



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 4 December 2008**

**16760/08**

**LIMITE**

**EUROJUST 110  
ENFOPOL 250**

**PUBLIC**

**NOTE**

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from : Eurojust - Europol

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Subject : Annual Report to the Council on co-operation between Eurojust and Europol for 2007 (Point 2.3 of The Hague Programme)

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In accordance with point 2.3 of the Hague Programme which requires Eurojust and Europol to provide the Council with an annual report on co-operation between the two organizations, delegations will find attached the joint Eurojust-Europol report to the Council on co-operation between Eurojust and Europol for 2007.

The report, which has been agreed between Eurojust and Europol over the past few months, has been approved by Europol and by the College of Eurojust on 4 November 2008.

**Joint Eurojust-Europol Annual Report to the Council  
According to Point 2.3 of The Hague Programme  
On the co-operation between Eurojust and Europol 2007**

One of the objectives of the Hague Programme is to improve the ability of the Union and its Member States in their fight against organised cross-border crime by fully realising the potential of Europol and Eurojust. Pursuant to Point 2.3 of the Hague Programme ("Police cooperation"), Annex I of the Presidency Conclusions of the Brussels European Council (4/5 November 2004)<sup>1</sup>, Eurojust and Europol "...should report annually to the Council on their common experiences and about specific results...". What follows is the report for 2007.

## **I. Introduction**

Close co-operation between Eurojust and Europol is essential in order to achieve their common objective of combating serious cross border crime, and to avoid duplication of effort. The legal basis for their co-operation is the Eurojust-Europol Co-operation Agreement (hereinafter "the Agreement") which entered into force on 10 June 2004 together with the respective legal framework of both organisations.

The key areas of co-operation for 2007 are set out below, under strategic co-operation (II) and operational co-operation (III) with comments on possible areas of improvement (IV).

## **II. Strategic Co-operation**

### **1. Steering Committee and other**

The main tool of cooperation in strategic matters is the Eurojust–Europol Steering Committee, which monitors the implementation of the Agreement, and develops strategies and priorities. It is composed of both representatives of Eurojust and Europol. In 2007, its meetings took place on a quarterly basis. The Steering Committee uses a scoreboard to ensure that intended activities and achieved results are properly monitored.

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<sup>1</sup> Council document 16054/04.1A1 559 of 13 December 2004.

Since 2007, Eurojust regularly attends the meetings of the Heads of Europol National Units (HENUs) and the meetings of the European Police Chiefs Task Force (PCTF). This has promoted awareness about issues of common concern.

## 2. Joint investigation Teams

Co-operation between Eurojust and Europol on the joint JITs project began in 2005. Part of the project includes the joint organisation of the annual meeting of the network of National Experts on JITs, which is hosted each year in turn by Eurojust and Europol. On 29 and 30 November 2007 the Third JITs Experts Meeting took place at Eurojust. This meeting was organised also in close cooperation with the General Secretariat of the Council and the Commission, and focused on the exchange of information on running a JIT, the procedures for setting up and operating a JIT, and provided a platform for experts to discuss legal and practical obstacles and possible solutions. The meeting generated fruitful discussions, which were subsequently issued in the form of a Council document.<sup>1</sup>

Following an earlier request from experts, the drafting of a JIT manual with guidelines for practitioners on how to set up a JIT is near conclusion. The Manual takes account of the outcome of the Third JITs Experts Meeting, as well as comments from external experts, and presents these in a user-friendly format suitable for practitioners.

Another instance of useful co-operation in this area was the launch of the joint Eurojust – Europol webpage on Joint Investigation Teams on 28 November 2007. The respective websites provide information on JITs in general, the network of National Experts on JITs and the joint Europol-Eurojust JITs project.

Also in this area, Eurojust as well as Europol concluded a framework partnership agreement with the Commission under the Programme "Prevention of and Fight against Crime" aimed at obtaining Community funding to co-finance JITs in the period of 2007 - 2010.

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<sup>1</sup> Council document 5526/08 of 22 January 2008 (CRIMORG 14).

### 3. Organised Crime Threat Assessment

Eurojust contributed substantially to Europol's Organised Crime Threat Assessment (OCTA) in 2007, as in previous years. The quality and format of the data provided by Eurojust has been based on the requirements developed by Europol.

To contribute distinctive added value to the OCTA, Eurojust also took part in the evaluation and development of its methodology with Europol.

There was further co-operation between the two organisations regarding the preparation of a joint strategic meeting on the OCTA Conclusions to be organised by Eurojust in 2008.

### 4. EU Terrorism Situation and Trend Report

Eurojust contributed to the EU Terrorism Situation and Trend Report (TE-SAT), a Europol product, which was established as a reporting mechanism from the EU Council's Terrorism Working Party (TWP) to the European Parliament following the 11 September 2001 attacks in the United States.

Several meetings between the two bodies took place in 2007 in order to finalize the TE-SAT 2007 and start drafting the report for 2008. In the course of 2007 Europol invited Eurojust to participate in the Advisory Board meetings concerning the TE-SAT 2008 aiming at revising the scope of the report.

Eurojust provided expertise in judicial data collection, with case illustrations from prosecutions and convictions for terrorist offences sent to Eurojust by the national terrorist correspondents according to Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning Terrorist Offences.<sup>1</sup>

In June 2007, Europol made a presentation on the TE-SAT 2007 at Eurojust during a strategic meeting on terrorism. National Correspondents on terrorism were reminded of the obligation for the Member States to submit respective information on terrorism-related prosecutions and convictions to Eurojust as set out in the 2005 Council Decision.

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<sup>1</sup> OJ L 253/22, 29.09.2005.

### III. Operational co-operation

#### 1. Co-ordination meetings

Co-operation in operational matters continued to take place mainly through co-ordination meetings organised by Eurojust, to which Europol is regularly invited. The number of cases dealt with by Eurojust involving Europol has almost quadrupled, with 7 cases in 2006 and 25 cases in 2007.

A particularly noticeable instance was Operation Koala where Eurojust and Europol worked closely together in dismantling a world-wide child pornography network.

#### 2. Eurojust's association with Europol's analytical work files

Following the entry into force of the "Danish Protocol"<sup>1</sup> on 18 April 2007, Europol invited Eurojust to be associated with 6 analysis work files (AWFs). The association arrangements were signed by both parties on 7 June 2007.<sup>2</sup>

In five of those six cases, Eurojust's nominated experts participated in operational meetings and mutual exchange of information. Respective AWF members also participated in operational coordination meetings held at Eurojust.

Notwithstanding the new possibility for Eurojust to be associated to Europol's AWFs introduced by the entry into force of the "Danish Protocol", it is clear that the mutual exchange of relevant information between both organisations needs to be further improved and increased, for greater effectiveness and to make proper use of the potential of co-operation between both organisations and thus to best support Member States in preventing and combating serious cross-border crime. In particular, the circumstances of information exchange between both organisations in relation to AWFs needs to be further formalised and the added value of Eurojust when associated to Europol's AWFs further clarified and promoted in order to address possible concerns involved Member States may have.

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<sup>1</sup> Council Act of 27 November 2003 drawing up, on the basis of Article 43(1) of the Convention on the Establishment of a European Police Office (Europol Convention), a Protocol amending that Convention (OJ C2 of 6.1.2004, p. 1).

<sup>2</sup> Six further arrangements to associate Eurojust to Europol's AWFs have been signed in the first half of 2008.

With the objective of drafting practical guidelines concerning Eurojust's association to Europol's AWFs, a joint working group was established, which held its first meeting on 19 November 2007.<sup>1</sup>

### 3. Secure Communication Link

A Memorandum of Understanding on the Establishment of a Secure Communication Link between Eurojust and Europol was signed on 7 June 2007 in order to provide a secure means for the exchange of operational, strategic and technical information between the two organisations.

Tests of the link were successfully carried out, and the line was declared technically fit for purpose in September 2007.

Both bodies have started working on a Memorandum of Understanding to accommodate operational differences in handling the formal exchange of classified information. A Table of Equivalence, based on a comparison of the two regimes, has been drafted. Formal meetings envisaging the final approval have been taking place and will continue in 2008 with a view to solving remaining open issues.

## **IV. Meetings of President of Eurojust and Director of Europol**

2007 has seen the institution of bilateral meetings between the Director of Europol and the President of Eurojust. Regular contact and exchange of ideas between the Director and the President has been a key in establishing agreement on important issues of mutual concern, which is essential for effective working relationships.

These meetings have shown that some outstanding issues result from differences in the structural set-up and in the respective legal frameworks of both organisations. Against this background, it is hoped that Eurojust and Europol seize the opportunity arising from the ongoing revision of both their legal frameworks and from the work planned for 2008 to amend their co-operation agreement. This would strengthen and further improve co-operation, in particular regarding the mutual exchange of information and provide a solid structural basis in this core business of both bodies.

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<sup>1</sup> The working group successfully concluded its work in the first half of 2008.