diplomatic positions outside their country. At present, 32 third States have appointed Eurojust contact points. In 2014, Bolivia and Peru were added to this network.

Meeting with Eurojust contact points and Liaison Prosecutors appointed by Member States

On 16 and 17 October, Eurojust held a meeting with Eurojust contact points and Liaison Prosecutors appointed by Member States. The objective of the meeting was to discuss complementarity, synergies and cooperation by exchanging views on case examples, raising awareness of the role of Eurojust in cases related to third States, including the exchange of information with third States, and identifying possible methods of improving working methodologies. The meeting brought together 17 Eurojust contact points and 20 Liaison Prosecutors appointed by Member States. Eighteen third States were represented. A report on the outcome of the meeting is being prepared.

Support for external projects

Eurojust continued to support initiatives in the Western Balkans, including the EU-funded International Police Association (IPA) 2010 project, *Fight against Organised Crime and Corruption: Strengthening the Prosecutors' Network*, until the project's conclusion in April 2014. Under the umbrella of this project, a meeting was organised between Eurojust and Eurojust contact points from the Western Balkans on 20 January, and training for these newly appointed Eurojust contact points was held at Eurojust on 3 April. In addition, Eurojust participated in several data protection training seminars in the Western Balkans.

Eurojust was also involved in the project on fighting THB in the Western Balkans by enhancing the use of JITs at local level, and the regional project of the International Organization for Migration, *Strengthening the fight against trafficking in persons and migrant smuggling in the Western Balkans. See* section 2.2.9.

Eurojust contributed to the work of the EEAS by providing information on Eurojust's cooperation at institutional and operational level with the European Neighbourhood Policy (ENP) partner States.

Case illustration

In spring 2013, the Czech and US authorities contacted Swedish police regarding suspicions that child abuse materials (CAM) produced in the Czech Republic had been spread to the USA and other States through an intermediary in Sweden. Preliminary investigations were opened in Sweden regarding aggravated child pornography and participation in the aggravated sexual exploitation of children for pornographic purposes. The Swedish investigation uncovered suspects in Sweden and Spain. In the Czech Republic, the criminal charges focused on THB. With regard to the *modus operandi*, it appeared that the customers of the pornographic materials ordered specific custom-made sets of photographs and videos. Payments were made by the customer to the intermediary in Sweden, who then transferred money to the photographers. The CAM was then exchanged in an encrypted format using cloud services. The encrypted communication methods and security awareness of the suspects meant that close judicial cooperation between the national authorities was crucial in identifying possible mistakes and weaknesses of the suspects in the planning of their criminal activities.

In conjunction with an operational meeting organised at Europol to exchange police information, a coordination meeting was convened at Eurojust that resulted in a JIT being established between Sweden and the Czech Republic, funded by Eurojust. Joint investigations established that the CAM had been spread more broadly, including to Spain. Judicial cooperation with Spain was initiated by issuing MLA requests regarding an identified suspect. Spain subsequently joined the JIT, which facilitated cooperation with the other JIT members.

After some initial surveillance and special investigative measures, including the analysis of financial transactions between the suspects, a joint action day was held in the JIT States as well as in the USA and France, where additional suspects had been identified. Eight persons were arrested and a substantial amount of data was retrieved and secured. The joint action day was followed by a long period of investigations in the participating States that were obstructed by encrypted hard disks and the unwillingness of the suspects to cooperate. A number of MLA

requests to third States were issued to obtain information about the suspects' use of certain digital services.

Several additional coordination meetings were organised to facilitate cooperation on actions carried out in the Member States and to hold discussions concerning which States were best placed to prosecute the suspects. During these meetings, the prosecuting authorities also discussed how to collect the evidence to support the upcoming trials in the various States in the best possible way.

Further analysis carried out by the national authorities during the investigations led to additional arrests in the UK, the USA, Canada and Russia, and a large number of child victims exploited by the various photographers were identified. All involved prosecutors and investigating judges agreed that close cooperation with Eurojust and Europol was the key to the successful work and the results achieved at the initial stages of the case. The case is ongoing and trials and a more detailed analysis of the results of the case are expected in 2015.

3. Challenges and best practice

3.1 Introduction

As in previous years, Eurojust has continued to contribute through its operational casework and strategic initiatives to the identification of challenges and best practice across a wide spectrum of aspects regarding judicial cooperation in criminal matters. Such aspects may be linked to the execution of MLA requests, EAWs, freezing orders or other instruments giving effect to the principle of mutual recognition, and may also be identified in respect of a specific crime type, a special investigative technique, or in relation to cooperation with third States. The objective is to improve coordination and cooperation between the competent authorities of the Member States in the context of investigation and prosecution in which Eurojust is competent to assist.

This chapter deals with challenges and best practice identified in respect of controlled deliveries, NPS and (pre)precursors, and the gathering and admissibility of evidence in cybercrime cases.

Case illustration

In 2013, Eurojust's support was requested in a THB case involving the UK and Sweden. A JIT was established in March 2013 for a period of one year and a coordination meeting was held in April 2013. By August 2014, the judicial proceedings in the UK were just beginning, while the trial in Sweden had been concluded. At this stage of the case, another coordination meeting was held at Eurojust to evaluate the cooperation within the JIT and to exchange information. Of particular interest were the use of telephone interception in Sweden and the possibilities of using the results as evidence in the UK.

The discussion highlighted existing differences in the rules of criminal procedure. Telephone interception is permitted in Sweden by a court decision at the request of the prosecutor. The intercepted telephone calls are transcribed and reported to the court, and are subsequently read out or played during court proceedings. Of additional importance in this case was the data retention period. At the conclusion of a case, material that was not used in the preliminary investigation must be destroyed. In general, as soon as an investigation is closed, the Swedish authorities must reveal to the defence, in writing, the time period and telephone numbers that were intercepted.

In the UK, the use of telephone interception in evidence is unusual. The UK authorities wanted to know whether the information obtained by Swedish authorities through telephone interception could be used in evidence in a UK court. The coordination meetings at Eurojust facilitated the discussion on this issue, and a possible solution was suggested: a Swedish police or legal representative could give evidence before the UK court. The testimony would concern the fact that the intercept was legally applied for and lawfully implemented technically, on the one hand, and that the recorded materials were the result of a duly authorised measure, on the other. The Swedish authorities considered this proposal a viable solution. While no concrete decision was made, the possibility and benefits of the UK authorities travelling to Sweden to view all the materials obtained through telephone interception were also reflected upon. By the end of 2014, the necessity to review the materials was still to be discussed.

This chapter deals with challenges and best practice identified in respect of controlled deliveries, NPS and (pre)precursors, and the gathering and admissibility of evidence in cybercrime cases.

3.2 Drug trafficking

In 2014, the judicial aspects of cross-border controlled deliveries and cooperation in cases involving NPS and (pre)precursors constituted two of the topics of the strategic project, *Enhancing the work of Eurojust in Drug Trafficking Cases*. Best practice and obstacles in judicial cooperation in these areas were gathered by means of questionnaires addressed to the competent authorities of all Member States. Responses to the questionnaires were analysed and discussed with practitioners during Eurojust's strategic meeting on drug trafficking, held on 29 and 30 September. To allow their wide dissemination to practitioners in all Member States, the results will be assembled in a report.

Controlled deliveries

The analysis and discussions highlighted significant differences between the legal systems of the Member States regarding the authorisation and execution of controlled deliveries. These differences often constitute obstacles in judicial cooperation, particularly in relation to: (i) the authorisation of controlled deliveries when the route or timing of the drug consignment is unknown; (ii) obtaining permission for placing GPS devices in vehicles suspected of transporting drugs; (iii) the identification of competent authorities in other Member States or in obtaining their authorisation; (iv) the substitution of harmless substances for illegal drugs; (v) the postponement of drug seizures; (vi) the cross-border deployment of undercover officers; (vii) the admissibility of evidence gathered in the context of controlled deliveries; (viii) the involvement of informants; (ix) the deployment of armed police officers in other Member States; and (x) the sharing of declassified information gathered in the context of controlled deliveries. Cooperation with third States in controlled deliveries can often be problematic, and experience in the use of controlled deliveries within JITs is limited.

Solutions to address these problems included increased communication and mutual trust between the competent authorities of the Member States; harmonisation of legislation on controlled deliveries; mapping the competent authorities and clarifying the legal requirements on controlled deliveries in all Member States; gathering reflections on a unified set of requirements for controlled deliveries; increased involvement of Eurojust and Europol in cross-border operations, particularly in organising operational meetings and coordination meetings; identification of contact points for controlled deliveries in the Member States; analysis of information; and legal, tactical and technical support.

Issue in focus 1 of the report will include information on whether an MLA request is a pre-condition for the authorisation of controlled deliveries in the Member States, and will contain a list of competent authorities and, where appropriate, central contact points for authorising controlled deliveries in the Member States.

NPS and (pre)precursors

The analysis of drug trafficking cases referred to Eurojust led to the identification of serious challenges in the prosecution of synthetic drug cases involving NPS and (pre)precursors, particularly when these substances are not regulated at EU/international level. In these cases, legislation and approaches often differ across the Member States, leading to repeated judicial

cooperation issues. Further specific difficulties encountered by the practitioners replying to Eurojust's questionnaire refer to the identification of new substances, the related lack of knowledge and of technical capacity.

The respondents to the questionnaire identified possible approaches to a situation in which one particular substance is not foreseen by legislation as being a drug precursor, but there is an indication that the substance is being produced or imported to prepare (synthetic) drugs. In such situation, prosecution is still possible in several Member States, either on the basis of the so-called 'analogy approach' or by considering the production of these substances as a 'preparatory act' to the commission of drug production offences.

With regard to NPS, in some Member States, prosecution is based on medical laws. Additional possibilities for prosecution were explored during a dedicated workshop at the strategic meeting, including the use of administrative laws (e.g. withdrawing permits for shops), consumer legislation, and food safety legislation. Examples of best practice were also mentioned, such as including NPS on a temporary list for one month and officially listing it following this test period. Several participants highlighted the importance of sharing expertise across States (e.g. forensic reports and judgements).

Issue in focus 2 of the report will include information on recent judgements and an overview of national provisions and approaches to NPS and (pre)precursors in Member States.

Furthermore, difficulties encountered by national authorities in prosecuting cases involving non-regulated drug precursors were highlighted during the 8th meeting of the Consultative Forum. Awareness was raised by one Forum member of the threat posed by the spreading within Europe of a particular non-regulated drug precursor found to be used on a large scale for the manufacture of methamphetamine in a Member State. At the same time, a request was addressed to all Consultative Forum members to support the initiative of listing this drug precursor in the category of scheduled substances stipulated by the relevant EU legal framework on drug precursors.

3.3 Cybercrime

Gathering and admissibility of evidence in cybercrime cases

Regarding the admissibility of evidence gathered by the private sector, or by special investigative measures not permitted in a given Member State, the need to distinguish between intelligence and evidence *stricto sensu* needs to be taken into account: intelligence can be used to start investigations, but not necessarily as evidence in court.

Trans-border access to data may pose difficulties in the investigation and prosecution of cybercrime cases, particularly because the practice in Member States varies greatly (also in connection with the non-uniform implementation of the Council of Europe Convention on Cybercrime ETS No. 185, Cybercrime Convention). Some require a court order, and some require an MLA request as information would be stored on a server in another State. The question of jurisdiction if information is stored 'in the cloud' was also identified.

To overcome these difficulties, an extensive interpretation of available legislation could assist, in the sense that jurisdiction could be exerted on the basis of the physical location of the device from which access to relevant data is facilitated. Different approaches in the Member States regarding the judicial instruments used to gather evidence stored on a computer can also be

observed, because in some Member States this would be part of a house search, which would, in some cases, require a court order. Fragmentation can also be observed regarding how prosecutors would gather information contained in a 'chat': again, different approaches are followed in the Member States, as some would consider referring to the law governing telecommunications and would need to rely on a court order, while others would require the intervention of prosecutors (and not necessarily a judge). In general, the practice of direct contact, and the spontaneous exchange of information between competent authorities in particular (as provided for in Article 26 of the Cybercrime Convention), can be very useful in addressing and clarifying these difficulties.

Challenges might also arise when private companies are in possession of content data, particularly as the company's headquarters are often located in a third State. This typically requires lengthy procedures for the gathering of relevant information, which in turn hampers the investigation and prosecution of cybercrime cases, particularly in connection with the volatility of such data. In these circumstances, having a single point of contact for communication with these companies in a Member State may facilitate cooperation. In addition, it can be very useful if a company's headquarters in a third State officially authorises its branches in Member States to respond directly to requests issued by prosecutors. Because of their very nature - and the crucial role private companies have - authorities should always consider putting in place a multidisciplinary approach to the investigation and prosecution of cybercrime cases.

The usefulness of JITs, especially if set up from an early stage of an investigation, has been noted, together with the need to involve prosecutors from the beginning of each case, especially if seizures are at stake and to facilitate the admissibility of evidence in court. Similarly, Eurojust can support national authorities, particularly when involved at an early stage of the investigation, for example when investigations in other Member States or even third States are to be initiated, and to support the national authorities of Member States in coordinating parallel investigations.

The gathering and admissibility of evidence in cybercrime cases was also among the topics discussed with practitioners from the Member States during the Eurojust seminar, *Cybercrime: rising to the challenges of the 21st century*, held on 19 and 20 November. The results of the meeting will be assembled in a report.

4. Eurojust focus of the year: the European Arrest Warrant

That the subject of Eurojust's focus of the year is the EAW is no coincidence. In 2014, Eurojust continued to contribute, both at operational and strategic level, to a swifter application of this instrument, which gives effect to the principle of mutual recognition. The functioning of the EAW was also the subject of reflection at EU level in 2014. Eurojust sought to mark approximately 10 years of its application and contributed to the debate by holding a strategic seminar, in cooperation with the Hellenic EU Presidency, entitled *The European Arrest Warrant: which way forward?*

In 2014, 266 cases concerning the improvement of the execution of EAWs were registered at Eurojust, amounting to 14.5 per cent of all cases. The UK Desk made the greatest number of requests, followed by the Polish and Bulgarian Desks. The UK Desk also received the greatest number of requests, followed by the Italian and Spanish Desks.

The College dealt with two general issues related to the application of the EAW. The first issue was linked to the application of Article 3(2) Council Framework Decision 2002/584/JHA on the European Arrest Warrant (FD on the EAW) (grounds for mandatory non-execution of the EAW). The issue concerned the gathering of legal and practical information on the consequences of the non-removal of a warrant from the Schengen Information System (SIS) II and INTERPOL databases in a case in which a person subject to an EAW or extradition request was finally dealt with in criminal proceedings on the same factual basis in another Member State.

The second general issue concerned the gathering of practical and legal information on the implementation in the Member States of Article 24 FD on the EAW (postponed or conditional surrender), namely whether this provision has been fully implemented and, if so, the conditions that have been imposed by the Member States' judicial authorities in allowing such 'temporary surrender' to take place.

Eurojust continued to play a key role in improving cooperation in criminal matters between Member States (Article 3(1)(b) of the Eurojust Decision), particularly by: *i*) facilitating the execution of EAWs and the exchange of information between national authorities; *ii*) establishing lines of communication between national authorities with a view to clarifying diverging applications at national level of provisions of the FD on the EAW; *iii*) clarifying the legal requirements of both issuing and executing authorities; *iv*) advising on the drafting of EAWs both before their issuance and at the time of their redrafting; and *v*) coordinating the issuance and execution of EAWs and contributing to the prevention of possible conflicts of jurisdiction.

Some of the legal and practical issues encountered by Eurojust in its EAW casework in 2014 concerned:

> i) difficulties linked to differing interpretations and practical application of the speciality rule (Article 27, paragraphs 2, 3(g) and 4 FD on the EAW) in cases in which, further to a surrender, a third Member State requests the issuing Member State to hear the surrendered person, and this request is refused on the basis that consent for carrying out this 'interview of the suspect' should be sought from the executing Member State, while for the third Member State the 'interviewing' of a suspect does not amount to 'prosecution', and thus consent is not considered to be required;

ii) additional issues associated with the speciality rule (Article 27(4) FD on the EAW) in cases in which, further to a surrender, the issuing Member State requests the consent of the executing Member State under Article 27(4) FD on the EAW to enable the former to urgently serve (time bar was approaching) an indictment on the surrendered person on a separate unrelated offence and be allowed to commit that person to trial on that separate charge; consent having been refused, discussions are ongoing with a view to ascertaining the means at the disposal of the issuing Member State to enable at least the suspension of the time bar for prosecution;

iii) issues linked to the requirement under the law of some Member States to hear the requested person before they can issue an EAW, and the difficulties arising when the location of the person is known by both the Member State running the investigation and the Member State in which the person is located but cannot yet be arrested;

iv) different interpretations of the type of guarantee foreseen under Article 5(3) FD on the EAW (return of person to executing Member State to serve the sentence imposed in the issuing Member State) required by the executing Member State, and a related dispute over which Member State (issuing or executing) should subsequently bear the cost of the return after trial (different views on possible applicable legal basis: FD on the EAW, Council Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgements in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union;

v) issues linked to withdrawal of an EAW if the reasons for the withdrawal are not clear to the executing Member State and substantial efforts and resources have already been put into the execution of the EAW;

vi) proportionality issue arising in an EAW issued for retrial concerning a minor offence; and

vii) issues linked to protection of fundamental rights, namely whether prison conditions are suitable for a person suffering from mental illness, and the preparedness of the issuing Member State to provide additional information concerning guarantees relating to prison conditions.

Eurojust has also continued to develop its assistance to Member States in relation to competing EAWs (Article 16(2) FD on the EAW). Under this provision, Eurojust may be requested by the executing judicial authorities to provide advice on the place of surrender of a person who is the subject of EAWs issued by two or more Member States. In 2014, Eurojust was formally requested to provide such advice in four cases. Eurojust provided advice and expertise at an early stage, either through negotiation or direct contact with the concerned authorities at Eurojust coordination meetings. Coordination meetings provide a vital venue as they allow for discussion of the state of play and existing problems in a case and agreement on strategy, such as the priority of EAWs and, in the event of parallel investigations and prosecutions for the same conduct, agreements reached to prevent *ne bis in idem* and conflicts of jurisdiction.

With regard to breaches of time limits in the execution of EAWs, Article 17(7) FD on the EAW provides that, in exceptional circumstances, if a Member State cannot observe the time limits

provided for in Article 17, it shall inform Eurojust and provide the reasons for the delay. In 2014, 123 breaches of time limits were registered at Eurojust. Six of these cases required further action. For the fifth consecutive year, Ireland reported the largest number of breaches. Other cases were referred by the Czech Republic, Spain, Latvia, Bulgaria, Croatia, and the UK.

Eurojust produced a *Report on Eurojust's casework in the field of the EAW* covering the period 2007-2013. The Report was addressed to the Council of the European Union and the European Commission, and touched upon the role of Eurojust in the field of the EAW, both at operational and strategic level, and the practical and legal issues identified by Eurojust in the application of the EAW, namely pertaining to the scope and content of the EAW, grounds for non-recognition and guarantees, surrender procedure, and effects of surrender (*see* Council doc. 10269/14).

Eurojust also produced a *Note on Notifications to Eurojust of breaches of time limits in the execution of EAWs* (Article 17(7) (first sentence) FD on the EAW). The Note was addressed to the Council of the European Union and the European Commission (*see* Council doc. 10270/14). On the basis of the experience of Eurojust's National Desks in relation to the reporting of such breaches by national authorities, the *Note* touches upon the services that Eurojust can provide at operational and strategic level to encourage compliance by the Member States with their obligation to inform Eurojust of such breaches and the reasons therefore, and it addresses the main issues identified concerning these notifications.

Strategic seminar on the EAW

On 10 June, Eurojust organised, in cooperation with the Hellenic Presidency of the EU, a strategic seminar entitled *The European Arrest Warrant: Which way forward?*, in combination with the 7th meeting of the Consultative Forum that was held on 11 June by the Prosecutor General of Greece with the support of Eurojust. The goal of the seminar was to encourage judicial practitioners to exchange views on problems and best practice associated with the operation of the EAW, taking into account Eurojust's role in facilitating the swift implementation and smooth operation of the EAW. Participants from all Member States, EU institutions and Eurojust attended the combined event.

The conclusions of the four workshops held during the seminar on the EAW: (*i*) scope and content of the EAW; *ii*) grounds for non-recognition and guarantees; *iii*) surrender procedure; and *iv*) effects of the surrender, were presented during the Consultative Forum meeting on 11 June, and served as a basis for further discussion by Consultative Forum members. The Consultative Forum members' general conclusions on the EAW were that *i*) the EAW is a model instrument for the EU's criminal justice area, greatly contributes to the establishment of an Area of Freedom, Security and Justice, and should serve as an example for other mutual recognition instruments; and *ii*) despite an overall positive assessment of the EAW, its functioning can still be improved, and the problems that were addressed in the workshops will be better tackled by way of soft law instruments and the development of practical tools rather than by way of legislative changes.

Concerning the role of Eurojust, Consultative Forum members concluded that Eurojust has played, and should continue to play, a pivotal role in the application of the EAW, by *i)* improving mutual understanding of Member States' legal systems and stimulating and facilitating

consultation between Member States; *ii)* coordinating and providing national authorities with relevant legal information; and *iii)* providing assistance in the translation of EAWs.

Another conclusion was that Eurojust's role as a centre of legal and practical expertise in the field of the EAW should be enhanced.

Eurojust has also developed useful instruments that can help practitioners in complex EAW cases, *e.g.* the Eurojust *Guidelines for Deciding on Competing EAWs* (published in the Eurojust Annual Report 2004), and will continue to provide updated information on European case law, constitutional issues and recurring practical problems related to the application of the EAW.

The report of the seminar and the conclusions of the 7th meeting of the Consultative Forum were published (*see* Council doc. 13581/14) and on Eurojust's website.

Case illustration

Italy issued an EAW for a Tunisian national who had previously been sentenced in a case concerning the trafficking of drugs in 2009 and 2010. The individual was arrested and detained at an airport in Belgium in March 2014. After the arrest, Belgium received another EAW, issued by Luxembourg. This EAW was issued within the framework of an investigation into drug trafficking, including heroin, cocaine and cannabis, in 2013 and 2014. The Belgian Desk at Eurojust was requested to provide assistance regarding the question of which of the two conflicting EAWs was to be given priority in this situation, and a case was opened towards Italy and Luxembourg.

The question had to be answered bearing in mind that the subject of the Italian EAW had been convicted in Italy and the decision had become final, and that the Luxembourg authorities had reason to believe that this individual headed a criminal organisation set up to sell drugs. Not surrendering this suspect to Luxembourg was believed to have the potential to harm the investigation and to be important in determining the roles of all persons involved in this organisation.

A formal request from the Belgian prosecuting authorities was sent to Eurojust on the basis of Article 16(2) of the FD on the EAW. A Level II meeting was held between the Belgian, Italian and Luxembourg National Desks and Eurojust was requested to provide advice on the priority to be given to one of the EAWs. The legal assistance was of an urgent nature, as the Belgian court decision regarding the Italian EAW was due within days of receiving the request, and a Eurojust opinion on concurrent EAWs was duly issued. On the basis of the facts of this case, Eurojust's recommended that the requested person should be surrendered first to Luxembourg. Subsequently, the requested person could be surrendered by Luxembourg to Italy for the execution of the custodial sentence, on the basis of Article 28 FD on the EAW.

The Court of First Instance of Brussels, as well as the Court of Appeal, gave priority to the EAW issued by the Luxembourg authorities. Eurojust provided further support in the case by facilitating the Italian EAW that was sent to the Luxembourg authorities to ensure that the requested person could be surrendered from Luxembourg to Italy.

5. Eurojust Administration

Support for operational and strategic work

Eurojust's Administration supports the work of the College and Management Board of Eurojust. In 2014, 28 operational meetings of the College and 10 Management Board meetings were held. By the end of the year, the workforce of Eurojust consisted of approximately 260 post-holders.

Support is given to the National Desks in dealing with cases, and in preparing and running coordination meetings and coordination centres, including by providing preliminary case notes, other case notes or analysis reports, coordination centre documents, analysis of judgments, as well as legal information, opinions and advice on the application of judicial cooperation instruments. In 2014, support was also provided in drafting the first chapters of the Operations Manual and the Guidelines on manual files, which were adopted by the College with a view to enhancing and harmonising Eurojust's internal practice in the area of operational work.

Furthermore, the Administration provides direct support in the running of Eurojust's strategic projects, such as those enhancing the work of Eurojust in drug trafficking cases or the THB strategic project. The Administration supports the College in the planning, conception and running of Eurojust's strategic seminars, meetings and tactical meetings, as well as the biannual meetings of the Consultative Forum. Support is also delivered by providing expert advice to EU stakeholders and institutions, including with regard to the EU Policy Cycle.

In addition, the Administration supports the College in activities to strengthen Eurojust's cooperation with JHA partners, third States and international organisations. Support is also provided in relation to future Eurojust developments: in 2014, the Administration assisted the College with monitoring and analysing ongoing negotiations on the draft Eurojust, Europol and EPPO Regulations and with the preparation of related Eurojust opinions and contributions.

Budget and staff

Eurojust's budget for 2014 was EUR 33.6 million. Financial performance has built on the steadily improving trend with an average budget execution of 98.0 per cent over the last four years. In 2014, Eurojust achieved a budget execution rate of 99.82 per cent. In accordance with the budgetary authority's requirement to reduce posts by 5 per cent, Eurojust identified four vacant posts that were designated for this purpose in 2014, in line with the organisation's strategy not to terminate present employment contracts to achieve such reductions.

College and Management Board

The College carried out an internal evaluation of the implementation of the measures adopted in 2013 to enhance the efficiency and effectiveness of its work. The assessment was positive: the number of College plenary meetings was reduced and the time devoted to Management Board matters substantially decreased; and planning of College activities, the use of preparatory consultation procedures for allowing written opinions to be expressed and the use of written decision-making procedures were improved.

Eurojust's new premises

Work on Eurojust's new premises progressed in 2014, with the conclusion of the 'Build and Maintain' contract, running over 15 years (plus five years' extension). The fourth quarter saw the first work on the ground being realised and the interior design project launched internally with the involvement of all Eurojust post-holders.

Consolidated Annual Activity Report

The Administrative Director's Consolidated Annual Activity Report 2014, being prepared at the time of publication of Eurojust's Annual Report, contains additional detailed information on the Administration's achievements through the implementation of Eurojust's Annual Work Programme (AWP) 2014 (available on Eurojust's website), management and internal control systems, with a focus on results achieved by implementing the objectives and activities planned in the AWP, as well as on the use made of the human and financial resources allocated thereto.

External communication

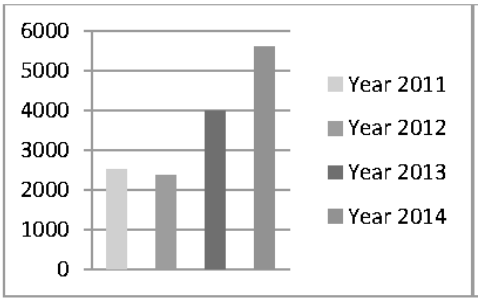
Eurojust introduced a new approach to communications to better promote the activities of Eurojust, focusing on six areas: (i) corporate communications and identity, i.e. branding, marketing and positioning; (ii) external and EU relations; (iii) expanding media impact and coverage across Europe; (iv) strengthening Eurojust's digital communications; (v) publications, i.e. studies, reports and brochures; and (vi) internal communications.

The new approach included placing two new sections online, *In Focus* and *Success Stories*, to promote and repackage key stories over a longer period of time. Eurojust regularly publishes press releases on its operational work, whereas news items are published on its ongoing non-operational activities. To raise awareness of these activities, the number of news items increased substantially in 2014.

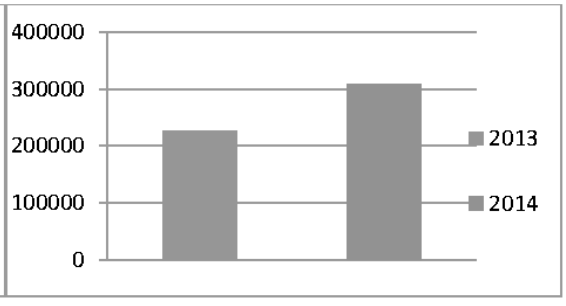
In addition, Eurojust launched marketing seminars and roadshows in the Member States. The seminars are more practical in nature than roadshows, as they deal in greater depth with Eurojust's casework and how Eurojust can assist practitioners, whereas roadshows provide a more general overview of Eurojust's work. Marketing seminars and roadshows are part of the ongoing Eurojust initiative to highlight the work of Eurojust and make practitioners in the Member States aware of the value and efficiency that Eurojust brings to cross-border cases.

A strong profile increases trust, credibility and recognition, and is a precondition for relations with stakeholders, including practitioners. In 2014, 5 619 media articles mentioning Eurojust were published, compared to 3 982 articles the previous year.

Media coverage worldwide



Website visits



Throughout 2014, Eurojust produced strategic reports, *Eurojust News* and corporate brochures. Eurojust's publications are made available on the website.

6. Eurojust and practitioner networks

Eurojust hosts the Secretariats of the EJN, JITs Network and Genocide Network, and facilitates interaction between the National Desks and the Networks in their common core business. The Secretariats draw on the administrative resources of Eurojust to offer services to the Networks. Eurojust also supports the activities of the Consultative Forum.

6.1 EJN

The EJN is a network of Contact Points for the facilitation of judicial cooperation in criminal matters and was established in 1998. The Secretariat was set up in 2003 at Eurojust.

Meetings Two plenary meetings took place in 2014, in June in Athens on the EAW and in November in Rome on cooperation with third States. For the first time, the plenary meetings were organised directly by the EJN Secretariat, in collaboration with the EU Presidencies and with the support of Eurojust. In addition, regional meetings were held in Austria, Finland, Hungary and Slovenia, and national meetings were held in Belgium, Germany and Romania, to discuss and improve international judicial cooperation regarding issues of regional or national character. Representatives from the involved National Desks participated in these meetings.

Joint EJN/Eurojust paper The EJN and Eurojust approved the joint paper, *Assistance in International Cooperation in Criminal Matters for Practitioners*, outlining for judicial practitioners in the Member States the services and assistance that can be provided by the EJN and Eurojust. One of the objectives of the joint paper is to ensure that the EJN and Eurojust deal with cases falling within their respective competences. The paper will be available in all official EU languages.

EJN Trio Presidency The Member State currently holding the EU Presidency, assisted by the two incoming EU Presidencies (the EJN Trio Presidency), work in close cooperation with the EJN Secretariat. To strengthen the privileged relationship between the EJN and Eurojust, the EJN Trio Presidency and the EJN Secretariat met in December with the Eurojust Presidency and the Administrative Director to exchange views and discuss areas of common interest.

EJN website The Judicial Atlas is being developed to include the competent authorities for all mutual recognition instruments regarding judicial cooperation in criminal matters as well as traditional requests for MLA.

Training The EJN Secretariat organised the fifth English language training session for the EJN Contact Points to expand knowledge of the different legal systems, to build common language skills, to establish and maintain closer relations and enhance mutual trust.

e-Justice Portal The EJN website will be integrated in the e-Justice Portal, the future electronic interface in the Area of Freedom, Security and Justice.

6.2 JITs Network

The JITs Network is a network of national contact points established to foster the exchange of information and best practice between Member States on JITS. It celebrated its tenth anniversary in 2014. The Secretariat was set up in January 2011 at Eurojust.

Annual meeting The 10th annual meeting of JITs National Experts took place on 25 and 26 June. The focus of this meeting was on the latest developments in JITs, such as the development of JITs with third States.

Projects Several projects were initiated to enhance support to JIT practitioners, such as the *Fiches Espagnoles*, intended to collect and make available to practitioners summaries of the national legislation of the Member States that are relevant to the setting up and operation of JITs. To ensure the homogeneity of the content of the *Fiches*, a standard template was developed and the first four national summaries, covering Spanish, Bulgarian, Belgian and Swedish legislation, were released in December via the JITs Network restricted area on Eurojust's website. At the 9th annual meeting, the project on the JITs evaluation form was adopted to support practitioners in assessing the performance of JITs. An interactive version of the form was made available in April. The first completed evaluations have been received and are being analysed. The goals of the project – which will be supported by the setting up of a database – are to provide better insight into JIT practice at EU level and to contribute to the overall assessment of the tool.

Training The JITs Network plays a significant role in promoting JITs and identifying new trends in JIT cooperation. Participation in training organised inside and outside the European Union is based, in particular, on the successful partnerships established with CEPOL and the EJTN.

JITs Network restricted area The JITs Network restricted area is a web platform operating as a single repository for JIT-related information, particularly on JIT legislation and evaluation. In 2014, it was revamped to increase its user friendliness and to improve the accessibility of the information.

JITs funding A new procedure for JITs funding was implemented to improve the efficiency of grants for practitioners (e.g. through the simplification of forms, greater flexibility in the implementation of the awards and the coverage of costs incurred by third States). The preparation of a new application form, which includes automatic calculations and control of monetary ceilings, was completed at the end of 2014. The funding of JIT activities has been covered by Eurojust's budget since September 2013. The JITs Network Secretariat received and processed 146 new applications, confirming the considerable level of interest of practitioners and the usefulness of this funding programme.

6.3 Genocide Network

The Genocide Network was established in 2002 to ensure close cooperation between the national authorities in investigating and prosecuting these crimes. The Genocide Network Secretariat was set up in July 2011 at Eurojust.

Annual meetings Eurojust hosted the 16th and 17th meetings of the Genocide Network. The meetings provide a unique forum for practitioners to exchange information, best practice and experience, and thus cooperate and assist each other in the investigation and prosecution of genocide, crimes against humanity and war crimes. The main topics of the meetings included

sexual and gender-based crimes, financial investigations and asset recovery in atrocity crimes, as well as the implications of the ongoing conflict in Syria.

Strategy paper To strengthen the investigation and prosecution of international crimes, the Genocide Network published the *Strategy of the EU Genocide Network to combat impunity for the crime of genocide, crimes against humanity and war crimes within the European Union and its Member States*, which is available on Eurojust's website. The *Strategy* outlines linkage of these crimes with EU territory and mentions the challenges facing investigators and prosecutors due to the specific context, nature and legal framework of international crimes. Furthermore, the document provides a comprehensive set of measures that EU institutions and Member States should take to support national authorities in combating impunity, holding perpetrators to account and delivering justice to victims.

Training The Genocide Network Secretariat, in cooperation with civil society, held a second seminar in October on the rights of victims of serious international crimes in the Member States. The objective of the seminar was to share best practice and expertise with national authorities on various aspects of victims' rights, including the right to participation, protection, support and reparation. Representatives from the National Desks of Eurojust participated in the seminar.

6.4 Consultative Forum

In 2010, the Consultative Forum of Prosecutors General and Directors of Public Prosecutions of the Member States of the European Union (the Consultative Forum) was established to reinforce international judicial cooperation and mutual trust, to share experience, and to provide expert input to the EU institutions for the development of the Area of Freedom, Security and Justice. Eurojust continued to provide legal, administrative and financial support to the activities of the Consultative Forum.

The Consultative Forum held its 7th and 8th meetings, supported by Eurojust, in 2014. The meeting in June under the Hellenic EU Presidency was held in combination with the Eurojust strategic seminar, *The European Arrest Warrant: Which way forward?* The Consultative Forum reached conclusions on legal and practical solutions leading to improvements in the implementation of the EAW and the fight against corruption. The outcome of the meeting and the conclusions of the Consultative Forum are available on Eurojust's website, and were transmitted to the relevant EU institutions to contribute to the debate at EU level (*see* Council doc. 13581/14). During the meeting in December under the Italian Presidency, the Consultative Forum discussed the freezing and confiscation of the proceeds of crime and how to improve mutual recognition. Challenges and best practice in investigating and prosecuting cases of THB and illegal immigrant smuggling involving migration by sea were also discussed. This meeting was organised in combination with the Eurojust strategic seminar, *Towards Greater Cooperation in Freezing and Confiscation of the Proceeds of Crime: a Practitioners' Approach*. The outcome and conclusions reached by the Consultative Forum will be submitted to the relevant EU institutions in early 2015.

Theme: Evaluation and future perspectives

Sixth Round of Mutual Evaluations

The evaluation visits (started in May 2012) to Member States carried out within the framework of the *Sixth round of mutual evaluations on the practical implementation and operation of Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime and of Council Decision 2008/976/JHA on the European Judicial Network in criminal matters* (the Sixth Round) were concluded in May. The remaining reports on Member States were adopted by the Working Party on General Matters including Evaluation (GENVAL) in November and the final report of the Sixth Round was adopted by the Council of the European Union on 17 December. With a view to implementing the recommendations addressed to Eurojust, the College took an active role and adopted an Action Plan and timeframe for its completion based on pre-set priorities. Several actions were put forward before the final report, as well as to prepare for the 2nd meeting of the National Correspondents for Eurojust (NCE).

2nd Meeting of the NCE

The NCE meeting took place on 27 November at Eurojust. Participants shared their experience and best practice regarding national guidelines on the distribution of cases between Eurojust and the EJN (*see also* section 6.1), discussed the *Fiches Suédoises* and the use of Eurojust's 'smart' Article 13 form, and expressed their views with regard to the feedback to be provided by Eurojust in accordance with Article 13a (*see* section 1.3).

Eurojust Extranet

The Eurojust Extranet was launched on the occasion of the NCE meeting. This is a restricted area on Eurojust's website for National Correspondents that includes various documents of relevance to the work of practitioners, such as national guidelines on the distribution of cases between Eurojust and the EJN, national guidelines on the implementation of Article 13 of the Eurojust Decision and the *Fiches Suédoises*.

External evaluation of the Implementation of the Eurojust Decision

Article 41a of the Eurojust Decision provides that the College shall commission an independent external evaluation of the implementation of the Eurojust Decision as well as the activities carried out by Eurojust before 4 June 2014 and every five years thereafter. It also provides that each evaluation shall assess the impact of the Eurojust Decision, Eurojust's performance in terms of achieving the objectives referred to in the Eurojust Decision as well as the effectiveness and efficiency of Eurojust. On 18 February 2014, the College issued specific terms of reference in consultation with the Commission.

A steering committee was established by College decision in January 2014. The steering committee should provide the evaluator with timely comments on the evaluation report and inform the College, on a regular basis, on the progress of the evaluation. The steering committee should also contribute to the quality assessment of the final evaluation report, based on pre-established criteria, while maintaining the independence of the evaluator, present the evaluation report to the College for discussion, and draw up a dissemination plan for the final evaluation report.

On 22 September 2014, Eurojust signed a contract with Ernst and Young Accountants LLP as an external consultant. The evaluation project consists of three phases: Inception, Data Collection and Analysis & Reporting. The first step of the evaluation process was completed in December 2014 by the adoption of the Inception Report. In December 2014, the final Inception Report was issued and the Inception phase was competed. The next step is the Data Collection phase, which will commence in January 2015. The final phase is scheduled to be completed in June 2015. The final Evaluation Report shall be forwarded to the European Parliament, the Council and the Commission in July 2015 and shall be made public.

Eurojust Multi-Annual Strategy

Eurojust published its Multi-annual Strategic Plan (MASP) 2012-2014 to set out the direction it should take to face the challenges ahead. The MASP identified strategic goals to be achieved by implementing multi-annual strategic objectives. These strategic objectives were linked to Eurojust's operational activities in Eurojust's Annual Work Programmes, which in turn provide the basis for budget and resource programming. The MASP covers the period 2012 to 2014, and the College decided to extend it to 2015. The document is available on Eurojust's website.

On 13 May, the College adopted the new Multi-Annual Strategy (MAS) 2016-2018. Eurojust is facing a crucial phase in its development: the adoption of a Regulation on Eurojust and the establishment of a European Public Prosecutor's Office. Eurojust's MAS 2016-2018 sets out the direction Eurojust will take in light of these challenges, and reconciles the need to continue to strengthen its operational capacities while adapting to a changing environment. The text is available on Eurojust's website and is summarised below.

Our vision - where does Eurojust want to go?

Eurojust's vision, within the Area of Freedom, Security and Justice, is to develop and enhance judicial cooperation, coordination and mutual trust in the European Union in the fight against serious organised cross-border crime and terrorism and to ensure respect for the rule of law.

During the period 2016-2018, Eurojust will have three main strategic goals:

Goal 1 - Operational work

Eurojust will function as the centre for operational judicial support in the European Union, proactively fostering and facilitating the cooperation and coordination of the competent authorities of the Member States in serious cross-border crime cases, providing high-quality services and advice responsive to stakeholders' needs and achieving excellent operational results.

Goal 2 - Strategic work

Eurojust will continue to develop and be recognised as the centre of judicial and legal expertise in the European Union, providing advice to stakeholders based on operational experience in judicial cooperation in criminal matters.

Goal 3 - Organisational development

Eurojust will continue to develop and be recognised as an effective, efficient, highly professional, client-oriented and flexible organisation.

Eurojust Regulation

As foreseen in Article 85 of the Treaty on the Functioning of the European Union (TFEU), in July 2013, the Commission presented a Proposal on a new Eurojust Regulation, the objectives of which are to strengthen Eurojust and increase its effectiveness. The proposed Eurojust Regulation is subject to the ordinary legislative procedure.

In April 2014, the College submitted a written contribution regarding this Proposal to the Council Working Party on Cooperation in Criminal Matters (COPEN), providing answers to the questions of the Presidency and Eurojust's views and observations on significant aspects of the Proposal. The topics covered are, *inter alia*, the tasks and competences, operational function, status and powers of National Members, structure and governance, OCC, ENCS, information exchange, JITs, data protection, and the future relationship with the EPPO (*see* Council doc. 8488/14). In June 2014, Eurojust provided additional information regarding the data protection regime (*see* Council doc. 10622/14).

In December 2014, the Council adopted a 'partial general approach', covering the entire text of the draft Regulation, except for the provisions related to the EPPO, data protection, and confidentiality and security rules on classified and non-classified sensitive information.

The consequences of Article 86 of the TFEU, which states that a future EPPO may be established 'from Eurojust', remain under discussion. The reform was proposed by the Commission as a 'package': the regulation on 'Lisbonising' Eurojust on the one hand, and the establishment of the EPPO on the other.

Follow-up to Council Conclusions

On 2 June, the JHA Council adopted Conclusions on the twelfth Eurojust Annual Report (8942/2/14). As in previous years, Eurojust reports on the implementation of these conclusions. Below is a table indicating where more information can be found in the areas in which the Council made recommendations.

Furthermore, a second table with subjects highlighted in the Conclusions and Eurojust's activities related to these is presented below.

Council recommendations	Follow-up
To inform the Council about the intended outcomes of seconding Liaison Prosecutors for Eurojust operational work and whether there are concrete plans to that effect.	Discussions continued on the seconding of Liaison Prosecutors to third States, including on budgetary issues, and preparations for the establishment of a framework will proceed.
To continue enhancing the efficiency of the CMS and to complete the necessary technical requirements with the relevant Member States.	*See* section 1.3. At the end of 2014, eleven secure connections were established and operational.
To comply with the obligations stemming from Article 13 and Article 13a and to continue to work on user-friendly ways to enable a structured transmission of information from Member States to Eurojust.	*See* section 1.3 Eurojust launched a procedure to simplify the form at the end of 2014.
To inform the Council about the outcome of the evaluation of the OCC.	The OCC is a tool to be used only in emergencies or under exceptional circumstances. Outside normal office hours, most National Desks can be contacted directly on their mobile telephones without using the OCC. The outcome of the Sixth Round of Mutual Evaluations confirms Eurojust's assessment that this tool should be made more flexible. Eurojust has brought this to the attention of the EU legislator (*see* Council doc. 8488/14, pp. 23-25). The external evaluation of Eurojust under Article 41a of the Eurojust Decision, which comprises the OCC, is ongoing.
To continue to develop long-term judicial traineeships in cooperation with the EJTN and consider enlarging their scope.	*See* section 2.2, box on 'Eurojust and training'. The long-term exchange programme was positively evaluated, an extension of one month was considered and short-term study visits will be reintroduced in 2015.

The Consultative Forum to address persistent challenges in handling European Arrest Warrant or Mutual Legal Assistance requests.	*See* section 4 *Focus of the year.* The Consultative Forum meetings that took place on 11 June and 12 December focused on the EAW and MLA.

Points for attention	Follow-up
Sixth round of mutual evaluations on the practical implementation and operation of the Eurojust and EJN decisions.	*See* Theme: Evaluation and future perspectives. All outcome reports were made available to the external evaluator (Art. 41a Eurojust Decision).
JITs Network restricted area and the Project on JITs evaluation.	*See* section 1.4.
Cooperation with Europol and OLAF.	*See* section 2.3.
Involvement of Eurojust in EMPACT.	*See* section 2.1.
Strategic project on environmental crime.	*See* section 2.2.

Public access to documents

The number of requests for public access to Eurojust documents remained stable in 2014, amounting to twenty-five initial requests, twenty-four of which were received directly by Eurojust. Eurojust was consulted as a third party in one other case, following a request received by another European institution. No confirmatory applications were received in 2014.

Twenty-two out of twenty-five requests were for non-case-related documents. In seventeen of the twenty-two non-case-related requests, access was fully granted. In one case, access to the requested document was refused because its release would undermine the protection of the public interest (Article 4(1)(a) of the Eurojust College Decision to Adopt Rules Regarding Public Access to Eurojust Documents of 2004, hereinafter referred to as 'Eurojust Access to Documents rules'). In another case, access to the requested document was refused because the criteria laid down in Article 2(1) of the Eurojust Access to Documents rules were not met. In the remaining three cases, either the requested documents were not held by Eurojust (two requests) or further clarifications were needed to identify the document (one request). In the latter case, a request for clarification was sent by Eurojust (in accordance with Article 6(2) of the Eurojust Access to Documents rules), but the applicant did not follow up on his query.

With regard to the three requests to access case-related documents, either the requested documents were not held by Eurojust (two requests) or further clarification was needed to identify the document (one request). In the latter case, a request for clarification was sent by Eurojust (in accordance with Article 6(2) of the Eurojust Access to Documents rules), but the applicant did not follow up on his query.

Eurojust also established a new Public Register of documents, accessible via Eurojust's website. At the end of December, the Public Register contained more than 650 documents held by Eurojust. The Public Register will be regularly updated as new documents become available. The Public Register is designed to make documents held by Eurojust easier for citizens to access and to increase transparency and the availability of information on Eurojust's activities.