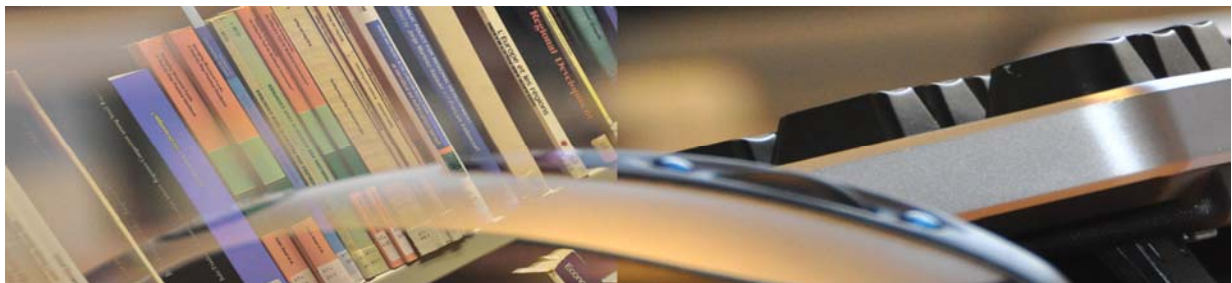


Seminar 3: Collecting Evidence throughout the European Union I: Joint Investigation Teams

Tallinn (EE), 28-29 March 2012

Specific Grant Agreement JUST/2010/JPEN/AG/FPA/001
Framework Partnership Agreement JLS/2007/JPEN-FPA/017

Improving Judicial Cooperation in Criminal Matters in the area of Freedom, Security and Justice, Institutional Processes and Topical Areas



The Joint Investigation Teams – participation and support of Europol and Eurojust – model agreement, organisation and funding

Presented by
Jose Castillo Garcia
Senior Legal Officer at Eurojust

This publication has been produced with the financial support of the Criminal Justice Programme of the European Commission. The contents of this publication are the sole responsibility of the author José Castillo Garcia and can in no way be taken to reflect the views of the European Commission".

Joint Investigation Teams

**Participation and Support of Eurojust and
Europol**

**Model Agreement, Organisation and
Funding**

**A) EUROJUST
General information**

Eurojust is...

- **A permanent body of judicial cooperation**
- **Composed of 27 EU prosecutors/judges**
 - (College x Administration)
- **Created by Council Decision of 28.02.2002,**
 - **amended by Council Decision of 16.12.2009**
 - on the strengthening of Eurojust
- **Based in The Hague, the Netherlands**

3

Mission

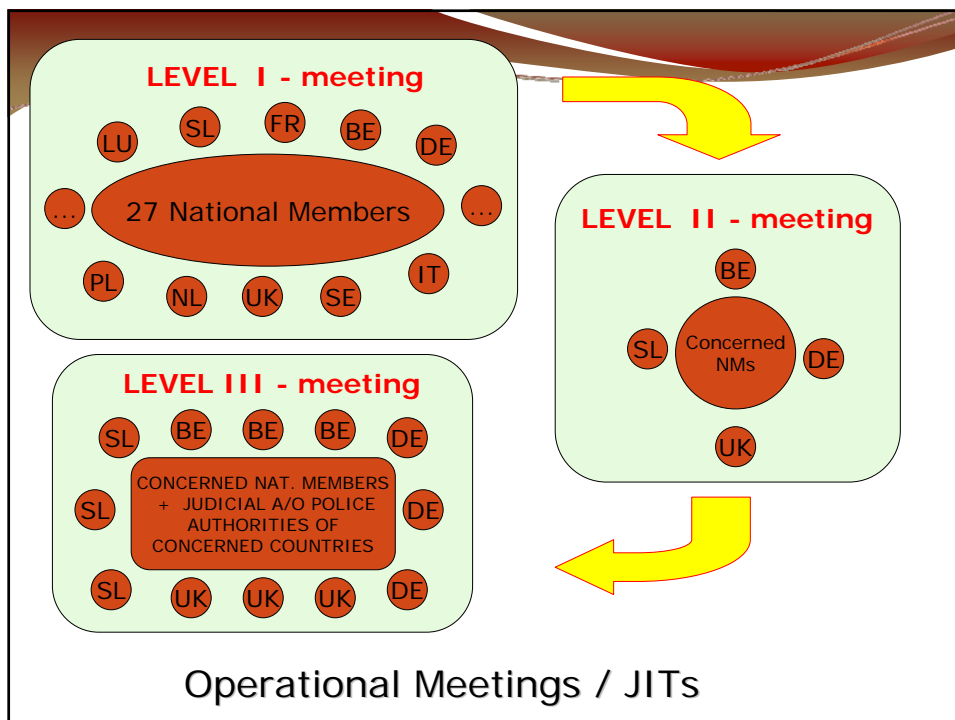
... to support and strengthen co-ordination and co-operation between judicial authorities in the fight against serious cross-border crime affecting the European Union.

4

Competences

- Improve and support coordination between the competent national authorities of investigations and prosecutions concerning **two or more Member States**
- Authority to deal with a wide range of **criminal**
 - **offences**, including terrorism, THB, drug trafficking,
 - serious fraud, etc.

5



Added value/powers

- Facilitating execution of international MLA
- Assistance in the resolution of conflict of jurisdiction
- Advising on competing EAW
- Organisation of coordination meetings (JITs)
- Possibility to ask the competent authorities:
 - ✓ To investigate or prosecute specific acts
 - ✓ Accept that one of them may be in a better position to undertake an investigation/prosecution
 - ✓ To coordinate with one another
 - ✓ To set up a JIT
 - ✓ To provide EJ with necessary information

7

B) JITs: Participation and support of Eurojust and Europol

8

Eurojust's support to JITs

Eurojust provides guidance, support, assistance in establishing and functioning of specific JITs

- Identification of suitable cases for a JIT
- Advice on if, when and how to set up a JIT
- Providing expertise from previous JIT participation
- Awareness and prevention of potential difficulties
- Assistance in drafting/amending the JIT agreement
- Assistance in extending the JIT agreement
- *Funding*

9

Eurojust Decision

- **Eurojust** acting through its National Member *or* as a College **may ask** the competent authorities of the Member State **to set up a JIT** (Art. 6 & 7)
- **National Member shall be entitled to participate in JITs**, including in their setting up, concerning their own MS (Art. 9f)
- NM, their Deputies of Assistants shall be invited to participate in any JIT involving their MS for which **Community funding** is provided (Art. 9f)
- MS shall ensure that NM **are informed of the setting up of a JIT and of the results** of the work of such teams (Art. 13/5)

10

National Members in JITs

National Members acting on behalf of:

- **The competent authority of their MS** → possibility to be **members**
 - (full rights under FR Decision if national legislation allows)
- **Eurojust** → **participants**
 - (supporting, assisting role)

11

Eurojust's support to JITs

Tips:

- **Early contact with National Member**
- Eurojust can arrange and finance a **coordination**
 - **meeting** to discuss the case and decide whether to set up
 - a JIT (signing the JIT agreement) – interpretation
- **On the spot guidance/ advice and answers to**
 - **queries** regarding specific issues (legislation...)
- Eurojust is a **centre of expertise**
 - (collection of JIT agreements, solution to (legal) obstacles...)

12

Europol's support to JITs

- Article 1(12) of the FD and 2000 MLA Convention
- Co-operation agreement between Europol & Eurojust: participation in JITs and support in the setting up of JITs
- Identification of suitable cases for JITs and requests to Member States
- Assistance in the administrative management of JITs and advise on obtaining funding
- Article 6 Europol Council Decision: participation in a support capacity, no permission to take part in any coercive measures

13

JITs promotion

- **Secretariat of the Network of JITs National Experts** (Art. 25a of the Eurojust Decision)
- Organization (with Europol) of the **annual meetings of the Network** (last meeting in October 2011)
- **JITs website**
- **JITs Manual** (recently updated)
- **Guide on legislation**
- **Annual Report** (part on JITs)

14

C) JITS: Model agreement, organisation and funding

15

Model Agreement on the establishment of a JIT and organisation

- The legal framework
- Approach
- Evidence
- Internal evaluation
- Appendix I: Participants in a JIT
- Appendix II: Agreement to extend a JIT
- Appendix III: Suggested wording for changes other than the period for which a JIT is set up
- Role of Eurojust and examples

16

JITs funding availability

Direct **European Commission's** funding (ISEC)
"Prevention of and Fight against Crime 2007 - 2013"
http://ec.europa.eu/home-affairs/funding/isec/funding_isec_en.htm

Eurojust
"JIT Funding Project":
http://www.eurojust.europa.eu/jit_funding.htm

JIT Funding Project

Grant from the European Commission under the
Specific Programme
"Prevention of and Fight against Crime 2007-2013"

APPLICATION → GRANT → PROJECT
→ **JITs FUNDING**

JIT Funding Project

- Title: “Supporting the Greater Usage of JITs”
- Launched on **1 October 2010**
- Applications accepted as of 25 October 2010
- End: **30 September 2013**
- Duration: 36 months
- Budget: **€ 2.272.800**
 - (Commission contribution of 95% = € 2.159.160)
- Received applications: *so far* **120**
- Support: *so far* **55 JITs** between 19 Member States

Financial and logistical support

- **Financial** = Reimbursement of costs
 - ✓ Travel
 - ✓ Accommodation
 - ✓ Translation
 - ✓ Interpretation
- **Logistical** = Loan of equipment
 - ✓ Mobile phones
 - ✓ Laptops
 - ✓ Mobile scanners
 - ✓ Printers

Reimbursement

- **Only reimbursement, no pre-financing**
- **Costs of JIT members related to JIT activities**
- **No coordination meetings at EJ or meetings at EP**
- **Travel:**
 - ✓ Costs related to meetings, presence at investigative measures
 - ✓ By plane, train, car, boat (local transport no reimbursement)
 - ✓ Established ceilings (€ 400 return, € 0,25/km)
- **Accommodation:**
 - ✓ Hotel/ rented accommodation
 - ✓ Maximum reimbursable amounts by night by country
- **Translation/ Interpretation:**
 - ✓ Only costs related to interpretation
 - ✓ No additional costs (e.g. parking, hourly benefits)

21

Equipment

- Own Eurojust equipment
- Subject to availability
- Lending period of **6 months**
- If need for longer period → new application form
(*opportunity for other JITs*)
- Data transfer costs included

Procedure

JIT established (JIT agreement signed)



Plan (what action, when, how much money needed)



1. Submission of **application**



2. **Evaluation** (by Eurojust) → **Award decision**



3. **Funded action** to occur



4. Reporting **claims** → **Reimbursement**

1. Submission of application

- Within established time slot lasting **3 weeks**
- Overview of time slots for 2012 on internet
- **Hard or scanned copy**
(registered mail, e-mail - *JITs* mailbox)
- On the day of deadline the latest
- **One application** per JIT per time slot
- Application must be **signed and initialed**
- **Attachments:**
 - ✓ **Valid JIT agreement**
 - ✓ **Financial Identification Form**
 - ✓ **List of JIT members for whom costs may occur**

2. Evaluation and Award

- **Evaluation**
 - ✓ Within 8 working days by the Evaluation Committee (internal board)
- **Evaluation criteria**
 - ✓ OCTA priority
 - ✓ Number of Member States
 - ✓ Previous funding
 - ✓ Purpose and aim of the JIT
 - ✓ Details on action to be funded (importance of action)
 - ✓ Evidence on exceptional need for funding
- **Award decision**
 - ✓ Official document confirming granted funds – amount reserved pending submission of claims

3. Action to occur

Award decision is issued/received



12 weeks for performing the action
Corresponding to dates in the application
(*to spent the awarded money*)



Actions must be foreseen in the application
(*Action not mentioned in the application will not be reimbursed*)

4. Reporting claims

- **4 weeks** for reporting the claims
(after action period)
- **To submit:**
 - ✓ Reporting forms
 - ✓ Supporting documents → **originals or certified copies**
(= invoices, boarding passes, proof of payment)
- **Reimbursement** in 45 working days

Additional details

- Award limit per application: **€ 50.000**
- Funding only to JITs which have **invited NMs**,
their Deputies or Assistants to participate (as of 4
June 2011)
- **No extension** of the 12-weeks period for actions
- **Repeated applications** possible (to introduce
details about previously spent funds)

Information available

- **Eurojust internet website/ section of JIT FP**
 - http://www.eurojust.europa.eu/jit_funding.htm
 - ✓ Application form
 - ✓ FIF
 - ✓ Guide – instructions! (22 EU languages)
 - ✓ Brochure
 - ✓ Overview of time slots
 - ✓ Reporting forms
- **JIT Project Manager**
- **National Members**

29

Thank you for your attention

Questions?

30