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Subject: Joint Europol-Eurojust Annual Report to the Council and Commission for 2012
and 2011

Delegations will find enclosed the above-mentioned Joint Europol-Eurojust Annual Report to the Council and the Commission.



Joint Eurojust-Europol Annual Report to the Council and the Commission for 2010 and 2011

I. Introduction

In the last two years, Eurojust and Europol have continued their efforts to foster closer co-operation and operational complementarity in the fight against serious cross-border crime by increasing information exchange and improving their strategic and operational co-operation.

This goal was pursued in particular by fully exploiting the additional possibilities and streamlined mechanisms for casework co-operation, as offered under the revised Co-operation Agreement between Eurojust and Europol which entered into force on 1 January 2010.

The new Co-operation Agreement seeks the enhancement of co-operation and an increase in information exchange especially by promoting the association of Eurojust with Europol AWFs as well as the further participation by Europol in Eurojust's strategic and co-ordination meetings. It also provides for additional co-operative activities, including the possibility of temporarily posting representatives of one or both of the agencies in the other agency's premises, as well as the obligation to inform each other about participation in joint investigation teams.

To ensure the smooth implementation of the revised Co-operation Agreement, Eurojust and Europol established a Task Force at working level, the first results of which was the launch of the exchange programme, which was endorsed by the Europol-Eurojust Steering Committee on 17 December 2010, and the first exchange having taken place in early 2011.

Furthermore the Task Force initiated and followed up the drafting of a "vademecum" which aims at raising awareness at staff level within the two organisations about complementary activities, frequently asked questions etc by producing a user friendly document on how to cooperate in practice between the two organisations. The drafting of this document has been coordinated by the Task Force throughout 2011.

II. Strategic Co-operation

The co-operation between Europol and Eurojust on a strategic level took place within the following framework:

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II.1. Meetings

- In 2011 one bilateral meeting between the President of Eurojust and the Director of Europol was held.
- The Eurojust-Europol Steering Committee met three times in 2010 and twice in 2011.
- The Task Force to implement the Europol-Eurojust Agreement met twice in 2010 and three times in 2011.
- Throughout 2010 and 2011, Eurojust participated in all meetings of the Heads of Europol National Units (HENUs). In turn, Eurojust organised an information session for HENUs and National Members on the added value of Europol/Eurojust co-operation in cross-border cases in 2010. Eurojust also hosted an informal visit by the HENUs in 2011.
- Europol continued to participate in the meetings of the Informal Working Group (IWG) on the implementation of the revised Eurojust Decision in the Member States. In particular, during the IWG meeting of 15 November 2010, Europol actively participated in the discussion on how to promote closer relations between the ENCS and the Europol National Units, as provided for in Article 12.5(d) of the revised Eurojust Decision.
- Europol also participated in the strategic seminars jointly organised by Eurojust and the respective Presidency on: "Eurojust and the Lisbon Treaty" in Bruges in September 2010; "Eurojust: new perspectives in judicial cooperation" in May 2011 in Budapest and on drug trafficking in Krakow in October 2011.
- In the field of terrorism related matters, Europol was invited to participate in the tactical meeting on violent extremism/terrorism and the annual strategic meeting on terrorism at Eurojust in 2011. Eurojust in turn was invited to co-chair the animal rights extremism meeting at Europol.

II.2. Joint Investigation Teams (JITs)

The 6th meeting of National Experts on Joint Investigation Teams, jointly organised by Eurojust and Europol, was held at Europol's premises on 2 and 3

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December 2010. Two main topics were tackled in the workshops, namely “profile requirements for the successful JIT expert at national level, identifying role and mission” and “a solution-oriented discussion on commonly encountered issues during the setting up, running and conclusion of JITs”, as identified by practitioners.

The 7th meeting of National Experts on Joint Investigation Teams, organised for the first time by the newly established JIT Network Secretariat, was held at Eurojust’s premises on 26 and 27 October 2011. As in previous years, two workshops were held, dealing with “Legal and practical obstacles when establishing and running a JIT and solutions concerning evidence” while the other discussed the issue of “JITs and their interaction with external partners”.

Eurojust and Europol were also substantially involved in the update of the JIT Manual which was coordinated by the JIT Network Secretariat. The new version of the JIT Manual was published as a Council document in October 2011.¹

In addition, Europol and Eurojust actively participated in training programmes and seminars (e.g. CEPOL trainings, activities of the Police Cooperation Convention for Southeast Europe Secretariat², as well as Eurojust participating in Europol’s internal JIT trainings).

Furthermore, Europol and Eurojust sought to encourage the setting up and running of JITs by addressing some of the financial and organisational issues Member States may encounter. To this effect Eurojust organised co-ordination meetings and continued to support JITs financially and logistically via its JIT Funding Project, supporting 47 JITs involving 16 Member States since the start of the Funding Project in October 2010.

Europol in turn stimulated the setting up of JITs via the provision of financial support for operational meetings complementing the JIT funding project of Eurojust. Throughout 2010 and 2011 200 operational meetings that received financial support were held at Europol, with about 1/3 of the meetings aimed at clarifying whether the international investigations could benefit from the setting up of a JIT.

II.3. Contributions to Europol strategic reports

In 2010, Eurojust contributed to the OCTA 2011 report³ and to the TE-SAT report 2010 and 2011. Eurojust was also invited to participate in the meetings of the TE-SAT advisory board.

¹ Council Document 15790/11

² For more information, please see the Police Cooperation Convention for Southeast Europe Secretariat webpage (www.pccseesecretariat.si).

³ No contribution to the OCTA report was requested to Eurojust during 2011 as the new SOCTA concept is to replace OCTA. Eurojust participated to the SOCTA Methodology Workshops held on 8-10 November 2011.

II.4. Exchange programme

To further enhance mutual understanding and practical co-operation between Eurojust and Europol, an exchange programme was established and implemented during the course of 2011. Five exchanges visits from both organisations, each lasting two or three days, were hosted in reciprocity. The briefings attended during those exchanges were tailored to the specific professional background of the visiting participants.

III. Operational Co-operation

Following the establishment of the "Standing Committee on operational cooperation on internal security" (COSI), Europol and Eurojust have reported on their operational co-operation in 2011. In addition to the information provided to COSI, activities of operational co-operation between Eurojust and Europol in 2010 and 2011 can be summarised as follows:

- Secure Communication Link

The exchange of information through the secure communication link was a total of 675 messages exchanged in 2010. It increased by 35 per cent with a total of 911 messages exchanged in 2011.

Efforts are ongoing to maximise the use of the secure link, particularly to enable its use by the Europol Liaison Bureaux and Eurojust National Desks. An updated technical version of the secure connection should further improve the exchange of operational data between both organisations and negotiations for the respective Memorandum of Understanding have been finalised. It is expected that the improved secure connection will be operational in the first quarter of 2012.

Eurojust is considering connecting to the SIENA system of Europol.

To allow for the exchange of more highly classified information, on 20 October 2010, Europol proposed to Eurojust a revision of the Table of Equivalence between their respective confidentiality and security standards to enable the exchange of information up to the level of "EU Top Secret". The negotiations were concluded in January 2011, and it entered into force on 15 February 2011.

- Eurojust's association with Europol's AWFs

Eurojust became associated with a further three AWFs in 2010, dealing with cybercrime, maritime piracy and heroin trafficking. Another two associations were agreed in 2011 for the AWFs dealing with trafficking in human beings

and cannabis production and smuggling. This brings the total number of Eurojust associations with AWFs to 17 out of 23.

- Eurojust's attendance at operational meetings in relation to AWFs

Eurojust was invited to and participated in a number of operational meetings organised at Europol. Whilst the number of operational meetings where Eurojust is invited is still low in comparison to the number of Eurojust coordination meetings attended by Europol, both organisations are striving to explore ways to further improve this situation. Efforts at HENU level are being undertaken to increase the number of operational meetings where Eurojust is invited.⁴

- Europol's attendance at Eurojust co-ordination meetings

In 2010, Europol participated in 41 Eurojust coordination meetings with a view to support the further development of investigations with its analytical and expert knowledge. This number increased to 89 in 2011.

IV. Conclusion

With the creation of the Europol/Eurojust Task Force the further and full implementation of the operational cooperation agreement between the two organisations is expected. Both organisations anticipate continuing to enhance the cooperation in the forthcoming years.

The implementation of the exchange programme between Europol and Eurojust affected positively a better understanding of the structure and the working methods of the respective organisation by the visiting post holders. The positive feedback and great interest led to the decision to further institutionalize this programme and to organise exchanges on a monthly basis in the future.

The steadily increasing number of messages exchanged via the secure connection as well as the participation of Europol in almost half of the coordination meetings organised by Eurojust further indicates the growing operational cooperation between the two organisations.

⁴ At the HENU meeting on 16 February 2012, the HENUs agreed that Eurojust will be informed regularly and on a systematic basis of operational meetings taking place at Europol.