



Joint investigation teams /JITs

The role of Eurojust and Europol in establishing and supporting JITs

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Why Joint investigation Teams

- The need to coordinate cross-border investigations
- To avoid the so called normal and slowly mutual legal assistance
- To improve exchange of information
- To speed up the investigations
- To share experience and enhance a mutual trust

What is a JIT ?



- Special form of cross-border legal assistance fixed by a treaty or agreement between the judicial or police authorities of at least two states
 - There is no need of MLA requests between the signing states in this special case - the case and scope of the investigations have to be clarified
 - Signing authorities can exchange information and evidence on this case directly
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Legal basis of the JIT



- Art.13 EU Convention on MLA in criminal matters between EU Member States /29 May 2000/
- Council Framework Decision of 13 June 2002 concerning JITs
- Art.20 Second Additional protocol to the European Convention on MLA in criminal matters to investigate or prosecute specific acts

Agreement for the establishing of a JIT



- Council Recommendation of 08 May 2003 on a model agreement
 - Several model agreements between EU Member States
 - Whether a JIT is suitable in a particular case depends on the individual circumstances, but JITs can be considered in both smaller and bigger cases
 - Involve Eurojust and Europol at earliest opportunity to discuss possible benefits of the creation of a JIT and concrete steps in formation
 - JITs can serve as basis for future co-operation by facilitation of mutual trust and contacts
 - Creation of a JIT can be suggested by a Member State, as well as by Eurojust and Europol
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Minimum standard



- Parties/ participants
 - Targets/ naming the suspected persons and the offences-serious crime(s)
 - Leader(s) of the JIT
 - Members of the JIT
 - Language
 - Use of weapons and cars
 - Organisation and costs
 - Time frame for the investigation
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Considerations on JIT activities



- JITs in general and JIT agreements cannot and do not override domestic law and obligations
 - Clear information and guidelines need to be provided to participants, specifically as to:
 - Differences in authorities required for certain coercive measures
 - Conditions for effective use as evidence in eventual court proceedings
 - What may be disclosed at any subsequent court hearings
 - Internal line-management structures
 - The possibility the JIT agreement to be amended or JIT members to be changed
 - Ability for third parties to be "participants" in JITs, but not "members":
 - Roles, purpose and duties of participants need to be clearly described in JIT Agreement, specifically liability provisions
 - Participants may come not only from EU bodies/agencies, e.g. Europol, Eurojust, OLAF, etc., but also e.g. from the FBI
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General problems of JITs



- Use of weapons
 - Different rules concerning compensation of damages
 - Costs of traveling and translation
 - States are loosing some parts of their sovereignty
 - Legal control
 - Use of cars
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Advantages of a JIT



- Every party has the know-how in his country and network available
 - Investigations are faster than usual
 - In an early stage of investigations there is a chance to divide the work between the countries and to avoid useless double investigations
 - Building up of a cross-border network for a future
 - Direct sharing of information similar to the work at Eurojust
 - Team always operate in one country following its law
 - Eurojust can give easy support if it is a party of a JIT concerning MLA needed also from a states which are not JIT members
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Advantages of a JIT



- A chance to all parties of improving the human qualification in the fields of combating crime
 - Reducing costs and damages by better coordination
 - Better efficiency of manpower
 - Earlier, coordinated and more efficient pressure on the offenders and maybe faster convictions
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The role of Eurojust and Europol in general



- Europol can give the JIT a technical and analytical support
 - Eurojust can facilitate and coordinate the considerations on setting up the JIT and to support in a regular basis all the consultation which kind of investigative activities have to be done in particular order having in mind the particulars of the National legislations
 - During the operations of the JIT Eurojust and Europol involvement can improve and speed the investigations and contribute to the quality of operations, mutual trust establishment and overlapping duplications of some activities
 - Common experience can be shared in order to improve the awareness on the implementation of the instrument and reluctance from its use
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History of Initiatives and meetings of Eurojust and Europol



- Establishment of the JITs Expert Informal Network was suggested in July 2005 at the First meeting in Eurojust without an overly bureaucratic structure, able to meet collectively in a smaller groups perhaps at Eurojust or Europol;
 - Aims:
 - > To identify why JITs are still not widely used
 - > Exchange relevant information on practical issues linked to the establishment and functioning of JITs in MS
 - > Share best practices
 - > Liaise with other national experts and organizations
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History of Initiatives and meetings of Eurojust and Europol -2006-2009



- **Second JITs expert's meeting in November 2006 in Europol**
 - Reports from different JITs in Europe – 7 for 2006
 - Proposal to prepare a guide that would list possible practical issues to be dealt with when setting up JITs
 - **Third JITs expert's meeting in November 2007 in Eurojust**
 - Reports on another 10 JIT cases
 - Exchange experience on setting up and running JITs-legal and practical difficulties and solutions
 - Publishing a guide on Eurojust/Europol common webpage launched 28th of November 2007
 - Exploration the possibility of co-financing JITs under the Commission program "Prevention of and fight against crime"
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History of Initiatives and meetings of Eurojust and Europol -2006-2009



- **Forth JIT expert meeting co-organized by Eurojust and Europol took place 15th of December 2008 in Europol**
 - Raising the awareness on JIT matters was reported
 - Several successful JITs but also a lot of difficulties. In 2008, on new 21 cases were considered JITs establishment, including JITs with participation of new MS-Bulgaria and Romania.
 - **In 2009 two new JITs with the participation of Eurojust and Europol were set up and co-financing was asked**
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The role of Eurojust and Europol



- Eurojust has to be informed on setting up a JIT
 - Eurojust may request EU countries and may be requested by EU MS to establish a JIT or to consider the establishment of JIT
 - Eurojust /Europol on board are a guarantee for facilitation of information flow and MLA
 - Both could/ should be a party of an agreement, then:
 - Europol may assist in all activities, but not in coercive measures;
 - Europol can ask Eurojust to establish JIT concerning some countries;
 - Working together with Eurojust during national expert meetings on an exchange of information on JITs
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The role of Eurojust and Europol



- Development of JIT Guide
 - Creation of a permanent JIT Team – as a possibility
 - Development of a restricted webpage
 - Organizing JIT experts meetings for sharing experience and best practices
 - Support of ongoing JITs
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Experience in the EU on JITs



- The number of JITs is growing continuously
 - More than 40 JITs estimated
 - In most of the cases very good results within the time frames (normally 6 months up to one year)
 - JITs build a mutual trust and are a basis for the future development of an international judicial and police cooperation
 - Need of financial support and facilitating and simplifying procedures of financing
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Bulgarian experience



- Within the period of 1 year 4 JITs were considered through Eurojust
 - 1 JIT was successfully finalized and an indictment is prepared to be submitted to the Court
 - 3 JITs are ongoing.
 - Europol and Eurojust together are parties in one JIT
 - Eurojust is a party in another one
 - Fast exchange of information, consideration on the legal base is being ensured and investigative activities were planned together in a short timeframe
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French-Bulgarian JIT and Eurojust/ Europol support



- In 2008 French police has found out criminal activities on French territory of an organized criminal group involving several Bulgarian citizens.
 - Europol has been asked to provide French police and prosecution authorities with analytical information concerning the international dimension of that criminal network – how long and where the criminal organization has carried out criminal offences of the type concerned.
 - With close cooperation of the Bulgarian police it was found out that the Bulgarian citizens are in Bulgaria by the time being and money laundering activities on the Bulgarian territory were detected.
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French-Bulgarian JIT and Eurojust support



- French desk at Eurojust registered the case towards several EU MS and asked the Bulgarian desk for a level 2 meeting.
 - The questions on MLA facilitation, possible execution of EAW against the Bulgarian citizens were discussed. The competent Bulgarian prosecutor's office was identified and the MLA request was respectively transmitted and its execution was ordered. The presence of French officials was asked to be permitted during MLA execution in Bulgaria.
 - Immediately after the execution of the requested seizures in Bulgaria EAW procedures were launched, the suspects were arrested and there was enough evidence found to launch an investigation in Bulgaria on money laundering as well as for charging the suspects in money laundering under the Bulgarian case. The operation was provided with the technical support of Europol.
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French-Bulgarian JIT and Eurojust



- Meanwhile French authorities found out that 2 Bulgarian citizens have been sentenced in two of EU countries involved for some of offences committed in their territory. At the same time the French authorities after the consultation with the French desk at Eurojust recognized the need to establish a JIT with the Bulgarian authorities.
 - The idea was consulted with the Bulgarian desk at Eurojust and a coordination meeting level 3 was scheduled at Eurojust in order to discuss the frame of the future JIT.
 - During the level 3 meeting information on the state of play of the French and Bulgarian investigations was exchanged and the text of the draft JIT agreement was discussed and agreed. As far as the provisional principal approval was needed by the French MoJ the text of the draft was sent to the French MoJ. After the provisional approval the next meeting was organized in Bulgaria and the agreement was signed by the competent French and Bulgarian authorities. Under the JIT agreement FR and BG authorities collected and analyzed evidence and planned the future activities.
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French-Bulgarian JIT and Eurojust



- Before being surrendered to France the suspects were charged also under BG investigation in order to enable BG authorities to take the necessary measures for freezing property and assets of the suspects in Bulgaria for the need of confiscation provided for Bulgarian Penal Code.
 - Annexes to the initial JIT agreement were consulted and exchanged through Eurojust, as well as additional consultations and information on the case and additional request for surrender.
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Conclusions on the case by now



- Fast exchange of evidence without MLA requests
 - Permanent consultation because of availability of French /Bulgarian prosecutors at Eurojust at the same time and place
 - Flexible use of procedural terms on both French and Bulgarian investigations
 - Technical support of Europol even if not mentioned further in the JIT agreement
 - Gathering evidence in a relatively short time
 - Logistical support from Eurojust
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General conclusion



Establishing a JIT could be an excellent tool and a step ahead in the improvement of fighting against serious crime, especially organized and to fulfill the idea of

EUROPE

as an area of freedom, security and justice

Let's do it !



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