



Dear reader,

I am pleased to present the ninth issue of Eurojust News. This issue is devoted to joint investigation teams, a judicial cooperation instrument developed for the judicial and law enforcement authorities of Member States as a response to the increasing mobility of organised criminal groups, to enable these authorities to more effectively conduct investigations utilising a common approach. Joint investigation teams ("JITs") have been increasingly used and have led to remarkable results in the fight against cross-border crime in the European Union.

This issue will provide you with an insight into the policy and legal context of JITs as well as the support that Eurojust can offer to national authorities when setting up and running a JIT. Successful cases from Eurojust's experience with JITs are shared and illustrate the added value in the prosecution of crimes such as trafficking in human beings, drug trafficking, fraud and corruption, which constitute priority areas on the European criminal justice agenda.

If you have any comments concerning this issue of Eurojust News, please contact our Press & PR Service at [info@eurojust.europa.eu](mailto:info@eurojust.europa.eu).

Michèle Coninx, President of Eurojust

## Joint investigation teams

### The foundation of the JIT concept

JITs have their foundation in the Tampere European Council of 15 and 16 October 1999, in which JITs were endorsed as essential to the creation of the European area of freedom, security and justice. The Presidency Conclusions paved the way for subsequent initiatives - the establishment of a legal basis for the judicial and law enforcement authorities of Member States to operate in the form of JITs, the revision of the legal framework of Eurojust and Europol to enable them to actively support the setting up and running of JITs, particularly in cross-border cases of serious crime, and the setting up of a network of national experts on JITs based in the Member States:

#### *"Stepping up co-operation against crime*

*Maximum benefit should be derived from co-operation between Member States' authorities when investigating cross-border crime in any Member State. The European Council calls for joint investigative teams as foreseen in the Treaty to be set up without delay, as a first step, to combat trafficking in drugs and human beings as well as terrorism. (...)"*

A factor in the concept of JITs was the belief that existing traditional methods of international police and judicial cooperation were, by themselves, insufficient to deal with serious cross-border crime, and that a team of investigators and judicial authorities from two or more Member States, working together with clear legal authority and certainty about the rights, duties and obligations of members, would improve the effectiveness of such investigations and prosecutions. At the same time, a team effort would constitute an efficient use of resources by combining efforts from several Member States in cases with a cross-border dimension.

A JIT can be set up between a Member State and a third State, provided that a legal basis for the creation of a JIT exists. The legal basis can take the form of a bilateral agreement, a multilateral agreement, or national legislation (e.g. Articles of the Code of Criminal Procedure). Several international legal instruments and bilateral agreements include a basis for enhanced cooperation in the form of JITs. On 29 May 2000, the EU

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Council of Ministers adopted the Convention on Mutual Assistance in Criminal Matters (the “Convention”). The objective of the Convention is to encourage and modernise cooperation between judicial and law enforcement authorities within the European Union, as well as Norway and Iceland, by supplementing provisions in existing legal instruments and facilitating their application. The legal framework for setting up a JIT can be found in Article 13 of the Convention. In view of the slow progress towards ratification of the Convention by Member States, the Council adopted the Council Framework Decision of 13 June 2002 on joint investigation teams (the “Framework Decision”), in essence copying Article 13 of the Convention, which the Member States were to implement by 1 January 2003. Article 13(1) of the Convention provides two situations in which JITs may be set up: firstly, if a Member State’s investigations into criminal offences require difficult and demanding investigations having links to other Member States; and secondly, if a number of Member States are conducting investigations into criminal offences in which the nature of the case necessitates coordinated and concerted action in the Member States involved.

The Framework Decision has been implemented in the Member States in different ways; some Member States have adopted specific laws on JITs or have inserted JIT provisions in their codes of criminal procedure, while others have simply referred to the direct applicability of the Convention. The latter has entered into force in the majority of Member States. The Framework Decision itself will cease to have effect once the Convention has entered into force in all Member States. To date, only Italy has not yet implemented the Framework Decision or ratified the Convention. ■

## Interview with Gilles de Kerchove

### EU Counter-terrorism Coordinator

*Eurojust News: In your opinion, what advantages are offered by JITs in counter-terrorism investigations and prosecutions?*

**Gilles de Kerchove:** “A Member State that is the target of terrorism is often unable to respond on its own, and the attack or threat to which it is subject also concerns and affects the European Union as a whole, as regards both its aims and the reality on the ground. Investigations and inquiries in this area therefore require intensive collaboration between Member States and the optimum use of Eurojust and of the mutual assistance instruments in force.

I very much support the use of JITs. They allow Member States to work together on investigations with cross-border aspects. JITs show, in a very concrete way, to investigators in the Member States, the added value of Eurojust and Europol. They could create a reflex in Member States to work with EU agencies on complex investigations. For example, in the

### What is a JIT?

A JIT is an investigation team set up on the basis of a written agreement between two or more Member States and/or other parties, including third States, for a specific purpose and limited duration.

A JIT, as opposed to traditional forms of international police and judicial cooperation, including parallel investigations and the exchange of Letters of Request, can facilitate the direct exchange of information and simplify cooperation, communication and coordination between its members and participants.

Within the framework of the JIT agreement and on the basis of operational action plans, JIT members can determine common investigation and prosecution strategies and plan joint actions, including coercive measures.

Eurojust and Europol can support the setting up and running of JITs in different ways: Eurojust has its tools of coordination meetings and JIT funding to offer and can provide expert advice on the conclusion of JIT agreements and related legal questions, while Europol’s Information System and analysis may be of added value to a JIT.

JITs allow for the development of a common strategy, on-the-spot coordination and the informal exchange of specialised knowledge on serious cross-border crime cases. They also strengthen mutual trust and interaction between team members from different jurisdictions and work environments.

aftermath of the 2012 terrorist attack on Israeli tourists in Burgas, the Bulgarian authorities requested the assistance of Europol with the complex investigation. JITs also provide an excellent opportunity for EU agencies to learn and to become more operational.

*In the past, could any particular terrorism cases have been solved with greater ease and success if a JIT had been employed?*

There has been one JIT between France, Belgium and Europol related to a terrorism case, which was successful. In the future, I see a great benefit from using JITs, for example, in cases related to foreign fighters, i.e. jihadists from Europe who travel to conflict zones to fight jihad and return.

*The JIT Funding Project has been administered successfully by Eurojust since its inception. Do you think that Eurojust should remain responsible for dispensing funding for JITs?*

In my recommendations to the Council in September 2010 for action in the *Judicial dimension of the fight against terrorism*, I recommended that the use of JITs and their funding via Eurojust should be increased.

Funding for JITs is important, particularly in the current financial crisis. Funding allows Member States to use this tool whenever it is considered appropriate, without having to forgo the JIT for financial reasons. Promoting JITs needs continued and increased financial support and backing. Eurojust, as the responsible agency for JITs, is closest to operational practice and hence is best placed to administer and dispense funding.

*How do you envision the use of JITs in fighting terrorism in the future?*

I hope that with the positive experience gained with JITs over the past years, the Member States will use JITs more frequently in counter-terrorism cases, which often have a cross-border dimension.

One important question to address is the admissibility of evidence collected in the context of a JIT in one Member State - according to the rules of that Member State - and its use in another Member State that participates in the JIT: could it be admissible as evidence even if the rules in both Member States are different?

## Eurojust and JITs

The mission of Eurojust is to support and strengthen coordination and cooperation between the national investigation and prosecution authorities of Member States when dealing with serious cross-border crime cases by, *inter alia*, facilitating the execution of mutual legal assistance, the application of judicial cooperation instruments and the resolution of conflicts of jurisdiction.

Eurojust's casework reflects the EU crime priorities, such as terrorism, drug



“Eurojust, as the responsible agency for JITs, is closest to operational practice and hence is best placed to administer and dispense funding.”

In 2010, to address this problem, I recommended that the Council lay down the principle that evidence obtained in the context of a JIT in one Member State, in accordance with the procedural requirements of that Member State, should be regarded as equivalent to evidence properly obtained in the Mem-

ber State of the proceedings as to substance, and to consider extending this principle to transfers of proceedings.

I also recommended that the Council adopt measures by which Eurojust and Europol would always be involved in JITs concerning terrorism cases. ■

trafficking, trafficking in human beings, fraud, corruption, cybercrime, money laundering, and other organised crime activities. As crime does not stop at the borders of the European Union, Eurojust concludes cooperation agreements with third States to ensure swift information exchange and coordination of efforts.

Eurojust also maintains good contact and working relations with partners in the area of criminal matters, such as Europol, Interpol, OLAF and the European Judicial Network.

Eurojust's coordination meetings bring together both judicial and law enforcement authorities, allowing for strategic, informed and targeted operations and the resolution of legal and practical difficulties related, for example, to the gathering and admissibility of evidence and confiscation and asset recovery resulting from the differences in the 30 existing legal systems in the European Union.

Eurojust's 24/7 availability and the setting up of coordination centres allow it to support and follow up seizures, arrests

and searches in real time on the day of action. With the experience and expertise gained over the years with JITs, Eurojust supports national judicial and law enforcement authorities by providing advice on the added value of a JIT in specific cases, and on the conclusion of JIT agreements, related legal assistance and funding possibilities.

The vital role that Eurojust is called upon to play with regard to JITs has been reinforced by the Council Decision of 16 December 2008 on the strengthening of Eurojust ("Eurojust Decision 2009"). In addition to assistance and advice in the setting up and running of JITs, Eurojust National Members, Deputies and Assistants can be leaders or members of a JIT when acting as "national competent authorities" if funding is provided by the Commission, or may simply participate in the JIT in a support function, as encouraged by Article 9f of Eurojust Decision 2009.

Further, Article 13(5) of Eurojust Decision 2009 sets out the obligation of Member States to inform their Eurojust National Members about the setting up of JITs and their eventual results. With full implementation of Eurojust Decision 2009 by the Member States, accurate and comprehensive data could be centralised by Eurojust on the number of JITs established as well as on the outcome of the work of the teams, and a centre of expertise on JITs within the European Union could be consolidated.

In 2011, Eurojust established the permanent Secretariat of the Network for Joint Investigation Teams at its premises. It is responsible for, *inter alia*, organising annual JITs Experts Network meetings, establishing the JITs platform for the exchange of experience and case-related data, consolidating best practice in the use of JITs, organising specialised training and raising awareness of the JIT instrument among practitioners at national level (for further information see p 13). ■

## Interview with Mariana Lilova

### National Member for Bulgaria

*Eurojust News: In recent years, the Bulgarian Desk has had considerable experience with JITs. Can you tell us about some of the most notable cases?*

**M**ariana Lilova: "Not all cases have been closed. We have some which have led to convictions, some are pending sentencing and others are ongoing. The Bulgarian authorities have dealt with 19 JITs in total, 17 involving Eurojust, since May 2008. Eurojust supported the activities of the JITs, from setting up through investigation to conviction. Even where there were problems at the trial stage, we were able to support our colleagues to resolve any problems.

A large number of our JITs also involved Europol. In fact, the Bulgarian and Spanish Desks set up the first JIT, involving both Eurojust and Europol. There was a special ceremony at which the JIT agreement was signed and the JIT resulted in initial convictions, but we are still awaiting final sentencing in this case."

*Can you tell us what difficulties you have encountered and how this impacted investigations at the time?*

"The main difficulty encountered back in 2008 was how to convince the national authorities that this new and very inventive tool could be useful. I am sure other National Desks encountered similar problems. We also had to learn, together, the advantages of this tool.

The organisational difficulties were: how to identify the competent authorities, then how to convince them of the value of a JIT, and discovering the best way to use the JIT tool itself. There was also the issue of organising coordination meetings, as JITs will often require meetings in which participants have the opportunity to discuss the details of a case. As you know, there are budgetary constraints on participation in coordination meetings, but in the course of building experience



in JITs, we managed to find a solution with help from Eurojust and our own national authorities.

As to the procedural/judicial difficulties encountered, we had to adjust operational plans according to the differences between national legislation as well as planning operational steps while avoiding jeopardising our common investigations. To resolve these situations, you have to first consider procedural rules, then plan the most suitable steps that fit the goals of the investigation itself to achieve the best results. Since we cannot predict the actions of criminals, we also have to be flexible and adjust our operational plans when necessary. This is why Eurojust's support, not only in setting up the JIT, but also during the investigation, is so very important.

At the Bulgarian Desk, we try to convince our national authorities to commit to the support of a JIT during the investigation and trial phases. So it is a lot more than just the funding of the JIT. The Bulgarian Desk is often engaged until the case is complete."

*In the context of your own experience with JITs, are you able to identify the tangible advantages of participation?*

“The expertise here at Eurojust is invaluable. We have had full support in all of our JITs cases by having the opportunity to organise operational coordination meetings here and, exceptionally, when our requests for support had to be urgently considered, this was carried out.

A good example is a THB case involving Bulgaria and Germany. This case was registered by the German Desk, but had initially been considered by both National Desks before registration. The Bulgarian national authorities had also approached the Bulgarian Desk about the case. It was one of the most successful JITs; in only 10 months together, Bulgarian and German judicial and police authorities, supported by both National Desks at Eurojust, were able to achieve a conviction. As this case involved a large organised crime group, other steps were taken in parallel with the JIT, following the advice of the two National Desks. Ultimately, the parallel investigation within the framework of the JIT carried out in Germany was transferred to Bulgaria and the entire organised crime group was convicted in Bulgaria, where considerable assets were confiscated. We were also able to assist our national authorities, during an evaluation meeting after the JIT ended, to enable them to take the final steps to issue a confiscation order executable in Germany, using the relevant Bulgarian legislation. These steps resulted in the successful confiscation of all assets seized in Germany.”

*Looking ahead, are there lessons you have learnt and would like to pass on to others in navigating the various processes and procedures involved in initiating a JIT?*

“We have learnt several lessons, such as the type of provisions that can be included in the JIT agreement to achieve a common understanding of the admissibility of evidence gathered from all parties to the JIT before the agreement is signed. The Framework Decision states that all evidence gathered in compliance with legislation during the investigation

is admissible. The question that arises is, ‘Would it be necessary to exchange mutual legal assistance (“MLA”) requests to allow evidence gathered prior to the JIT to be admissible?’ We have looked at whether it would be possible to avoid such a situation. If it can be agreed in the formal JIT agreement itself that both parties agree to exchange all evidence gathered before signing the JIT agreement, then the use of formal MLA requests can be avoided. Another lesson learnt was how a party to a JIT can approach a third State in such a way that evidence gathered via the MLA request would be accessible to the other party to the JIT. We added a provision whereby if an MLA is

sent by one of the parties to the JIT agreement, it will request the consent of the third State to share the evidence gathered in the course of execution with the other party to the JIT agreement.”

*If you were to address a group of Bulgarian prosecutors, how would you promote JITs?*

“After the THB case I mentioned above, I took the opportunity during the evaluation meeting to invite our German colleagues to visit Bulgaria, and present this case together with their Bulgarian colleagues, during a seminar on THB cases organised for practitioners at the

“Showing the results of JITs is the best way to promote their use.”



JIT signing, NL and BG, 03.09.2011



JIT signing, FR, PT and UK, 16.05.2012

National Institute of Justice. Within the framework of that seminar, I presented the *Final report and action plan on Eurojust's action against trafficking in human beings* (the "THB Report") in advance to give an overview of the work of Eurojust on these cases, including JITs. Since the leader of the German part of the JIT was not available to attend the seminar, the presentation of the practical example of a successful JIT was given by the leader of the Bulgarian part of the JIT, which produced great interest in the mechanism of setting up JITs.

The best method of promoting JITs to practitioners is to give them an opportunity to take part in setting one up, to assist them to achieve the goals of the JIT and to help and encourage them to take part in the promotion of the results. Colleagues who have been involved in that process could become more courageous in initiating a new JIT and more enthusiastic in its use. In this regard, Eurojust's support is always very much appreciated. Showing the results of JITs is the best way to promote their use.

The THB report was translated into Bulgarian by the Bulgarian Desk and the document is now available on the website of the National Institute of Justice. The experience of Eurojust in JITs involving THB cases will now be available for Bulgarian practitioners in the Bulgarian language.

I have also begun discussing with my Bulgarian colleagues who deal with JITs the possibility of organising a roundtable on finalised and ongoing JITs to discuss difficulties, advantages, results, problems and possible solutions. The idea was accepted in a very positive way by my Bulgarian colleagues and preparatory work has begun. I hope to hold this event in Bulgaria by the end of the year. In my opinion, it would provide a good opportunity to combine the efforts and experience gathered during the operational work of the competent authorities in Bulgaria and the experience of the Bulgarian and other National Desks at Eurojust." ■

## Interview with Ian Welch

former Seconded National Expert at the UK Desk



*Eurojust News: In the Foreword of the Eurojust Annual Report for 2004, then President Mike Kennedy announced the signing of the very first JIT agreement between the UK and the Netherlands. He stated, "...and use the experience gained to pass on the good practice and other lessons learnt as this new concept is developed and becomes operational. It is crucial that others embarking on such projects can receive the best advice and support possible." Can you tell us about the case?*

**Ian Welch:** "It was an operation involving an investigation into a drug trafficking group by the UK's National Crime Squad and the Dutch authorities. The JIT only operated for a short period (approximately three months), and there were prosecutions, with a large sum of money seized in the Netherlands.

From the UK's perspective, it was a success, as two defendants were prosecuted for money laundering offences and the information from the JIT enabled further investigations to be made. A total of GBP 1.2 million was seized and I believe that most, if not all of it, was confiscated in subsequent court proceedings. I believe prosecutions also took place in the Netherlands."

*Can you tell us what lessons were learnt and how this impacted the investigation at the time?*

"At that time (2004), the passing of certain types of intelligence through Europol caused delays. The differences in the disclosure regimes between the two countries also caused some difficulties in relation to sensitive intelligence. Doubts as to the legal basis and requirements for the establishment of the JIT subsequently resulted in issues. The UK position of direct implementation of the Framework Decision was questioned, and the Dutch authorities also required a Letter of Request to commence a JIT, but under UK law, a Letter of Request can only be issued to obtain evidence. The solution was to make a request for a JIT agreement informally. I believe there were also financial issues in relation to the high cost of the investigation."

*In the context of your own experience with JITs, are you able to identify the tangible advantages of participation in JITs?*

"The tangible advantages are real-time exchange of intelligence and evidence, and the possibility of seconded members from one Member State asking for investigative measures to be carried out by the other Member State(s) in a JIT. You can ask for this to be done without the need for a formal request procedure. It can be done within the powers of the JIT agreement. Another advantage is the building of mutual trust. You cannot beat face-to-face meetings. A JIT agreement facilitates these meetings, helps break down ignorance and lack of knowledge and promotes an understanding of each Member State's system."

*JITs were foreseen as a tool for facilitating judicial cooperation between the investigating authorities of Member States and third States. In your opinion, are JITs worth the effort?*

"JITs are not a panacea for every case involving parallel cross-border investi-

gations; sometimes, separate but parallel investigations are a better way, with a memorandum of understanding between the countries, perhaps using exactly the same wording as a JIT agreement. The advantages of a JIT between a Member State and a third State are limited due to the fact that the other country will not have legislation to join in and sign up to a JIT – the only advantage is that the Member State participants can apply for funding to carry out investigations in those third States.”

*Looking ahead, are there lessons you have learnt and would like to pass on to others in navigating the various processes and procedures involved in initiating a JIT?*

“The best method we have found is that, once the parties have agreed to establish a JIT, the proposed participating Member States agree a draft agreement



JIT signing, PT and UK, 01.30.2012

and then hold a coordination meeting to finalise and sign the agreement. Although some JIT agreements have been signed remotely, for the judicial author-

ities and leaders to meet face-to-face is of unquestionable value. Eurojust provides the ideal venue for such meetings. The UK also thinks it important that annexes involving peculiarities of each legal system are attached to the agreement for the mutual understanding of the participants and to avoid unnecessary delays further down the line.”

*If you were to address a group of UK prosecutors, how would you make the case for JITs?*

“I have lectured on a number of occasions to UK prosecutors and investigators and have pointed out that a JIT avoids the need to obtain evidence by way of the slow and cumbersome Letter of Request route; how intelligence and evidence can be exchanged directly and immediately; that members from one Member State can ask the other JIT members to use investigative measures without the need for a formal request; that by acting as one team, albeit in two or more Member States, the JIT enables a more effective and efficient method of investigation. Problems that arise can be dealt with immediately. Participants from different Member States gain insight into the procedures and laws of each other’s country and the availability of funding. The main advantage and use of the funding is for translation and interpretation as well as visits to involved countries. It helps no end, because without it, there would be problems and everything would slow down.” ■

“By acting as one team ... the JIT enables a more effective and efficient method of investigation. Problems that arise can be dealt with immediately.”

### Drug trafficking case illustration

Several drug trafficking distribution networks in Austria, Germany, Belgium and the Netherlands had been set up by an OCG from the former Yugoslav Republic of Macedonia to transport heroin from the former Yugoslav Republic of Macedonia to Belgium and the Netherlands. On reaching western Europe, the heroin was distributed to Frankfurt and Vienna. Possible links appeared to exist with the UK, Sweden, Denmark, France and Switzerland. Thanks to police cooperation between Austria and Germany and intensive investigations, large quantities of heroin were seized in both countries. The parties agreed that Eurojust should coordinate the investigations in the Member States and promote the initiation of investigations and prosecutions in the former Yugoslav Republic of Macedonia.

As the former Yugoslav Republic of Macedonia does not allow extradition of its own nationals, and since most of the suspects were residing there, Eurojust held two coordination meetings to speed up the investigations. As a result of the first coordination meeting, the former Yugoslav Republic of Macedonia initiated criminal proceedings. Coordinated investigations resulted in the arrest and conviction of the main suspects and several other perpetrators.

The OCG subsequently rebuilt its network and a third coordination meeting was held at Eurojust to discuss how to foster cooperation. This third coordination meeting provided a forum for an in-depth debate on how to overcome any legal issues and to identify potential solutions combining the use of several judicial instruments. After consultation and agreement at national level on the proposed measures to be adopted, a fourth coordination meeting at Eurojust resulted in the setting up of a JIT between Austria, Germany, the Netherlands and the former Yugoslav Republic of Macedonia that is currently active. The JIT received financial support through Eurojust’s JIT Funding Project.

## JIT Funding Project

To foster the use of JITs, Eurojust received a grant from the European Commission under the “Prevention of and Fight against Crime Programme” to provide financial and logistical support to JITs, consistent with the strengthened role given to Eurojust regarding JITs in Eurojust Decision 2009. The objective of this project is twofold: to increase the use of JITs as a specific tool in cross-border investigations and help overcome financial constraints; and to allow the gathering of valuable information on the quantity and duration of JITs as well as the types of crimes targeted by them.

The current JIT Funding Project is already the second project of its kind administered by Eurojust, the first having ended on 31 December 2010 after 18 months of successful operation. The second JIT Funding Project was launched on 1 October 2010 and will run for 36 months, until 30 September 2013. To date, 295 applications have

been received within the framework of the second JIT Funding Project, and Eurojust was able to support 95 different JITs. Of these 95 JITs, 23 concern drug trafficking and 15 concern trafficking in human beings. The other JITs cover the remaining priority crime areas, including money laundering and cybercrime.

JIT-related costs that can be reimbursed by Eurojust comprise expenses for travel, accommodation, translation and interpretation, and loans of equipment such as mobile telephones, laptops, mobile printers and scanners. These costs generally arise when JIT members participate in meetings or are involved in interviews and interrogations or other investigative measures. Because of the cross-border nature of the investigations, most applications for funding include an amount for interpretation and translation of relevant documentation.

In its conclusions on the tenth Eurojust Annual Report (calendar year 2011), the

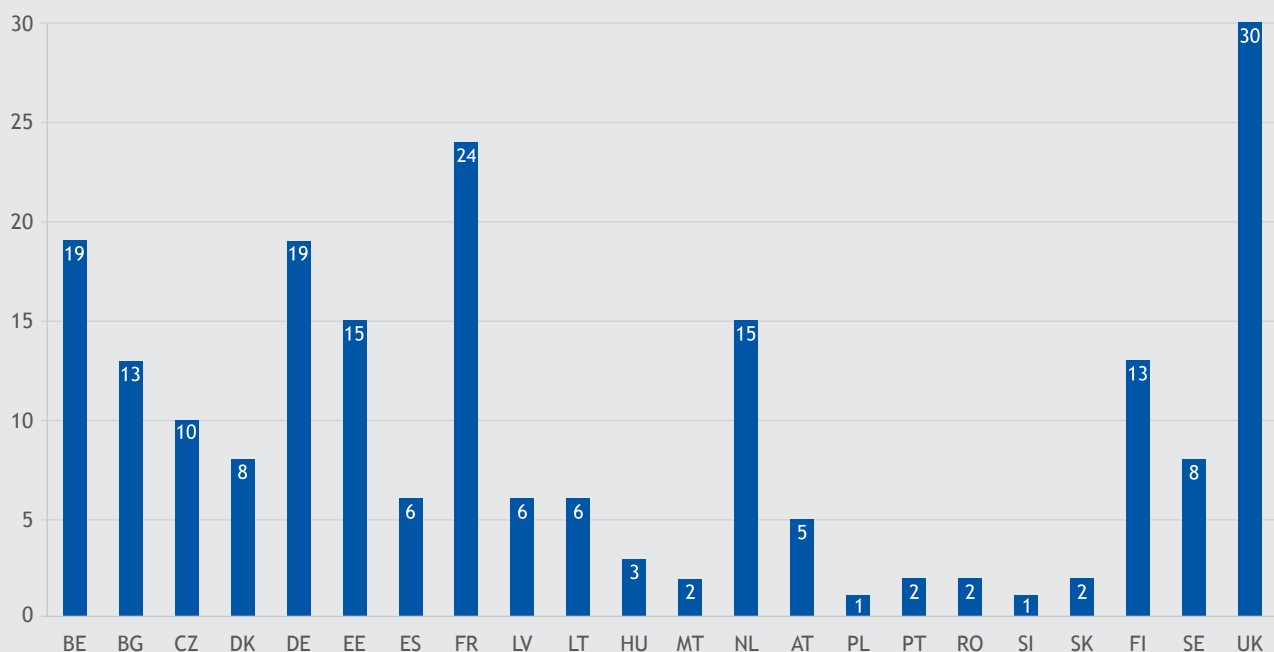
Council highlighted that Eurojust has become a reference point in setting up and implementing JITs. In this context, the Council encourages the European Commission “to examine how to maintain at Eurojust level capacities to support financially JITs activities after the expiry of the current co-funding programme.”

### *Application process*

Eurojust has established rules as to how funding is granted. The process of funding a JIT is straightforward. An application for funding needs to be made, and to be successful, the application must provide a justification for the activities for which funding is requested.

The completed applications are then forwarded to an evaluation committee, which considers each application and decides on the level of funding to be awarded, if any. Applications must clarify as precisely as possible the potential use for the funding. The Administrative

JIT Funding Project: Supported JITs per Member State (October 2010–May 2013)





## Since the first JIT Funding Project began, the number of funding applications submitted has increased steadily.

Director then authorises the decisions of the evaluation committee.

Further information regarding JIT funding is available at: <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/jits-funding/Pages/jits-funding.aspx>.

### *Successes and future perspectives of JIT funding*

Since the first JIT Funding Project began, the number of funding applications submitted has increased steadily: 12 applications in 2010, 71 applications in 2011, and 143 applications in 2012. The number of JITs that Eurojust supports differs from the number of received applications, as some JITs apply for funding several times and funding possibilities are dependent on the amount of money available for this purpose. The large increase in applications in 2012 was due to growing awareness of JITs

and the possibility of funding, and a further large increase would have been expected this year. According to Eurojust statistics, funding applications from the most active Member States from June 2009 to May 2013 are as follows:

Member State	Number of Applications
UK	89
France	71
Netherlands	64
Germany	61
Belgium	49
Estonia	49

Member States with a greater number of applications mirror the number of JITs supported.

Feedback from Member States regarding the support of Eurojust in the funding of

JITs has been extremely positive and has demonstrated that many JITs would never have been set up without the funding administered by Eurojust.

Eurojust has gained valuable experience and expertise in all aspects of JITs over the course of the JIT Funding Project, and cessation of funding would cause highly specialised knowledge of this complex task to be lost. Eurojust has provided valuable quarterly reports to the European Commission during the JIT Funding Project on the achievements recorded in JITs as well as the practical and operational obstacles encountered by team members over the course of their investigations. For this reason, during the budgetary process, Eurojust stresses with its EU stakeholders the importance of being able to continue funding of JITs beyond 2013 and the importance of competent national authorities supporting the use of JITs. ■

## Interview with Thomas Lamiroy

### Belgian Federal Prosecutor

#### *Eurojust News: What is a JIT?*

**Thomas Lamiroy:** “A JIT is a team of police (or customs) officers from different Member States who work together for a limited period of time in the framework of an investigation as if they were colleagues of the same country. They agree to work under the competence of the JIT leaders from the requesting country (the prosecutor or the investigative magistrate). Together, the team works in the field, and conducts house searches, interrogations and telephone intercepts to overcome procedural problems. They may be supported by experts from Eurojust, Europol or OLAF.”

#### *How does a prosecutor start up a JIT?*

“I can only speak for Belgium; our first JIT was set up in 2004, when the Framework Decision was introduced into Belgian legislation. In Belgium, all requests to set up a JIT or requests to participate in a JIT pass through and will be followed up by the Federal Prosecutor’s Office. It took a few years before we were able to put this tool into practice. By 2013, we have set up 50 JITs, which has put us in the top five Member States using JITs in Europe. We had to learn how to work with JITs and discover their strengths and weaknesses.”

#### *What is the Belgian recipe for setting up a JIT?*

“The first step is to see which country has taken the initiative to set up a JIT.

There is a considerable difference between being the requesting country and being the requested country. The second step is to identify at which level the initiative was taken: was it the initiative of the police, the investigative judge, the prosecutor’s office, the Federal Prosecutor’s Office, Eurojust or Europol?

Our experience is that a JIT has the greatest chance of success if it grows from the bottom up, because ultimately it is the police who will have to execute it together with law enforcement services in the other countries involved, who have a different culture, organisation, language, etc. The chances of success increase when the prosecutor or the investigative judge or the Federal Prosecutor’s Office provides sufficient support.

Therefore, it is crucial to hold a coordination meeting. Initially, this can be in your own country, but in urgent cases it can be held abroad immediately.”

*How do you identify which case is suitable for a JIT?*

“There are criteria in the legislation, but experience and feeling also help to reach the correct conclusion. Is it a regional, national and/or international priority case? We will only deal with the prioritised cases, with nationally prioritised crime types.

I would recommend opting for an easy case for your first JIT, because there can be consequences for subsequent JITs if anything goes wrong. Negative publicity should be avoided. Our first JIT together with the Netherlands was a relatively simple case of motorcycle theft, followed by a JIT with France regarding a terrorism case. Subsequent JITs have included cases of trafficking in human beings, drug trafficking, armed robberies, trafficking in stolen vehicles, corruption, money laundering, trafficking in arms, VAT carousel fraud, piracy, murder, ram raids, etc.

“For a JIT to be guaranteed, it must consist of five to 30 people who will focus on the case for six months to one year.”



The level of priority depends heavily on police resources: if a case is not prioritised either regionally or nationally, then police resources will not be assigned. For a JIT to be guaranteed, it must consist of five to 30 people who will focus on the case for six months to one year.

The next legal criterion is to invest in complex and demanding cases. In practice, this means that there is an amount of investigative action to be taken to determine if a JIT is useful or if you can handle the case in another way: what do you need to gather evidence; are there cross-border operations; are telephone intercepts needed; do you need to execute house searches; or do you need bank investigations, etc.

An additional criterion is to assess whether it is necessary to tackle the organised group in a coordinated international manner and to work closely together. Three steps need to be considered:

(i) To launch a JIT when the standard legal assistance requires too much paperwork, is not efficient, or is not executed. The biggest advantage of a JIT is that requests for legal assistance are no longer needed. A simple telephone call, fax or e-mail, e.g. from Brussels to Paris, is enough to conduct a house search, which saves a lot of time.

(ii) Should we start a simultaneous investigation in Brussels and Paris, tackling part of the crime group in Brussels and part in Paris? Disadvantages: duplication of work; sub-optimal exchange of information; risking double prosecution (*ne bis in idem*); no coordination; and no protocol (no agreements concluded in advance).

(iii) Often a case starts with step i, and continues to step ii, eventually resulting in a JIT. Why not skip both steps and immediately set up a JIT, and thus set the conditions from the beginning?

A fourth step in our cookbook: who should join me in the JIT? For our first JIT in Belgium, we waited until our neighbouring countries approached us: France, the Netherlands, and later

Germany and the UK. France had a longer tradition with JITs: early JITs were concluded between France and Spain in ETA cases. We had worked with France before in the border regions and speak the same language, which made the cooperation a lot easier. We began with bilateral JITs to avoid problems.”

#### *With which countries can a JIT be concluded?*

“A JIT can be concluded with all Member States that have implemented the Council Framework Decision on JITs in their legislation. However, it is also possible to set up a JIT with third States. On paper, a JIT with the USA or Moldova is possible, too.”

#### *How many countries can join a JIT?*

A multilateral JIT is slightly more complex than a bilateral one, e.g. Operation Splinter, a case of THB, involving Belgium and France and later extended to the UK. Two coordination meetings took place at Eurojust, and a coordination centre was set up at Eurojust to assist the actions in real time. We also have concluded a (still ongoing) JIT with five countries: Belgium, Finland, Austria, Norway and the UK, in a case of cyber-crime and money laundering.”

#### *What is unique about signing a JIT?*

“The protocol. This is a real success story! Starting with a solid protocol is crucial. Therefore, we insist on having a coordination meeting. While a European Arrest Warrant is obligatory, a JIT is free and the most successful of all instruments. For the first time in judicial history, a contract is concluded within the framework of criminal proceedings.

A magistrate is accustomed to deciding on his own, at national level and abroad (Letter of Request), and is not accustomed to negotiation. By working in accordance with a protocol, civil law is inserted in penal law. Paperwork to set this up is limited to a few pages (European standardised form in all EU languages). In one case involving sexual exploitation between Belgium and France, we needed only two hours!

## THB case illustration

France initiated a case of THB involving the sexual exploitation of Bulgarian nationals forced into prostitution in several European countries. The French authorities requested the support of Eurojust to identify possible parallel proceedings in Belgium and to facilitate the setting up of a JIT. Following a coordination meeting at Eurojust, the Belgian authorities began a preliminary investigation targeting two suspects appearing in the French proceedings.

A JIT was set up involving France, Bulgaria, Eurojust and Europol to facilitate the exchange of information and evidence, and the JIT received financial support through Eurojust’s JIT Funding Project. The investigations focused on the human trafficking activity and the resulting financial flows. In this regard, Eurojust’s analysis of financial transactions through Western Union remittances was particularly helpful in identifying the illicit profits sent from France to the main suspects residing in Bulgaria.

France initiated a common action day after thorough investigation by the JIT, in which Belgian and Polish authorities also participated. A coordination centre was set up at Eurojust, with the Case Analysis Unit and Europol, ensuring real-time decision-making and information exchange, facilitating the issuance of four European Arrest Warrants, and providing analysis and cross-checking of information that identified links with other investigations in the European Union. Documentary evidence and mobile telephones were seized in 13 searches, six European Arrest Warrants were executed, and nine people were arrested.

In the protocol, you have to note down:

- ▶ What are the countries and competent authorities, who is the leader of the JIT, who are the members of the JIT and who is participating in the JIT?
- ▶ What is your common purpose, what do you want to achieve with the police and judicial authorities? Do you want to dismantle the criminal organisation from A to Z, or will you restrict the scope in time and space, e.g. only arresting the couriers or go-betweens? On which basis (which facts)?
- ▶ For what period of time? The principle in Belgium is: as short as possible. Usually it’s for six months or one year; an extension is possible (by the addition of an annex).
- ▶ General and specific conditions for cooperation, the most important of which is the procedure for the gathering of evidence, e.g. how to transmit seized assets, information from the criminal records, DNA expertise or seized weapons to the other country? Can you loan them? Which experts will you appoint? Will the JIT leader or the National Experts choose the experts?

▶ Date and signing.

A section on the press should also be included: who will inform the press and how?”

#### *What happens first after the signing of the JIT?*

“The JIT starts on the day of the signing by all parties. From that moment, a rogatory request is no longer needed and the team is competent in the involved countries, within the framework of the investigations, for interrogations, house searches, bank investigations, telephone intercepts, etc.

The team is a compilation of the national teams of all parties and thus operates from his/her own country, although it is possible that a team from one party will join a team from another party.

Actions can take place without involving the rest of the team. However, special common investigative methods and investigative acts (interrogations, house searches, observations, infiltrations, informants, etc.) will be executed. Official reports of investigations will be signed by the police officers from the

different countries, and each one will take an identical copy to his/her home authorities. In real time, the information is included in the files of the involved countries.

The same goes for the evidence, taking into consideration the national procedure, but this should not delay or prevent the JIT from operating. The evidence will be analysed in the Member State with the best scientific means. The evidence will be loaned and at the end given back to the country that seized (found) it."

#### *What are the financial implications of a JIT?*

"Together with the appropriate legislation, this is the second criterion to be fulfilled in order to set up a JIT: this subject already gets attention before the protocol is drafted. In standard judicial requests, the principle is: the requesting party pays, unless agreed differently. Via the JIT, the involved countries commit to invest in the case. Thus, the financial impact becomes an issue in the discussion whether to step into a JIT or not. The fact that Eurojust has been co-financing JITs for the last few years has become essential.

This is how it works: before and during the JIT, police and judicial authorities negotiate separately. Before a JIT can start, a minimum of two meetings, including transport, hotel, lunch, etc. are needed, for which you would need to knock on the door of the Ministry of Justice or of the Federal Police, for a JIT that might not even be set up. For many countries, it is fundamental that logistics, including simultaneous translation, are covered by the EU budget.

In Belgium, the local prosecutor's office, the local police, the Federal Police and the investigative judge are asking more and more for support from Eurojust, via the Federal Prosecutor's Office. Thanks to Eurojust's ten years of experience in JITs, authorities appreciate the added value of Eurojust in coordinating and negotiating a protocol. The French authorities also have the tendency to ask for the support of Eurojust at a very early stage."

#### *What happens after the JIT?*

"This question will be discussed in the upcoming annual JITs Experts Network meeting at Eurojust. Questionnaires have been sent around to involved authorities to ask about the added value of a JIT afterwards; Belgium has created a model form for this. However, the best way to promote the use of JITs is by word of mouth recommendation between practitioners.

## "JITs will be the most important tool for the European Public Prosecutor!"

Above all, a JIT stimulates authorities to cooperate and gain valuable information. It is fantastic to see, for example, that an investigative judge starts house searches not on his own initiative but in consultation!"

#### *What are the advantages of a JIT?*

"We have seen the following:

- ▶ An extensive cross-border approach to organised crime, in which a criminal organisation is tackled in its entirety;
- ▶ A coordinated approach, in contrast to a standard Letter of Request or a parallel investigation;
- ▶ A common 'active' approach, in consultation with authorities in other countries;
- ▶ Working together on common priorities;
- ▶ Resources are guaranteed;
- ▶ Planning of goals and timing;
- ▶ Working in an international team, on both police and judicial levels, teaching magistrates to change their focus;
- ▶ Financing is more readily available;
- ▶ Availability of expert assistance from Eurojust and Europol; and
- ▶ Excellent word of mouth recommendations, resulting in more JITs."

#### *Please explain the "active" approach.*

"This is something not to be underestimated. In one case example, passive investigations were turned into active investigations in a series of murders committed in several Belgian cities and potentially linked to criminals from Amsterdam, Rotterdam and Eindhoven. A JIT was set up on the basis of indications that Dutch criminals were involved. The Belgian authorities did not have information about the Dutch criminals and needed a team to work on the case. Ultimately, the Netherlands requested the assistance of Belgium."

#### *How do you see the future of JITs?*

"The Belgian Federal Prosecutor's Office is overwhelmed with requests, in part due to the promotion of JITs, so there is not much time left to think about the future. One thing I am sure about: the JIT momentum cannot be stopped, unless financing is cut. JITs will be the most important tool for the European Public Prosecutor! In the past, the Belgian Federal Prosecutor's Office had to convince practitioners to use this tool; now this situation has been reversed: practitioners are now convincing us to start up a JIT!" ■

## JITs in practice

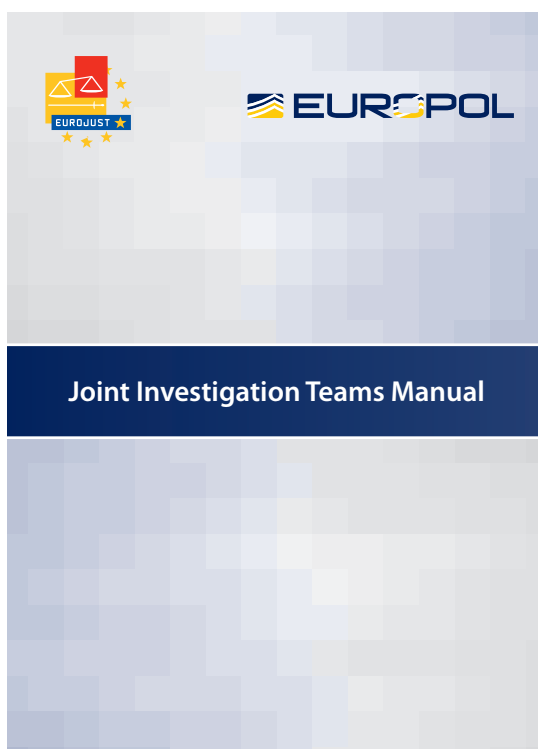
### *JITs Experts Network meetings*

The Network of National Experts on JITs (“JITs Experts Network”) was established in July 2005 in accordance with the Hague Programme, which stated that each Member State should designate a National Expert “with a view to encouraging the use of JITs and exchanging experiences on best practice.”

The National Experts, at least one per Member State, are representatives of judicial, prosecutorial or law enforcement authorities. The goals of the National Experts are to encourage and assist their national practitioners in the use of JITs, facilitate the setting up of teams, and share experience and best practice. Eurojust and Europol have designated JIT contact points.

Meetings of the JITs Experts Network have taken place annually since 2005 with the support of Eurojust and Europol. These meetings function as a platform for the exchange of experience, lessons learnt, best practice and the launching of common initiatives to develop and consolidate the use of JITs.

The Eighth Annual Meeting of the JITs Experts Network took place in October 2012. The meeting was attended by JIT experts and practitioners,



The Ninth Annual Meeting of National Experts on Joint Investigation Teams will take place on 27 and 28 June 2013 at Eurojust. The meeting will focus on the new JIT evaluation form, the exchange of practical experience and problems encountered by practitioners, including the disclosure of documents, confidentiality issues and the admissibility of evidence. The JITs Platform Restricted Area, established for information exchange, will also be officially launched.

ers, and representatives from Eurojust, Europol, OLAF, CEPOL, the EJT, the European Commission and the Council’s General Secretariat. The meeting focused on the operational evaluation of JITs. Participants also agreed on the need to raise awareness of JITs and to train practitioners. The role of the Secretariat in collating information and organising national training was affirmed.

The outcomes of annual meetings are available on the Eurojust website: <http://www.eurojust.europa.eu/Practitioners/networks-and-fora/jitsnetwork/Pages/JITs-meetings.aspx>.

### *JITs Network Secretariat*

Article 25a of Eurojust Decision 2009 stipulates that the JITs Network Secretariat (the “Secretariat”) should be established at Eurojust. The Secretariat has been operational since January 2011 and promotes the activities of the JITs Experts Network and supports the work of the National Experts. For further information on the role of the Secretariat, see the interview below with the Coordinator of the Secretariat, Ms Anna Baldan (see page 14).

### *JITs Manual*

The JITs Manual collates information on the legal requirements for setting up a JIT and provides advice on practical issues. The JITs Manual is a living document and will be frequently updated on the basis of practical case-work experience. Requests related to the JITs Manual may be addressed to the attention of the Secretariat at [JITsNetworkSecretariat@eurojust.europa.eu](mailto:JITsNetworkSecretariat@eurojust.europa.eu). The current version of the JITs Manual is available in 22 languages on the Eurojust website: <http://www.eurojust.europa.eu/Practitioners/networks-and-fora/jitsnetwork/Pages/JITs-network.aspx>.

### *JIT Model Agreement*

The Council recommendation on a model agreement for the setting up of JITs supports the competent national authorities when concluding JIT agreements by listing the relevant legal requirements and practical points to be considered. It also contains helpful remarks based on previous practical experience. The Model Agreement on the Establishment of a Joint Investigation Team can be found on the Eurojust website: <http://www.eurojust.europa.eu/doclibrary/Eurojust-framework/joint-investigation-teams/Pages/joint-investigation-teams.aspx>. ■

## Interview with Anna Baldan

### JITs Network Secretariat Coordinator

*Eurojust News: How did the JITs Network Secretariat start?*

**A** **anna Baldan:** “The history of the permanent Secretariat of the Network for Joint Investigation Teams - the so-called JITs Network Secretariat - is quite recent. The Secretariat was established at Eurojust in 2011 to implement the requirements of Eurojust Decision 2009, which provides the legal basis for the Secretariat of the Network for Joint Investigation Teams in Article 25a, paragraph 2:

*“...the Secretariat of the Network for Joint Investigation Teams (...) and of the network set up by Decision 2002/494/JHA shall form part of the staff of Eurojust. (...) [It] shall function as separate unit[s]. (...) [It] may draw on the administrative resources of Eurojust which are necessary for the performance of (...) [its] tasks.”*

The Secretariat promotes the activities of the JITs Experts Network and supports the National Experts in their work.”

*Who was first involved?*

“In 2009, the JITs Experts Network, on the occasion of the Fifth Meeting of National Experts on Joint Investigation Teams, discussed for the first time the role of the Secretariat in view of its in-



tegration within Eurojust’s administration. The JITs Experts Network concluded that the Secretariat should develop a “Centre of Information” on JITs (e.g. to collect the results of court decisions, to establish a question and answer log for frequently asked questions, and to provide information on the funding of JITs, etc.), establish a web-based Information Exchange Platform with limited access rights, and manage the organisation of their annual meetings.

With the recruitment of the Coordinator of the Secretariat in mid-January 2011, Eurojust provided the conditions for the Secretariat to be established.”

*Why is the Secretariat necessary?*

“The necessity of a Secretariat was affirmed by the JITs Experts Network during its annual meetings, and is demonstrated by the activities undertaken since its inception, including the JITs Manual (see page 13). In addition, the Secretariat started a project to develop a web-based JITs Platform Restricted Area, to provide the JITs Experts Network with the possibility to share and easily find relevant JITs-related information. The JITs Platform Restricted Area is expected to be officially opened at the Ninth Annual Meeting of National Experts on Joint Investigation Teams.

From 2011 to date, the Secretariat has participated in many international seminars (in the European Union and third States) to promote the concept and the added value of JITs, and to raise awareness about the role of the National Experts and of Eurojust in JITs.”

*Are JITs increasing in popularity?*

“In this unique JITs landscape, the Secretariat is ideally positioned to support the work of the most active Member States, and to encourage the use of JITs in Member States that are more reluctant to apply this instrument, as well as to invite

Member States to liaise with Eurojust through their National Experts at an early stage when deciding to establish a JIT.

JITs have increasingly become recognised among practitioners as a valid instrument to counteract cross-border criminality. This is also thanks to the activities of the JITs Experts Network performed at national level through the National Experts. The increasing use of JITs by Member States is evident, and the figures published in the Eurojust Annual Reports illustrate this positive trend:

2009 – 7 JITs;  
2010 – 20 JITs;  
2011 – 33 newly created JITs; and  
2012 – 47 newly created JITs.”

*What is the advantage of having a JITs Experts Network?*

“The advantage of having a JITs Experts Network is to make better use of and share experience concerning JITs, and to facilitate contact among practitioners in Member States that hold the legal and operational knowledge on JITs on the ground. The JITs Experts Network also facilitates the exchange of best practice to improve the efficiency and effectiveness of JITs.”

*What is the purpose of a JITs Experts Network meeting? What issues do you deal with during these meetings?*

“The purpose of a JITs Experts Network meeting is to share questions, problems, experiences, solutions and best practice from the point of view of practitioners. A variety of issues pertaining to JITs, ranging from legal to operational, are thoroughly discussed during JITs Experts Network meetings. Eurojust is part of the JITs Experts Network and provides its expertise, experience and knowledge through the meetings of National Experts. Eurojust and Europol alternate as host of the annual JITs Experts Network meetings.” See page 13 for more information on JITs Experts Network meetings. ■

## Conclusions by the President



The possibility for judicial and police authorities of Member States to work together in JITs has been an important step in the fight against serious cross-border crime.

The need for more timely, less bureaucratic, simplified and practice-oriented

cooperation between competent authorities in criminal matters has been recognised at the policy and practitioner level, and the European legislator has reacted promptly by providing, via Article 13 of the Convention, the legal basis for doing so.

Initially, the use of JITs has not, despite the best will and intentions, met its potential for several reasons, including legal uncertainty resulting from the 30 different legal systems in the European Union, lack of awareness of the option for enhanced cooperation with JITs and the lack of know-how to implement JITs in practice. However, the upward trend can only be considered positive over the years due to the initiatives and commitment of Member States, National Experts, Eurojust and Europol, and EU institutions to make it work, with the knowledge that JITs are a consistent and contemporary response to the increasingly flexible *modus operandi* of criminal networks.

Common strategies, coordination of efforts, operational flexibility and information pooling in serious cross-border crime cases, are indispensable elements for modern police and judicial cooperation in the European Union and beyond, as crime does not respect borders. Hence, the question is not whether we need JITs, but rather how we can continue to improve this instrument of cooperation.

The evaluation of JITs has become a topic of the common agenda on national and EU levels and will also be discussed in the upcoming Ninth Annual Meeting of National Experts on Joint Investigation Teams taking place at Eurojust. The lessons learnt will help to identify shortcomings and best practice and will provide valuable guidance for the future.

Eurojust promotes this instrument of judicial cooperation by employing the principles of mutual recognition and mutual trust and improving upon traditional

“Eurojust promotes this instrument of judicial cooperation by employing the principles of mutual recognition and mutual trust ...”

### Fraud case illustration

JIT Veto, one of the largest JITs ever formed, was set up in 2011 to tackle a huge international organised crime network involved in football match fixing and related illegal betting between Germany, Finland and Hungary. JIT Veto ran until January 2013. The investigation coordinated multiple police enquiries into hundreds of matches in Europe, Africa, Asia, South America and Central America.

The cross-border nature of the crimes (more than 30 Member States and third States), as well as the highly structured nature of the criminal organisation, required concerted international judicial cooperation and coordination, including the following actions by Eurojust:

- ▶ Competent authorities in concerned countries were identified to facilitate the opening of investigations.
- ▶ The German and Hungarian Desks held four coordination meetings, inviting non-JIT members UK, Italy and Croatia.
- ▶ Video links were set up with Asian counterparts during coordination meetings.
- ▶ The extension of the JIT to Austria and Slovenia was promoted.
- ▶ Legal issues with third States, such as the use of extradition, telephone intercepts and other measures, were clarified.
- ▶ Funding for JIT Veto was made possible by the Eurojust-administered JIT Funding Project.

In Hungary alone, 45 suspects have been formally charged and indictments have been referred to the competent courts. One of these suspects is the alleged leader of the criminal organisation in Singapore, who has been indicted *in absentia*. Hungarian criminal proceedings cover 32 football matches. Investigations in the concerned countries are ongoing.

forms of mutual legal assistance. The role of Eurojust in the area of JITs is manifold and has been reflected in Eurojust Decision 2009, an important aspect of which is that Eurojust National Members are entitled to participate in JITs, either as competent national authorities or on behalf of Eurojust, contributing their experience and expertise in the setting up and running of JITs. In addition, Member States are required to provide Eurojust with information on the establishment of JITs, as well as on the results of their work. This information has enabled Eurojust to establish a centre of expertise in JITs and become the central contact point in the European Union for JIT matters.

The JITs Network Secretariat, which was established in 2011 at Eurojust, is a key actor in this context and maintains close relations with National Experts and practitioners in the Member States.

On its initiative, Eurojust has been active in the funding of JITs under the European Union's Financial Programme "Prevention of and Fight against Crime" since 2008, recognising the need for resources and support by practitioners. The reimbursement of costs, e.g. for travel, accommodation, interpretation and translation, etc., are often essential to cover some of the costs incurred by JIT operations, especially for those countries with fewer resources, and enable joint actions in serious cross-border cases such as drug trafficking and trafficking in human beings.

After years of experience, the funding of JITs has been found to provide considerable support to the use and development of this judicial cooperation instrument. The involvement of Eurojust in JITs has increased in parallel with funding, developing Eurojust's expertise and experience in the use of this instrument. The financial support of JITs by the European Commission via Eurojust should therefore continue. For these reasons, Eurojust stresses in the budgetary process with its EU

stakeholders the importance of being able to continue the funding of JITs beyond 2013. JITs are and will be an option and opportunity for strengthened

multilateral police and judicial cooperation in a common effort with one objective: putting criminals behind bars and protecting EU citizens. ■

## Corruption case illustration

Representatives of a Finnish company producing armoured vehicles were suspected of having paid bribes to Croatian government officials and decision-makers. An Austrian company acted as agent in the transactions between the two parties, receiving payments from the vehicle producer.

The Finnish authorities had reason to believe that the bribery offence was committed as part of advance payments related to the deal. A JIT was set up with the support of Eurojust, which allowed the competent Finnish, Austrian and Croatian authorities to jointly carry out effective pre-trial investigations. Within the framework of the JIT, the national authorities were also able to conduct the necessary interviews, use coercive means and take other required investigative actions. Eurojust hosted two coordination meetings, enabling the participants in the JIT to agree on the drafting of an operational action plan to be signed by all JIT parties. Eurojust continued to facilitate the work of the national authorities in this case in 2012.

*Eurojust is a European Union body established in 2002 to stimulate and improve the coordination of investigations and prosecutions among the competent judicial authorities of EU Member States when they deal with serious cross-border crime.*

*Each Member State second a judge, prosecutor or police officer to Eurojust, which is supported by its administration. In certain circumstances, Eurojust can also assist investigations and prosecutions involving a Member State and a State outside the European Union, or involving a Member State and the Community.*

*Eurojust supports Member States by:*

- ▶ *coordinating cross-border investigations and prosecutions in partnership with judges, prosecutors and investigators from Member States, and helping resolve conflicts of jurisdiction;*

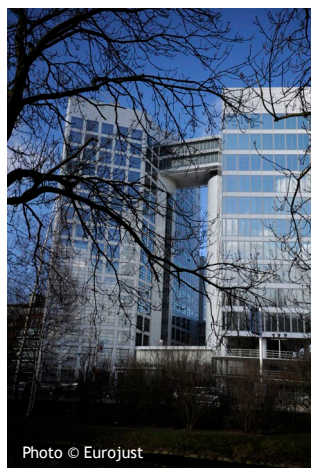


Photo © Eurojust

- ▶ *facilitating the execution of EU legal instruments designed to improve cross-border criminal justice, such as the European Arrest Warrant;*

- ▶ *requesting Member States to take certain actions, such as setting up joint investigation teams, or accepting that one is better placed than another to investigate or prosecute; and*

- ▶ *exercising certain powers through the national representatives at Eurojust, such as the authorisation of controlled deliveries.*

## Colophon

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